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House of Commons Debates

THIRD SESSION—EIGHTH PARLIAMENT

SPEECH

OF

SIR CHARLES HIBBERT TUPPER, M.P.

ON THE

CANADIAN YUKON RAILWAY

OTTAWA, 7TH AND 8TH MARCH, 1898.

MONDAY, 7th March, 1898.

Sir CHARLES HIBBERT TUPPER. Mr. Speaker, I was very glad to hear the Solicitor General (Mr. Fitzpatrick) to-night. I waited patiently to have my curiosity gratified on this question. I desire to know, if possible, whether the Solicitor General of Canada ever had anything to do with the contract that is now before this Parliament for its approval. I was satisfied, from the speech of the hon. Minister of Railways (Mr. Blair), that he, to some extent, had exonerated his department from the responsibility of ever having been consulted with regard to a clause or a line of that contract; and I waited, with some interest, to know whether the Department of Justice had ever been referred to in connection with this astounding document—for never from the hands of any government in any province of Canada, or of Canada itself, or of the government of any country with the history of which I am familiar, has there come such a miserable, lame, halting, humiliating document as this Mann & Mackenzie contract, so far as the responsibility of the Government introducing it is concerned. Interesting as was the speech of the Solicitor General, I cannot, I am sure, be considered as taking extreme ground when I say that that hon. gentleman gave less attention to the contract and the terms of the contract than he did to the very interesting historical and diplomatic matters which only bear incidentally upon this question. Upon the international law that the hon. gentleman laid down, various positions may be taken. But, when we come to the very important question to the people of Canada as to the terms of this contract, he felt that he was skating on thin ice. I will do him the justice to say that he felt the awkwardness of his position, and so sheltered himself by saying—and saying very quickly—that the details of the contract are to be discussed hereafter. I venture to reply to him, to-night, that, in the opinion of most of the business men of Canada, it would have been better if the details of the contract had been considered before; it would have been better had the Government had the advice of the paid, and well paid, advisers of the Government in connection with the contract. Let us consider that question, for it is a practical one, and it meets us at the outset. I have said to-night that it is a guess, but, I think, a reasonable guess, that the Minister of Railways and his department knew nothing of this contract at all until the position of the Government was taken with regard to it. I shall be contradicted, of course, by the Minister of Railways, who is present, if I am wrong, when I state, subject to his correction, that there is not in the Railway Department, nor was there obtained from it, a report or advice as to the terms or drafting of these different clauses, or of any

clause, in the Mann & Mackenzie contract. And we pay an engineering expert $6,000 a year, or thereabouts, to advise the Minister of Railways of the day on this and all similar questions. I venture to say, in the presence of the Minister of the Interior (Mr. Sifton), and subject to correction, that, while we have in his department highly-paid officials—for instance, Mr. Dawson, who is known all over this country, and known among the scientists of the British Empire—we had not the benefit of the opinion of any of those experts in mining matters as to a single clause of the contract or of the contract as a whole. And to-night it is clear, it does not require argument, after the speech of the Solicitor General, that, not only was the Department of the Minister of Justice passed over in the arrangement of the terms of this contract, but the Solicitor General himself was so ignored that he is unable to deal with that contract or to defend it, or take up the different points in debate, but has sought to shelter the Government and himself by putting off the evil day until we reach another stage, and go into committee.

The SOLICITOR GENERAL. Allow me to ask the hon. gentleman whether the position I have taken is not correct, that on the second reading of the Bill the principle of the Bill alone is to be discussed ?

Sir CHARLES HIBBERT TUPPER. Quite so. I wish to deal candidly with the hon. gentleman. That is the rule, but the principle of the Bill is the all-Canadian route. the principle of this Bill concerns the operation of a railway, the principle of this Bill, if it has any principle, deals with the selection of the lands belonging to the people of Canada ; and in regard to all these principles the hon. gentleman says : The Government will give you information as to the legislation they propose in this House after you have voted blindfolded for the second reading. They have studiously refrained from giving us the draft of any of the amendments that we have forced them to tell us they will make on these very vital phases of the Bill. Day after day when they have found the weakness of their position was so apparent that it were monstrous to attempt to hold to it, they have told us ; We will alter all that if you will only let it go past the second reading. They will come down, as some hon. gentleman says. But here in connection with these vital features of the Bill, comes the confession of the Solicitor General, and he was wise to make it, that knowing so little about it, never having been consulted about it, he is unable to deal with the terms of these clauses, until they have been put before the House. Then what have we here except a statement that Mackenzie & Mann are going to run tremendous risks, risks that no other people, apparently, in the world would think of running, and that we are giving them a vast amount of property, it may be worth hundreds of millions, it may be worth not a song ; and the terms and conditions have been so hastily considered that the people of Canada, and the Parliament of Canada, let alone being advised after Parliament was assembled, will know nothing definitely until Parliament votes that they will transfer to Messrs. Mackenzie & Mann this large amount of gold-bearing territory in Canada if they will build this railroad, the conditions of the whole thing to be considered and to be discussed hereafter. There never was such a proposition as that made in this House, certainly since I have been in it, and I have yet to hear of any proposition concerning the construction of any railway that was ever introduced with such a limited apology. Now, Mr. Speaker, I followed the hon. gentleman's speech, and I must say that it is an alarming condition of affairs that any number of gentlemen sitting on the Treasury benches should assume that they command sufficient confidence in this House of Commons that they can come down with such a proposition as is now before us, involving technical questions, involving most difficult legal problems, involving great legal questions in international law, and yet have to say that into those questions as a whole they have not looked, into those questions they hold their individual opinions, and as I shall show, the members on the Treasury benches are contradicting each other as fast as they speak, and although, it is true, they have not spoken so very frequently on this subject. That they should come down and tell us, that in regard to this momentous subject they cannot give us that which surely we are entitled to, even if they did not require the opinions of these different experts in the service of the Government, I say it is extraordinary ; and when you add to that the secrecy of the whole thing, add to that the temper of these gentlemen, the violence of these gentlemen, when Mr. Hamilton Smith's name is mentioned, or the name of any man who would like to give Canada more for the money and upset this secret bargain, this bargain made in the dark, this bargain made without the benefit of legal advice, or engineering advice, or the advice of mining experts—I say the position is bewildering. At a previous occasion this session I opened my observations, and I take back none of them, by saying that I was going to make no charges against this Administration, nor will I do so, of corruption, or of nefarious conduct, on mere suspicion, and that I would wait for evidence. Well, I may not have evidence upon which to make a certain and direct charge of corruption, but I am bound to say here, speaking emphatically, that I see no other alternative except to indict the Government for the most monstrous ignorance, and a recklessness that is tantamount to criminal. If they have not been corrupt, intentionally corrupt, if they have not been perpetrators

of a huge job, if they are not attempting to perpetrate it now, their ignorance is such that it is almost criminal; and I hope before I get through my observations to be able to show that I have some ground for impaling these hon. gentlemen on either horn of the dilemma, and they can choose upon which to remain. The Solicitor General, to whom I must first pay some attention, ventured to taunt the leader of the Opposition with a change of base, a change of opinion. Hon. gentlemen opposite, when in a difficult position of this kind, have been eager to refer to the endorsement which they claim the leader of the Opposition at one time gave to this scheme. Well, coming from the Solicitor General I suppose he is an authority on a change of base. I suppose there is no man in this House who ever pledged himself to a certain course and then took a more opposite course than the Solicitor General.

The SOLICITOR GENERAL. I challenge that statement, let us set that at rest now. Last session when that statement was made, I said in the House that the gentleman to whom I gave that pledge was the best judge as to whether I had fulfilled it. I made that statement publicly, and I challenge hon. gentlemen on the other side to show that it has never been carried out or fulfilled.

Sir CHARLES HIBBERT TUPPER. If the hon. gentleman would go further and state what the pledge was, and then what he did, it would be unnecessary for me to say any more. I do not wish to misrepresent the hon. gentleman.

The SOLICITOR GENERAL. You are doing it now.

Sir CHARLES HIBBERT TUPPER. But I am basing my criticisms upon the remarks the hon. gentleman made, and if he will tell us what the pledge was and what he did, I will not add another word. But let us see whether he is fair. In the first place when the leader of the Opposition gave an opinion upon that subject, he had not this contract before him any more than the Solicitor General had; he, no more than the Solicitor General, ever dreamed that the colleagues of the Solicitor General would go about so serious a matter as this without any understanding, or any reliable arrangement with the people who had it in their power to thwart and destroy the whole scheme, whether right or wrong. Many things have occurred and have been explained to this House, which would enable gentlemen who had formed an opinion at the outset, to change it and to deserve commendation for the change. If I recollect aright the leader of the Opposition at the time to which the Solicitor General referred, laid great stress on this work being vigorously pressed forward as a Government work; but surely no man who heard the leader of the Opposition dissect the terms of that contract, and no gentlemen in this House, the Solicitor General himself included would be so mad as to contend that, having the information he had when he made his speech, he could have possibly entertained the opinion for a single moment to which the hon. gentleman referred. That information was such as to lead him, and to lead a great many gentlemen on this side of the House, and outside of the House altogether, to only one opinion, and that was in condemnation of this extraordinary proposition. Then the hon. gentleman refers to the action of the United States Senate as having been brought about at the instigation of the Opposition.

An hon. MEMBER. Hear, hear.

Sir CHARLES HIBBERT TUPPER. It was the Opposition of a few years ago, and the hon. gentleman who said "hear, hear," knows it was correct. The Opposition for many years in this House and out of it took such a course, as has already been explained, so as to lead any man who follows Canadian affairs to believe that the moment those hon. gentlemen occupied the Treasury benches, then every desire that had been nursed in the breast of many American citizens to get advantages at the cost of Canada out of Canada would be granted. Those hon. gentlemen were willing to compromise us or to grant concessions at our expense time and again. The St. Thomas speech and the Chicago interview mentioned this afternoon should have prevented the Solicitor General making so reckless a statement, unless when he referred to the Opposition, he meant the Liberal Opposition of a few years ago.

I have some reason, however, to quarrel with the Solicitor General for the manner in which he has dealt with a subject which in his hands I think he ought to have exercised more candour about that than he did. The hon. gentleman was hard driven when speaking for the Government of Canada he gave such a representation of the authorities on international law as he did when discussing the Treaty of 1871, and the rights of upper proprietors of a river in regard to navigation over the river below when it went through another country to that to which the upper part of the river belonged. The hon. gentleman referred to Wheaton. Wheaton, of course, was an American authority. He referred also to Phillimore, and I am bound to suppose that he seemed to me to make a most unfair statement of Phillimore's opinion, because in that statement—and he would not otherwise have referred to it—he made it appear that Phillimore and Wheaton agreed, and every one knows that Phillimore was a great authority on international law. Let us see exactly what the passage to which the hon. gentleman referred was, and then we will understand to what desperate straits the

hon. gentleman is driven. He quoted from chapter 5, paragraph 107, and he made this citation in connection with Wheaton, where he explains the well known view of writers on international law in the United States, and a few authorities on the continent.

The SOLICITOR GENERAL. Was Phillimore an American?

Sir CHARLES HIBBERT TUPPER. I said that this view was peculiar to United States writers and to some writers on the continent who agreed with them but that it was opposed totally and absolutely to the views of English writers on international law.

The SOLICITOR GENERAL. With one exception, and that is Hall.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman did not refer to Hall, but I will do so. Hall is an undoubted authority on international law, and he is quoted at all great meetings of international lawyers. This was the section to which the hon. gentleman referred, but he did not read it, and that circumstance makes it necessary for me to read it, not the whole of it, but the conclusion. The hon. gentleman referred to the contention, not to Phillimore's opinion:

> It has been contended that the principle of this law has been engrafted upon international law, and that it is a maxim of that law that the ocean is free to all mankind, and rivers to all riparian inhabitants.

After stating that that was the contention, at the end of the very paragraph to which the hon. gentleman alluded, this is what Phillimore tells us:

> For the reason of the thing, and the opinion of other jurists, speaking generally, seem to agree in holding that the right can only be what is called (however improperly) by Vattel and other writers imperfect, and that the state through whose domain the passage is to be made must be the sole judge as to whether it be innocent or injurious in its character.

Between Vattel, Phillimore and Hall and the advisers of the Crown in England there is no dispute whatever in regard to that proposition. Would it be believed that the Government have got in this position, that the ablest man among them, their representative on legal questions, had to quote or deemed it necessary to quote from that paragraph of Phillimore to support the American doctrine that Wheaton lays down, when Phillimore's opinion is as different from that of Wheaton as are the poles asunder. Referring to Hall, it is not necessary for me to speak of his standing as a writer or the position given to him at different times by the Imperial Government. Dealing with the contention—the very contention of Wheaton—in respect to the River St. Lawrence and the contention of the Americans with respect to that river and the Mississippi, which subjects are considered by Hall, at the end of a long review, he says:

> England, again, has always steadily refused to concede the navigation of the St. Lawrence to the United States as of right, and a controversy, which existed for many years upon the subject, was only put an end to in 1854 by a treaty which granted its navigation as a revokable privilege, and as part of a bargain in which other things were given and obtained on the two sides.

Let me give a little more from Hall, and I am not reading right along, as I wish to save time. At page 139 he says:

> And it may be said without hesitation that so far as international law is concerned, a state may close or open its rivers at will, that it may tax or regulate transit over them as it chooses, and that though it would be as wrong in a moral sense as it would generally be foolish to use these powers needlessly or in an arbitrary manner, it is morally as well as legally permissible to retain them, so as to be able, when necessary, to exercise pressure by their means or so as to have something to exchange against concessions by another power.

That is not the exact reference I wish to make to Hall; but I say this, having some familiarity with Hall's views, there is no advantage to be gained to Canada by taking a position which no English Crown officer or authority has taken. Hall agrees to this doctrine as a matter of strict right, that without the Russian Treaty of 1825 or the Treaty of 1871 we could not use the Yukon or Stikine Rivers. That is a position unassailable and one that is not gainsaid in England to-day.

The difficulty in this way is this, that when we say: You are bound by such and such an American authority, they answer back: You are bound by such and such an English authority. The difficulty there is apparent, but at all events, it is more important for us to know what the Senate of the United States think in 1898 than what Jefferson thought many years ago. It is with the United States Senate of to-day that we have to deal rather than with Jefferson of long ago. Where, let me ask, did the hon. gentleman (Mr. Fitzpatrick) obtain the view that there was something new developed at Paris when Sir Charles Russell for the first time explained, as I understood the Solicitor General to say, that there was a distinction between the margin of land in Alaska, and the boundary running to the Arctic Ocean on the north-west coast. I might tell the hon. gentleman, for I imagine he has not looked closely into it, that so far as this question is concerned, England represented by Sir Charles Russell and Sir Richard Webster, the Attorney General and the ex-Attorney General, all agree that the Treaty of 1825 so far as it gave us rights of navigation to the rivers running through the Lisière or margin gave us no other rights of navigation whatever. It referred to the

rivers below the Aleutian Peninsula and below the Behring Sea covering that part running south of Mt. St. Elias. There was no question between the two great powers in the construction they gave to the treaties then and there; that we got under Treaty of 1825 any rights whatever through the rivers above this Lisière or above Mt. St. Elias. There was a very good reason for that, because I think I am safe in saying that the Yukon River was not discovered until ten years after the Treaty of 1825.

The SOLICITOR GENERAL. Oh, no.

Sir CHARLES HIBBERT TUPPER. I may be wrong, but I believe that is correct.

The SOLICITOR GENERAL. There was a plan of the river in existence in 1815.

Sir CHARLES HIBBERT TUPPER. I can say that Campbell, one of the Hudson's Bay men, claim to have been the first explorer or discoverer of the Yukon River some years (I think it was ten years) after the Treaty of 1825. The hon. gentleman (Mr. Fitzpatrick) will at any rate understand that in those early years that land was generally speaking a terra incognita. The right hon. the Prime Minister made a rather serious statement this afternoon, and as I think he spoke on the spur of the moment, I trust he will retract it, so that it may not go as an authoritative statement on the record. The right hon. gentleman said that Dyea had been in possession of the Russian authorities from time immorial, and that since 1867 it had been in possession of the American authorities. I have looked into that question, not so much in regard to the Alaskan boundary as in regard to the boundaries between England and Russia, and I know that though both nations had by discoverers and adventurers and hunters visited different parts of that enormous territory casually, up to 1825, I am safe in saying that it would be ridiculous to pretend that there had been an occupation by Russia of such a place as Dyea, or that Dyea was a place of any name or notoriety whatever. Then, again, when the right hon. gentleman speaks of it having been occupied at the time of the cession to the United States, I feel that he spoke hastily and I would ask him to qualify that statement, or at any rate not to repeat it in this House without having some definite authority. There will be no dispute on either side of the House that there could be nothing more useful to the United States, than the admission of the Prime Minister of Canada that there had been this immemorial possession by either Russia or the United States in the country that we claim. The Minister of the Interior told us the other day that when these negotiations took place at Washington he was careful to arrange that the negotiations should proceed without prejudice to our claims to Dyea or Skagway, and what an idle precaution that would have been, if these places had been in possession of either of these countries from time immemorial.

The hon. the Solicitor General referred to the Fortune Bay cases, but I do not think he will find much comfort in that reference. Let me refer to Hall again, for this authority has gone over a good deal of these interesting questions and his deduction from this case is not exactly the same as that of the Solicitor General. Hall deals with that extraordinary claim that was put forward by the United States, that was resisted for a long time by the British Government, and which ended in a payment. Hall, after reviewing the claim and knowing of the payment, as a writer on International Law, higher than even Lord Salisbury himself—as I am sure the Solicitor General will admit—says:

> There can be no question that no more could be demanded than that American citizens should not be subject to laws or regulations, either affecting them alone, or enacted for the purpose of putting them at a disadvantage.

He precedes that by saying:

> That the American Government should have put the claim is scarcely intelligible.

The SOLICITOR GENERAL. But it was paid.

Sir CHARLES HIBBERT TUPPER. Loyal as I am to the British Crown, I would be sorry to admit that every time England has conceded a point that has been demanded from her, the concession was based upon principles of international law. In support of that opinion, I can call to my aid the Minister of Trade and Commerce (Sir Richard Cartwright) and the Hon. Edward Blake who have on more than one occasion stated that England had conceded even to the United States what the United States was not entitled to demand, and that these concessions had been made at the cost of Canada on one or two memorable occasions. The hon. the Solicitor General will see that the Fortune Bay decision settles nothing, because the facts, that instead of England acting in the assertion of these municipal regulations—for they were municipal regulations that were violated by the American fishermen—England was dealing with a claim made on account of great violence done to American fishermen in Fortune Bay, by subjects of England. The hon. the Solicitor General shakes his head.

The SOLICITOR GENERAL. Yes, I have the text here.

Sir CHARLES HIBBERT TUPPER. I know the text. I have been over that case time and again, and I can tell the Solicitor General that the damages paid were for the fish that had been lost, the fish that would have been caught were it not for the violence of the mob which cut the nets and freed the fish that were caught by the Americans while exercising as they claimed

their right under the treaty. There is no doubt that the damages were paid, but they were paid for the acts of the mob and not for the acts of the officers.

The SOLICITOR GENERAL. I understand my hon. friend to say, that the claim was one for violence. The complaints were of two classes. First, it is alleged that violence was used. The other complaint did not charge violence, but charged simply that American fishermen, having treaty authority, were forbidden to fish in certain localities.

Sir CHARLES HIBBERT TUPPER. The danger in this case is for the Solicitor General to read only a scrap of the correspondence; but I again tell the Solicitor General, that if he will take that correspondence as a whole, he will find, as I have told him, that the damage was done by this mob, and by no officer of the law or of the British Government, cutting nets, letting fish loose, and so on. I am satisfied, that if he takes the papers and reads them through, he will come to the conclusion that Hall came to, that it was an unintelligible thing, even under those circumstances, that the Americans should make the claim which England paid. But at that time the Americans were feeling sore for the payment of $5,000,000 to Canada and Newfoundland, and there was, perhaps, a question of expediency underlying all this, that a certain amount of money ought to go back or remain in the United States Treasury.

Then, I propose to deal, a little later on, with another position which, I think, the hon. Solicitor General was entirely unwarranted in taking—that we are bound to assume that the United States will observe treaties as construed by us or by England. They will observe the treaties as they construe them, or as they think they ought to be construed. That we all know; but no one knows better than the Solicitor General that here is the greatest difficulty to get minds to agree upon the construction of a treaty, and there is no greater difficulty anywhere in this respect than with the United States of America. While we may join in expressing the belief, as a matter of politeness, that the Americans will observe treaties, it is another question whether we should risk money or a great deal of money on that belief. We have the very best evidence—none could be stronger to put us on our guard in reference to the observance of treaties—in regard to the manner in which the United States will attempt to gain an advantage over Canada, whenever she can possibly do it. I think I shall be able to show you, Mr. Speaker, that she began some months ago, in regard to this very Pacific Coast, to tie up by the hands and the heels, so far as she could, and to give advantages to her own citizens over the citizens of Canada in the competition for the trade of the Yukon. A man would be blind, if he could not see the purpose; and, admitting that that purpose exists, I will show, without being disloyal to Canada's interests, and without making any admission, so far as I am in a position to make any, against our rights, that she never had a better opportunity than she has to-day to embarrass, harass and annoy us, just as she has done to a large extent and for years to gain her object—not by overriding treaties, but by violating the clearest principles of law ever written or enunciated, and without rhyme or reason doing millions of dollars damage to Canadian citizens and British subjects—damages which have not been paid. With these facts before us, it is, in my opinion, the height of madness to arrange for the expenditure of a large amount of Canadian money which, peradventure, by the temporary action, if you like, the caprice of the moment, or the feeling in the United States, may be rendered entirely useless or inoperative. I say that it becomes us now more than ever to arrange all our great national schemes of development on such a basis that the United States can in no way, directly or indirectly, interfere to hamper or embarrass us except by war; and I am sanguine, Mr. Speaker, that that is the feeling that pervades the breasts, not merely of the majority of Canadians outside of this House, but, if men would speak it, of those on both sides of this Chamber. We have endeavoured to be friendly in every way with the United States for many and many a year. Both parties in this House professed, at any rate, that it was their desire to extend the most friendly relations to the United States; and it would be improper for us now to add to the danger or the excitement of the moment that would keep them further apart. But surely self-respect and our rights as British subjects demand that we who speak on this subject, shall on all occasions, and never more than now, proclaim our entire independence of the United States, their threats or their actions. It seems to me idle, in connection with what is going on, unfortunate as these actions are, that we should be deliberating for a moment about a plan in regard to which the United States have it in their power to hinder us or bother us in the slightest degree.

The hon. gentleman also referred to the contract; and that, which is the very subject under consideration, received, after all, scant treatment at his hands. There may be, for instance, a reason why the experts in the Geological Survey were not referred to, why we have not their reports before us to guide us; because the hon. gentleman does not himself think very much of Mr. Ogilvie. This land, which our Government has advertised to the world as one of the greatest gold-fields ever known, is described by the Solicitor General as a region of perpetual frost, and really an unknown region; and in that region of perpetual frost, which is

unknown, we have granted 3,750,000 acres of land to two poor individuals, Mackenzie & Mann, who take all the risk. Then, the hon. gentleman referred to the cases of public works which were let without tender. He was endeavouring to make a case for the Minister of the Interior or the Minister of Railways, whoever is responsible for this contract—and which is it? They are both here. I do not think the Minister of Railways would like to assume the responsibility for this contract; but the Solicitor General was ready to make him responsible; and what do you suppose was his argument to justify him in passing over this technical necessity of advertising for tenders, or even shutting the door in the face of Mr. Hamilton Smith, one of the wealthiest men whose names have been mentioned in Parliament? He says, the Minister of Public Works may do it in some cases; and, I suppose, there is something in that argument. If it is safe to allow the Minister of Public Works to make secret bargains and to pass over these public advertisements, the Minister of Railways would be even a different man from what we suppose him to be, if it were not just as safe to trust him with that power. The hon. gentleman travelled very far when he resorted to this argument to defend the policy of the Government in ignoring the necessity of calling for tenders. He referred to section 13 of the Public Works Act, which allows the Minister of Public Works—not the Minister of the Interior or the Minister of Railways—to dispense with tenders in certain cases. That section provides:

> The Minister shall invite tenders by public advertisement for the execution of all work, except in cases of pressing emergency in which delay would be injurious to the public interest.

But section 10 provides:

> Nothing in this Act shall authorize a Minister to cause expenditure, unless previously sanctiond by Parliament, except for such repairs and alterations as the necessities of the public service demand.

The MINISTER OF RAILWAYS AND CANALS (Mr. Blair). There is the same provision in the Railway Act.

Sir CHARLES HIBBERT TUPPER. But I am dealing with the Solicitor-General—one at a time. I say that the Solicitor-General had so little information on the subject, I say that the Department of Justice had been overlooked by the Minister of the Interior (Mr. Sifton) to such an extent, that when the Solicitor-General was dragged into this debate and told to defend the contract and do the very best he could, he was not instructed on all the laws in force, for the Minister of Railways was ready to instruct him that there was another law on the statutes besides the one he quoted, but was told to quote an Act which, properly considered, is absolutely against this assumption of authority by the Minister of Railways or the Interior. Mr. Hamilton Smith is not a persona grata with the hon. gentlemen opposite because he—poor or rich man, whatever he may be—was willing to do this work for less than Mann & Mackenzie's offer. That is the only offence, he committed. He has been slugged in the most violent manner simply because he is prepared to do the work on much more favourable terms. How much was he willing to put in of his own money? asks the Solicitor-General. How much have Mackenzie & Mann put in? My hon. friend the Solicitor-General knows as well as I do that no matter what may happen, no matter whether this contract be ratified or not, Mackenzie & Mann will never risk a sixpence of their money. The risk, if risk there be, will be the enormous money which, under the powers of this Bill, they may borrow; and the gamble and the risk, instead of being Mackenzie & Mann's, will be the widows and the orphans who invest their money in this scheme, whether in England or elsewhere. Then the hon. gentleman, by way of harking back, blamed the Conservative party for having done nothing since 1887 to develop the country. He said we ought to be glad now to have a Government which, instead of merely sending men up to report, is ready to act.

The hon. gentleman again was not sufficiently instructed or he would not have made such an extraordinary argument in this House. The real work, the work which those who have gone into that country, have taken the benefit of, was done long ago. It was done under the auspices of the Liberal-Conservative Government. Mr. Ogilvie himself was sent up to that country, under the instructions of the Liberal-Conservative Government, and a greater than Mr. Ogilvie, Dr. Dawson, under a Liberal-Conservative Government, has, in my opinion, the greatest claim on our admiration and gratitude for the very valuable work he has done, not only in the Yukon and British Columbia, but in the Atlantic provinces, and in fact the whole of Canada. It is only because these hon. gentlemen had in their hands early in 1897, if not in the latter part of 1896, information that should have led to earlier action, that the question has come up as to whether they acted promptly or not. I think it has been sufficiently shown that instead of attending to the interests of the country, instead of taking advantage of the information which these reports of the officers sent out by the predecessors of this Government had put them in possession of, they went to England and all parts of the world, and the hon. Minister of the Interior—some think wisely but I do not—got out of the way among these passes, in a direction where he does not propose to build or does not approve of. In fact, we had no Government here for months.

The MINISTER OF TRADE AND COMMERCE (Sir Richard Cartwright). I sup-

pose you mean between the 1st of January and the 20th of January, 1896.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman likes to go back to the older days when he was made a great deal more of than now. If he had the power in his party to-day that he had in that period to which he refers, I verily believe, to do him justice, that he would have been strong enough to prevent such a scheme as this ever coming before Parliament. The hon. gentleman is in a pitiable position. He must feel that he is. He has been ignored in everything. He cannot advise his colleagues much less lead them, and he is compelled at this time of life—and I regret it—to follow them in this matter much against his will, wholly against his better judgment, if we are to believe him to have been sincere in the principles he advocated in the past.

I propose to begin some observations that it will take me some time to get through. If hon. gentlemen will tolerate me, I shall do what I can to finish, but it would be a favour to them and certainly it would to me if I would be allowed to divide my observations by moving the adjournment of the debate.

TUESDAY, 8th March, 1898.

Sir CHARLES HIBBERT TUPPER. Before leaving the consideration of the speech delivered by the Solicitor General (Mr. Fitzpatrick) last evening, I desire to show the gravity of an observation made by that hon. gentleman respecting the intention of the Government to urge upon the House the further consideration of this Bill. Those who had charge of the Bill, it will be recollected, called our attention to the peculiarities of this contract, that it differed from other contracts in that it contained covenants on the part of the contractors. I would draw the attention of the House again, not only to the title of the Bill, which is "An Act to confirm an agreement between Her Majesty and William Mackenzie and Donald D. Mann, and to incorporate the Canadian Yukon Railway Company," but to certain of its clauses. Clause 1 of the Bill says:

"1. The contract, a copy of which is set out in the schedule to this Act, is hereby approved and confirmed and declared to be binding upon the parties thereto, and Her Majesty and the contractors therein named are hereby respectively authorized and empowered to perform and carry it out according to the true intent and meaning thereof.

The usual and ordinary clause to make effective and binding this contract between the Government and these contractors. In addition to that, clause 2 of the contract which we are asked to approve and confirm by the second reading of this Bill, provides:

The Government shall submit to Parliament at its next ensuing session a measure for the necessary Act confirming this agreement.

And so on. Clause 11 of this agreement makes it obligatory upon the contractors, in order to earn their reward, only to construct a railway, but not to operate it. The last part of this clause 11 reads:

Such land to be and become vested in the contractors upon the said railway being completed and accepted as complete by the Government and upon the said land being selected as hereinafter set forth.

Clause 12 of the contract which we are asked to make binding upon the parties, provides, in its last paragraph, as follows:—

The contractors may also at their option select additional blocks lying on either end of any odd-numbered block along a base line, but such additional blocks must be three miles square each and they shall not exceed three in number on each end of each such odd-numbered block.

Clause 8 provides that, by the 8th of this month, that is by to-day, there shall be constructed a certain sleigh road, which is described in that clause. It is particularly agreed that, in any event, this road shall be constructed not later than six weeks from the execution of this agreement, that is, to-day.

Now, we were told that this contract which we are asked to approve, and which is appended to the Bill, is not to be approved in the form in which we have it, but that already it has been changed in marked particulars, and that it is not proposed by the Government, outside of the very letter of this Bill, to ask this House to ratify and confirm any such document as is appended to the Bill. We were told that there would be alterations made, not only in the Bill, but in the contract as well. These alterations were serious and important, even those we had heard of up to last night, but one of the most important alterations in that agreement is that proposed by the Solicitor General and promised on behalf of the Government, when he told us that as soon as we reach the committee stage, there will be put upon the contractors an additional and very serious obligation, an amendment whereby the contractors will covenant and agree to operate the road which, according to this agreement, they were only to build. Now, it might be said: But we will produce in committee a supplementary agreement; we will show that the contractors have agreed to these grave alterations, and therefore there is no necessity for any delay. But, whether this procedure would be, under the circumstances, in accordance with the practice of the rules of this House, we are face to face with the fact that, after the criticism that has been offered, the Government have receded from the proposition which they made to the House on introducing this Bill, and do not intend to ask that the House shall approve of the terms of the agreement

which they entered into with Messrs. Mackenzie & Mann on the 25th of January, 1898; but they intend to produce a contract signed and agreed to on some other day.

How ridiculous is the position which some have taken in this House that the Opposition, by discussion, by criticism and by the consideration they have given to the contract as it was originally proposed, have delayed or taken up unnecessarily the time of the House, when the result of that consideration and delay has been to obtain all these radical and important changes. Even last night, the night before one of the undertakings was to be completed, the Solicitor General announces a further and not the least important change which it is proposed to make. I do not believe that it is in accordance either with precedents or in accordance with common sense for the Government to presume so far upon their supporters in this House as to ask them to vote for a contract which they themselves condemn in all these important particulars, and which in no event, whether we agree to confirm that contract or not, will ever be the contract between the Government and Messrs. Mackenzie & Mann. Then, if I caught aright an observation made by the Solicitor General, he referred to a Mr. Christie as having said something not altogether favourable to this territory which is to be handed over, under the proposal before us, to Messrs. Mackenzie & Mann. An hon. friend has put into my hands an edition of the New York "World" containing a contribution from, I believe, the same gentleman, Mr. Jas. Christie, in which he says :

I do not wish to convey the idea that the country is not rich ; it is so rich, in fact, that it it is not necessary to lie about it.

I find in the same edition of the "World" this contribution from Director Walcott, of the United States Geological Survey :

The gold resources of Alaska appear to be practically inexhaustible. The miners who are attacking the placers in the Yukon Valley are gathering the gold sorted out of the debris washing down from the mountains during many centuries. In that region there is a belt of rich gold-bearing rocks 500 miles long, not touched as yet by pick or blast. Geologists who have examined the deposits are of the opinion that they may surpass the wonderful gold mines of South Africa in productiveness.

Again, referring to the extraordinary impatience of the Government, all the more extraordinary for the observation of the Solicitor General in announcing at this late date a further change, one cannot help recurring to a humorous illustration put by my hon. friend from one of the counties in Quebec, the other evening. In regard to this formal consultation on the part of the Treasury benches of the Parliament of Canada, concerning the contract which they have entered into, I would remind hon. gentlemen of an illustration which became noticeable during revolutionary times in France, when parliamentary government was threatened, and when Parliament was regarded merely as a body for the registration of the decrees of a certain collection of men. A rustic had called all the fowls of the barn-yard together, and having convened them, asked what sauce they would like to be dressed with. The cock replied : But we do not want to be eaten ; when the rustic answered : You wander from the point. Here the Treasury benches bring down this contract which they themselves are now half ashamed of, and accuse members of this House, and of the Opposition, of wandering continually from the point, because they give ample and sufficient reasons to show that no such contract ought ever to be entered into. When a proposition is made to create the greatest mining monopoly on the face of the earth, I think it is well, even if it were not for the reasons with which we have justified our course, that the Opposition should dwell upon the enormity of this transaction, so that every man in the country who has its welfare at heart should have an opportunity to bring such influences as he can control upon representatives in this Chamber. All the efforts of hon. gentlemen so far to make what certainly is an ugly deal, look fair, have been singularly unfortunate. Fancy, Mr. Speaker, the manner in which intelligent men were talked to by the Minister of Railways. In this private conference, in the secret negotiations, the Minister of Railways tells us that the contractors were very reasonable. It would be more satisfactory, I submit, if he could show, what he has not yet attempted to do on the floor of this House, that the contractors were very reasonable. But upon what information is it possible that the Minister of Railways would be able to contend that they found, as he says, men willing to negotiate on a reasonable basis. Take his own language. Let us see the helpless condition in which he confesses he found himself, when dealing with these able, astute and successful men. In that very same speech he said :

I presume we may be asked : Why did you give so many acres as 25,000 ?

He meant, of course, per mile.

Why did you not give the contractors less ?

Now let us see the information and the knowledge of the hon. gentleman who tells us that these contractors were very reasonable.

Well, I may frankly acknowledge that the reason was because they would not take less. We could not force them to take less. We bartered and negotiated with them. Members of the Government and sub-committees of the Government — sub-committees constituting pretty nearly the whole numerical strength of the Government—urged on Messrs. Mackenzie & Mann every conceivable argument in order to get them to reduce their terms And we did get them down very much below, I can assure you, the

demands they made, but we could not get them below 25,000 acres per mile, and therefore did not.

What were these first demands? It would have been open and manly to have informed this House just the amount that Messrs. Mackenzie & Mann thought that they could collar out of these lands in the Yukon at the hands of these hon. gentlemen on the Treasury benches. What were the different propositions and the different terms? But let us see the humiliating position in which these hon. gentlemen found themselves when they undertook to hand over this huge monopoly to these contractors. The hon. gentleman goes on to say:

> When you come to think about it, what is there in the question of 1,000, or 5,000, or 10,000 acres of the millions we have up there, and which we don't know whether they are worth anything or not?

And again:

> I do not know, for my part, whether the company of Mackenzie & Mann has made a big contract or not; I do not know whether they are going to make a great lot of money out of this thing or not.

In other words and more briefly expressed, do I press the point unfairly when I say that this gentleman representing the Government practically tells us: We knew nothing whatever about the line; we knew nothing whatever about this part of Canada, but we wanted to build the railway; we put ourselves at the mercy of Mackenzie & Mann, and we asked them on what terms they would build it. Those are the only terms we could get from them; we looked nowhere else; and here we are. The Government, said the hon. gentleman, knew not whether there would be money in the enterprise or not; but there were others, I must say, who could have advised the Government that there was a vast amount of money in it. But the Minister of Railways told the House that these gentlemen were "reasonable" in their terms and that when the Government made the bargain they did not know anything about the value of the land or any of these other very important considerations. Again, in the same speech, the hon. gentleman said:

> I could not tell what value to place on the land, and no body of men, I do not care whether they possess the wisdom of Solomon, could decide what would be a fair and reasonable estimate to put on the land; and yet we found them willing to negotiate on a reasonable basis.

Will the Government, that has given us so little information in respect to this contract, tell the House who drew the contract, as a matter of fact; who drew the contract that is to be amended; who drew the contract of which hon. gentlemen opposite are already ashamed? Who drew this contract that is so incomplete that these important amendments are to be made? Did the solicitor of Messrs. Mackenzie & Mann draw the contract after those gentlemen had dictated to the Government what the Government were to give? What officer of the Government drew the contract, and who gave the instructions to the officer of the Government? I think we should have that information before we pass the second reading of the Bill, and that this question is a pertinent one.

You, Mr. Speaker, cannot have forgotten that when there was a Prime Minister of a Liberal Administration charged with the management of a large railway scheme, knowing as well as he did that in a position of that kind with such a large trust to execute it was necessary at all times that the Government, if possible, in dealing with that transaction should be above suspicion—what was the defence of the late Mr. Mackenzie when serious things were brought up in connection with the handling of the Canadian Pacific Railway contract in those days? Mr. Mackenzie on two occasions—on a great many more, but on two occasions which I have a note of—used this defence. On the first occasion, at Unionville, he said: "We acted on the advice of the chief engineer." Again, at Fergus, he said: "I have invariably in all matters requiring a scientific or a professional knowledge acted upon the opinion of my chief engineer of the department." We have a chief engineer to-day, as I have already reminded the House, who is paid as an expert officer; and yet asking the Government as I did last night whether that officer had ever made a report, my question was received in such a manner that I have no doubt that he knew nothing whatever of this matter until it was "un fait accompli." Why should there be, as I believe there is, a feeling of alarm, not to mention interest, widespread in the country in respect to this proposition? It is not merely a proposition that involves a huge mining monopoly, but it is a proposition having to do with our mineral resources, so reckless in its terms that there is not a case in the world's history like it, unless you go back to the old days of Spain, when huge grants in the gold regions that Spain had discovered and appropriated, were made, and it was found that these grants which had been made, without conditions as to working, to favourites, retarded the development of those gold regions. Away back in the sixteenth century Spain thought better of pursuing such a course and policy, and from that day down to this I challenge hon. gentlemen opposite to show that any civilized country has adopted such a policy as is embodied in this Bill. The Government have ignored, for instance, what the mining laws of the United States, what the mining laws of Spain and of the different colonies have all regarded as important. They have ignored the discoverer's right, they have ignored the condition of working in order

to hold title; they have discriminated against the free miner in favour of monopoly, and they have, in my opinion, not only sown the seeds of rebellion amongst that hardy and strong population which will be attracted by lust of gold to those fields, but they have laid a huge financial responsibility on this country, the like of which it is hard indeed to imagine, limit or describe. They have ignored, as I have said, the very important policy of preserving the mineral resources free for exploration, free for discovery, and those features, if hon. members will look into the laws of the United States and into the experience of mining countries, they will find have been considered essential for the full and successful development of such resources. Take the legislation of the United States, and their experience has been great and their experience has been wonderful. In the old times what did Congress do? Congress from the first until to-day has recognized these principles that commend themselves, not to mining corporations, not to huge collections of wealthy men, but which recommend themselves from the experience and fair-play involved in them to the actual miners on the ground. Hon. members will find this principle embodied in different sections of several statutes of the United States. It will be found in section 2319, and it has been continued from 1866 when the United States Congress began to organize a system for the development of their mineral resources. The section to which I refer, reads as follows:—

> All available mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared free and open to the exploration and purchase by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law and according to the local customs or rules of mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

It will be found even in recent cases in the Supreme Court of the United States that the judges refer to this policy of their country in dealing with rich corporations and monopolies, and point out that Congress has adhered to the policy which prevents railways obtaining, in aid of construction or otherwise, mineral lands, which were reserved for the people; and Mr. Justice Miller, in a very interesting case decided recently, traced the history of that legislation and pointed out how necessary it was to distinguish between ordinary public lands and mineral lands.

But we have some other very serious cases to guide us in these matters. We have the experience of Australia. Many hon. members may remember the Ballarat riots in Victoria, and they may know what led to those riots among the miners; and I propose to make a passing reference to those landmarks in the history of mining countries, as well as the general course pursued by the British Government when the great excitement broke out in the Fraser River district in British Columbia. From what happened in these cases and from the opinion of the experts who looked into the matter, we can well take warning on the present occasion. In the case of the Ballarat riots, the commissioners who were appointed to consider the grievances of the miners which gave rise to these riots, reported against giving absolute grants of mineral lands to any one, and they said:

> The new auriferous land prospected by the applicants should be liberally dealt out, but the leases in no event should exceed 80 acres

The commissioners argued, that lengthened terms were detrimental to the public interest, and that no lease should be given for a term longer than fifteen years, and at no rent under £5 a acre. They suggested, as I have said, that 80 acres was a large grant for auriferous land, and then they have this sentence in this report to which I wish to call particular attention:

> Countless treasures may possibly be passed from the public possession within such an area.

And remember, Mr. Speaker, that they are speaking of the comparatively trifling area of 80 acres. Again, the commissioners refer to the hostile feeling on the part of the miners being due to the natural fear that the wealth and influence of co-partners would gradually lead to the monopoly of auriferous land, and would be very unfair to the individual miner as well as detrimental to his interest. The commissioners argue that every care should be taken to guard against this.

In connection with the Fraser River excitement of 1858 there were some most carefully considered despatches of the late Bulwer Lytton, who was Colonial Secretary, and they form most interesting reading and contain valuable instruction. Douglas was then Governor of British Columbia, and people were pouring into the Fraser River district attracted by the great finds of gold. Every despatch of his shows, that notwithstanding that the responsible power lay with the English authorities, the Colonial Secretary took care to impress upon the Governor of British Columbia, that all the regulations should be such as would rally to their support every individual miner and make him believe that in supporting those regulations he was supporting his own title and his own property. Lord Bulwer Lytton sets out, that the greatest pains should be taken not to allow it to be supposed for a moment, that the Hudson Bay Company, a gigantic corporation in that province, could obtain a solitary favour at the expense of the miners from the Governor or from those administering the Government of that province. Governor Douglas wrote to Lord Stanley in 1858, referring to the importance

of avoiding a cause for grievance, and for providing that there be no generally felt grievance to unite the miners in one common cause. Lord Lytton writing to Governor Douglas upon the question of the suspicion of favouritism to the Hudson Bay Company, adds:

> This suspicion would be eminently prejudicial to the establishment of a civil government in the country lying near the Fraser River, and would multiply existing difficulties and dangers.

Again, Lord Lytton says:

> I approve of you continuing to levy license fees for mining purposes, requesting you to adapt the scale of those fees to the general acquiescence of adventurers.

And, Sir, in the case we are now considering, it is extraordinary that this Government, going against such examples, and going against such wholesome doctrine, propose that they should attempt to collect ten per cent on the operations of the individual free miners, while the charge is only to be one per cent to these favoured monopolists. Again, Lord Lytton writing to the Governor of British Columbia points out:

> In a colony like British Columbia, in which it is reasonable to assume that the first immigrants would be men accustomed to danger, not to be daunted by the means of force, but too eager for gold not to respect the means by which gold when obtained is secure to its owners, soldiers will be popular in proportion as the strength which they afford to law is tacitly felt rather than obtrusively paraded,

What, Sir, will be the well-founded grievances in these Yukon gold fields, should the proposition now before the House become law? Let us remember that we are dealing in relation to the free miner, with placer mines only. So far as it is proposed to deal with this monopoly, we are handing them over the placer rights, and we are handing them over the quartz mining in that absolute grant of that huge part of the country. The Government have only had time, so far as the individual miner is concerned, to deal with these placer rights; and before I point out the discrimination made between the free miners and this monopoly I would ask the Minister of Marine (Sir Louis Davies) if he was serious, when I understood him on a recent occasion, to question the criticism made from this side of the House, that these regulations for the free miner, adopted about two days before the contract was signed, did not apply in any shape or form to these contractors when they obtain that absolute grant. I say without any doubt whatever that these regulations which apply to the free miner are in no sense applicable in terms or by the separate regulations to these contractors, Mackenzie & Mann, or to their assignees or to the people who obtain in future title from them. The subject has been partially dealt with, but let us consider again the respective positions of the free miner in that country, and the favoured monopoly.

In the first place the free miner can only get a grant for a year, and by working and paying and continuing to work and pay he may go on from year to year; while in the case of the favoured monopoly he obtains his grant for ever. In the case of the free miner, there is a certificate to be paid for at the rate of $10 a year, and in the case of a company—not this favoured monopoly—$100 a year, if it has a capital of $100,000 or over. There is no such provision in the case of these contractors who can place their employees all over the land, and yet there is a regulation which makes it necessary for any other company, or any other free miner, not merely to pay for his own free miner's certificate, but to see at the peril of his property and the risk of his all, that every person in the company's employ shall hold an existing free miner's certificate payable for at the rate of $10 a year. Otherwise there is forfeiture for the other company or individual, while there is no forfeiture, no risk, and no trouble of any kind on the part of the favoured monopoly. It costs a free miner $15 to enter a mineral claim, but there is no fee whatever charged for this huge gift to this monopoly when they earn from time to time the different portions of their 3,750,000 acres. There is a registry fee to be paid by the free miner every time a transfer occurs of his mineral claim, but there is no fee whatever charged for this favoured monopoly. When the entry fee of $15 has been paid by the free miner, there is a further fee of $15 a year payable by him, but there is no trouble or bother whatever on that score so far as this favoured monopoly is concerned. A royalty of 10 per cent payable by the free miner, or forfeiture of the title absolutely and at once, the very default creating the forfeiture—no trouble on the part of the Government. But in the case of these favoured contractors, forsooth, not only do we propose to let them off at 1 per cent, but should they be in default for one year or ten years or twenty years, there is no question of forfeiture; the land is theirs, the title remains theirs, and no action of the Government can take it from them for any default on their part. In the case of the free miner, let us see how careful the Government has been that no individual Canadian and no company of Canadians may do anything which would lock up several acres of these placer grounds. In the case of creek, gulch, river and hill claims, it is laid down, following good and wholesome practices in other countries, that they cannot exceed 250 feet in length and 1,000 feet in width in the case of creek or gulch claims, on each side of the centre of the creek or gulch, or 1,000 feet in width in the case of the river or hill claims. In in the case of the individual, see how necessary it has been considered that everything

he owns shall be held not only subject to tribute at the risk of forfeiture, but that as between free miner and free miner there shall be as little confusion as possible; so that he who runs may read, as far as the free miners' property and actions are concerned. There shall be first a well-located claim, and then a properly marked claim, so that it shall be easily identified. All this is for the purpose of order, to avoid confusion, for the development of the country, and based upon the experience of all countries that have been fortunate enough to own gold fields of this character. Now, turning to clauses 15 and 27 of the regulations, I find that clause 15 provides:

> Every placer claim shall be as nearly as possible rectangular in form, and marked by two legal posts firmly fixed in the ground, in the manner shown in diagram No. 4. The line between the two posts shall be well cut out so that, one post may, if the nature of the surface will permit, be seen from the other. The flatted side of each post shall face the claim, and on each post shall be written on the side facing the claim a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked, and the full Christian and surname of the locator.

The 27th regulation says:

> Entry shall not be granted for a claim which has not been staked by the applicant in person in the manner specified in these regulations. An affidavit that the claim was staked out by the applicant shall be embodied in form "H" in the schedule hereto.

If these are reasonable regulations, and I believe they are, why in the name of common sense or fair-play, should you allow what would otherwise be orderly and regular to be plunged into indescribable confusion, by these mineral land-grabbers being allowed to claim by the mere fact of having run their base line in a certain direction, and then to run off, as the clause to which I shall refer shows, without marking, without staking, without notifying anyone in that whole field of what they have done? What would otherwise be order and regularity, becomes, by the interposition of this monopoly, without these checks and regulations being made applicable to them, endless confusion and a source of endless trouble and disaster to the free miners; and the man is, in my opinion, absurd who will say that any body of free miners in the Yukon or in any other part of the globe, would stand such a discrimination as that for a moment, or remain a law-abiding people. There are no clauses in the contract to compare with the regulations I have mentioned, because they are not applicable; but clauses 11 and 12 enable these parties to take up that huge amount of land, and you may read the contract from beginning to end, and you will see that they are required neither to pay a fee in the way of entry, nor to put up posts or notices in any shape or form. A reference to Mr. Jennings's report will show that there is a possibility of this mineral land coming to 6,250,000 acres instead of the 4,000,000 acres spoken of in the House, by the adoption of line 2, the length of which is 250 miles. Section 18 of the contract, at any rate, permits these monopolists to take 92,160 acres, or to have this quantity of land reserved to them, on the completion of each ten miles of their road; and they are permitted to make their selection at leisure. They may make their selection of the lands, one-half in three years and one-half in six years. Now, permit me to draw attention to some of the reasons for some of the regulations from which these contractors have been exempted, and the wisdom that has made them applicable elsewhere to miners and mining companies. For instance, Barringer and Adams, discussing similar regulations to those applying to the free miner here, say:

> The location must be distinctly marked on the ground, so that its boundaries can be readily traced.

The test is that any one visiting the ground may be able to trace and identify the location. Again, these writers say:

> The failure, however, to mark the location as required is absolutely fatal to its validity.

Speaking again of the validity of the location, they say:

> This process seems to be the usual mode recognized among miners, to indicate the taking up of a claim of this sort, as in fact an appropriation or proof of appropriation of the claim.

And, as answering the question as to why these claims should be limited in extent, these authors say:

> The claim, unless the regulations otherwise provide, is invalid if unreasonable in extent, as creating a monopoly.

To refer again to the limited extent in locating a placer, they refer to the fact that:

> The regulations limit the extent of a placer location to twenty acres, a lode claim to 1,500 feet in the direction of the lode or vein, and 300 feet wide.

Then, on the question of limited claims, and the reason for them, they say:

> It is a recognition of such local district regulations, and is admirably adapted to promote the development of our mineral resources, as well as to prevent any monopoly of mining ground, the requirement serving to prevent the location of land as mining claims, unless the locator has sufficient faith in the character thereof to justify expenditure in its location.

Touching the condition of working, they say:

> These mineral lands being thus open to the occupation of all discoverers, one of the first necessities of a mining neighbourhood was to make rules by which this right of occupation should be governed as among themselves, and it

was soon discovered that the same person could mark out many claims of discovery and then leave them for an indefinite length of time without further development, and without actual possession, and seek in this manner to exclude others from availing themselves of the abandoned mine. To remedy this evil a mining regulation was adopted that some work should be done on each claim in every year, or it would be treated as abandoned.

That gives one an idea of the radical discrimination which has been made between the free miner and this company, and for that discrimination there is no precedent—none has been given to this House, and I know of none—to be found in the world's history of the successful administration of any gold fields.

The right hon. leader of the Government told us, that he desires to have the road in operation by the first of September, and we are promised some amendment in committee by which the contract will be made to have that effect, but it is significant of the hasty and crude preparation of this contract that the agreement which the right hon. First Minister desired is not the one which is before the House.

As regards the clause touching the forfeiture of the deposit, I would like to call attention to the statement of the Minister of the Interior, as a sample of the confusion which prevails in the minds of the hon. gentlemen who have charge of this Bill. In his speech, the hon. Minister of the Interior told us, that the $250,000 deposit had reference only to the construction of the railway, and did not apply to the construction of the sleigh road. That is fortunate for Mackenzie & Mann, who are apparently defaulters in this respect. But he added: "We have the covenant with the contractors, which is just as good as a deposit." Would the hon. gentleman tell me whether, default having been made, he proposes to take any action against Mackenzie & Mann upon their covenant, which, he says, is just as good as the $250,000 deposit?

The MINISTER OF THE INTERIOR (Mr. Sifton). When default is made, the Government will consider very carefully what they will do. But the hon. gentleman is making an entirely gratuitous statement when he says that default is made.

Sir CHARLES HIBBERT TUPPER. I accept the statement of the Minister of the Crown, but am entitled to ask the question: Has the sleigh road been built?

The MINISTER OF THE INTERIOR. The hon. gentleman is aware that there is no telegraph line between that point and this.

Sir CHARLES HIBBERT TUPPER. And the hon. gentleman is aware that Mr. Mann is in Ottawa. I have no doubt that the hon. gentleman saw Mr. Mann. It is only reasonable that he should see him, if he takes any interest in the expediting of this work. Has the hon. gentleman the slightest supposition, from his conversation with any of these contractors, that one single mile of that road has been built?

The MINISTER OF THE INTERIOR. I can say, in reply to the hon. gentleman, that at the Rideau Club, this afternoon, I casually met Mr. Mann, and asked him if the sleigh road was completed, and he assured me that it was.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman was not as frank with me as I thought he would be, when this conversation began.

The MINISTER OF THE INTERIOR. I told the hon. gentleman, that he made a statement he had no foundation for making, and that should have satisfied him.

Sir CHARLES HIBBERT TUPPER. I was asking a question, and would now, with the hon. gentleman's permission, ask him another. If Mr. Mann's statement be not correct, will the Government take action on the covenant?

The MINISTER OF THE INTERIOR. I think the hon. gentleman had better proceed with his speech.

Sir CHARLES HIBBERT TUPPER. No doubt, the hon. Minister would prefer that I should take that course. He referred, however, in his speech, to this forfeiture again. He said:

> There is a forfeiture of $250,000 now in the hands of the First Minister, and there is the personal responsibility of Mackenzie & Mann, under a signed contract which renders them liable to the full extent of their means, whatever these may be.

Would the hon. gentleman tell me who drafted that security clause? I do not suppose he will, but I desire to show him the difference between it and the security clause in the Canadian Pacific Railway charter. I feel very positive that the clause in this contract was not drawn by any law adviser of the Government. Take the clause in the Canadian Pacific Railway charter, chapter 1 of the Statutes of 1881, paragraph 2, and compare it with this boasted security clause in this contract. The clause in this contract, which is clause 10, reads as follows:—

> The contractors shall within ten days after the execution hereof deposit with the Government in cash or approved cash security, the sum of two hundred and fifty thousand dollars as security that the railway from Stikine to Teslin Lake hereby contracted for will be completed and equipped in accordance with the terms hereof, and on such railway being completed and equipped and accepted as hereinbefore specified the said sum or security shall be returned to the contractors or to whom they may appoint, and if the same be deposited in cash, interest at the rate of three per cent per annum thereon shall be paid for the time such cash has been deposited.

Compare that with the clause in the Canadian Pacific Railway charter, section 2 of chapter 1 of the Statutes of 1881 :

The contractors, immediately after the organization of the said company, shall deposit with the Government $1,000,000 in cash or approved securities, as security for the construction of the railway hereby contracted for. The Government shall pay the company interest on the cash, deposited at the rate of four per cent per annum, half yearly, and shall pay over to the company the interest received upon securities deposited—the whole until default in the performance of the conditions thereof or until the repayment of the deposit, and shall return the deposit to the company on the completion of the railway according to the terms hereof, with any interest accrued thereon.

In the one case the interest stops on default, but in the other it does not. I submit this to the consideration of the Government, that when they reach—if they ever do—the committee stage on this Bill, they should take some pains to redraft that clause, so as to provide that, in case of default, the Government may lay their hands upon every dollar of the deposit. At present, the only risk which Mackenzie & Mann seem to run is this, that if they make default, instead of their getting their money back, it shall be held in the safe-keeping of the Government, for ever, if they like, and the company will draw the interest at 3 per cent per annum—not a very bad arrangement for Mackenzie & Mann.

As to the risk, let us consider that carefully in the light of some pretty good advice. Mackenzie & Mann, according to the Government, run the risk of losing $250,000 and of being made liable for damages, according to what rule, the Minister of the Interior did not know, and the Solicitor General (Mr. Fitzpatrick) took very good care not to enter into that very abstruse and difficult question. I should like indeed to be informed by some of the legal luminaries on the Treasury benches what the nature of the claim for damages would be, on default, outside of this penalty or liquidated damage —whichever it may be—embraced in that clause.

But, leaving these technical questions, let us come down to something which every one can understand.

The MINISTER OF MARINE AND FISHERIES (Sir Louis Davies). Hear, hear.

Sir CHARLES HIBBERT TUPPER. Let us come down, for instance, to the understanding of my hon. friend the Minister of Marine and Fisheries. I ask him what is the risk which Mackenzie & Mann run with regard to this deposit. I am going to submit a brief quotation, for it is a shorter way than to give them the history of these different contracts, for the building of railways within a certain time. This is not the first we have had ; we have had them by the score, even cases in which the contract said—as this contract does not say—that time was to be the very essence of the bargain, that the contractors should not be entitled to a single farthing unless a certain thing were done by a certain day. And yet, on the failure of the contractors to carry out their agreement, Acts have been passed by this Parliament extending the time or declaring the forfeit off and handing back the money. If hon. gentlemen opposite have forgotten the history of the indulgence of the Parliament of Canada in connection with the contractors who made bona fide attempts to build a railway within a certain time and failed, I call their attention to Mr. Mackenzie's utterances at Kingston in 1878 on this very subject. We have here a case exactly in point. Let every one understand from this just how much security we have and how much risk Messrs. Mackenzie & Mann ran when they made their bargain under these pleasant circumstances, for them, in connection with the building of this Yukon road. The late Alexander Mackenzie was defending his Government against a charge of having on such a contract, handed back the deposit and relieved the contractors. He said :

The Canada Central Company gave their contract to Mr. Foster, who, as I have stated, had the contract from us for the 85 miles which we were to build. The country proved to be much more difficult in way of railway construction than Mr. Foster had anticipated at the time he took the contract, and he asked for a revision of the terms of the contract, which the Government were unwilling to grant.

But when we found that he was not likely to proceed with the work as expeditiously as we could desire, we determined to cancel the contract, and pay back the money deposited, paying him such an amount for the work he performed as might be certified by the engineer as earned in the prosecution of surveys as far as they could be made available by the Government in finishing the surveys. This is what is characterized as a gross wrong. What is there wrong about it ? The contract was fairly awarded.

A little different from this case, I submit.

It was fairly annulled, and we undoubtedly had the power to annul it ; and, for that matter, our predecessors annulled many a contract. We just as certainly had the power to pay back the money and release the security, and we did so believing that it was in the public interest to do it. The previous Government did the very same thing, not in paying back $85,000, as we did, but over $1,000,000 to Sir Hugh Allan when they annulled his contract. If it was wrong for us to annul one contract and pay back the security, how much greater a wrong were they guilty of when they repaid back about twelve times as much as we did ? We believed we were doing it in the public interest. It has been frequently done in the past, and no doubt will have to be done by every Government. There is nothing in the matter bearing the faintest shade of corruption.

Accepting his own version of that part of the great railway system of this country, are we to suppose, have we any reason to believe that, should default be made in connection with any of the terms of this con-

tract, this Government will be more harsh than Alexander Mackenzie was or than has been our experience in these matters as between Governments and the contractors who undertake such huge contracts at great risk. Well, then, we have Messrs. Mackenzie & Mann able in this case not merely to quote the practice of Government in connection with these contracts as stated by the late Alexander Mackenzie, but, forsooth, to plead an excuse already provided for them by the Prime Minister of this country because he has already told us that, owing to the course of the Opposition in this very debate, they may be embarrassed and may be prevented from carrying out this contract to the letter.

In regard to monopoly, the Minister of the Interior affected to be indignant at the very suggestion of such a thing, so far as the power to build railways was concerned. During his speech, the hon. gentleman said :

> They are mere charters for the construction of a line of railway, which any company might get upon application to Parliament in the usual way.

And again :

> Now the reading of that clause will at once dissipate the idea that there has ever been any monopoly granted to this company. There is no monopoly whatever. There is nothing in this clause which, by any strength of imagination, can be called a monopoly.

Now, let us see how far apart these advisers of His Excellency are at times. Who was the authority for the statement, the frank, fair statement, of the meaning of this clause regarding railway construction ? The first authority in this House on that subject was the Minister of Railways (Mr. Blair), and this is what he says in regard to monopolies :

> Well, then, they said, somebody else will build that line if we go on and build this route, which is, from a business point of view, the most favourable. We said : We will not allow it for a term of years, at all events.

And again ;

> The contract could not have been entered into unless we were prepared to give them some protection against the destructive competition which would arise if this other route were built, destructive not only——

On that very important feature of the contract, you have these two gentlemen, one of whom is really in charge of the Bill, differing in the construction of the clause and the intention of the Government in introducing it.

Some hon. gentlemen have pretended that comfort could be got for those who support this contract by saying that if tenders were not asked for, there was the case of the Canadian Pacific Railway as a precedent. I wish to point out that there were features of that case which do not at all exist in the case under consideration. In the case of the Canadian Pacific Railway the subject had been threshed out and debated time and time again in this House. There was an obligation upon the Parliament of the Dominion of Canada to build that road. Parliament had approved of the system of building it by means of land grants and cash subsidies, and the Government had been empowered to carry out that policy ; but there had been a complete failure so far as the implementing of that proposal was concerned. There were surveys and there were estimates ; there was every guide necessary to enable the Government to reach an intelligent conclusion. And, under these circumstances, the Government submitted an offer which commended itself to this House and to this country, an offer which could be discussed in this House with the reports and estimates and surveys before hon. members. And in the preamble of that very Act we see the distinction between that case and the present all the more clearly. I again refer to chap. 1 of the Acts of 1881, relating to the Canadian Pacific Railway, and in the second clause of the preamble we find the following :—

> And whereas the Parliament of Canada has repeatedly declared a preference for the construction and operation of such railway by means of an incorporated company aided by grants of money and land, rather than by the Government, and certain statutes have been passed to enable that course to be followed, but the enactments therein contained have not been effectual for that purpose——

Therefore, the Act goes on to provide for the ratification of the contract which would carry out that object. Then, the Minister of the Interior was courteous enough to comply with a request of mine, when asked to be shown what I called a general form of contract, and he sent me copies of several Orders in Council prescribing the terms upon which contracts were to be drawn, where the Government was aiding the construction of a railway by a land grant. I call attention to the provisions of these Orders in Council, that they have been wholly ignored in the present instance. I will omit reference to those clauses which provide for, not merely the construction, but the operation of the road that is to receive the land grant. This is the clause that you find in nearly every one of these Orders in Council relating to these contracts :—

> Tenth. That time shall be held to be the essence of the contract, and that unless the railway be completed, adequately equipped, and running for the whole distance from Winnipeg to the neighbourhood of Whitewater Lake, a distance of not less than 152 miles, by the said first day of October, 1885, the company's claim to land, under any and all Orders in Council relating to them and to the railway, including the present Order in Council, shall be absolutely null and void.

That was made the condition, and if the hon. gentleman meant to hold Mackenzie & Mann to that heavy undertaking, as they

profess, this clause would have been found in this contract, and its absence, I say, is significant when we find it in similar contracts made between the Government and other companies in times past. Some hon. gentlemen have discussed this extraordinary statement of the Minister of Railways that this was a "gamble." There is no doubt that the hon. gentleman approached it with that view, that the Government had entered into a huge gamble, and I have an excuse for the Minister of Railways for not having resorted to anything like an advertisement asking for public tenders. If his statement be correct that this was a gamble, and if the manner in which he put the contract before the House was accurate, he would have become liable to indictment had he advertsed for any public tenders. Under the Criminal Code, paragraph 205, he would have been liable to two years' imprisonment and a fine of $2,000 for advertising any scheme—this is the language of the statute:

> Any scheme or plan for disposing of any property by any mode of chance whatsoever.

So if the Minister of Railways knows nothing about railway contracts and gold fields, he does understand the provisions of the Criminal Code. Then the Minister of the Interior took a long time to explain the ignorance of the Government in regard to the subject matter of this contract. I wish, however, to deal with the Minister of the Interior as opposed to the Minister of Railways on this subject, and then to deal with the Minister of Railways as opposed to himself, in order to show the confusion with which this proposition has been covered when introduced for the consideration of the House. Take, for instance, the speech of the Minister of Railways. He told us in the first place:

> Hon. members of this House will recollect quite clearly that before the close of last session, evidence was pouring in upon us of the immense discoveries of gold that were taking place in the Yukon district, and returning parties from that remote region were bringing us the most fabulous accounts of its mineral deposits.

Then, again, he refers to the great gold discoveries coming under the consideration of the Government, and adds:

> It became clear to us that we should immediately address our attention to dealing with these problems in a manner that would be most efficient.

And so on. Now let us take the Minister of the Interior. In a speech that was remarkable for the strength of the assertions which, on examination, became questionable, if we are to take the statements of the Minister of Railways as accurate, the Minister of the Interior said:

> We all know exactly what we knew last session about the Yukon country; there is no dispute about it. If I recollect aright, the printed report was not brought down before the House prorogued.

He had the information of Mr. Ogilvie's report, in which he said there had been some extraordinary rich finds of gold made. He goes on to say, however, that it was an almost unknown district, a district that had attracted no attention whatever, a district that had not attracted the attention of the late Government. Then he refers to the mining in the Stewart River, and continues:

> But will anybody in his sane senses undertake to say that when this Parliament prorogued we hand any information whatever which led to the supposition that tens of thousands of people were going to the Klondike district last fall and the coming year? Why, nobody dreamed of such a thing.

The Minister of Railways dreamed of it. The Minister of Railways, with these reports coming in, not only from officials, but from returning parties, telling of the vast gold discoveries, says that in his opinion it became the duty of the Government immediately to consider what was to be done with this subject. I say the Minister of Railways speaks in such a way as to make the statement of the Minister of the Interior all the more remarkable and astounding. Let me show the evidence the Minister of Railways had under his hands at the end of last session, when, as a member of that Government, he was in charge of the information from 1896 down to the end of the session of 1897. Take, for instance, the report of Mr. Ogilvie, Sessional Papers, volume 30, No. 13. Writing on November 6th, 1896, he speaks of rich placer mines of gold discovered on the Klondike and branches, and gives the result of workings. I speak subject to correction, but I think the Minister of the Interior stated that that report of November, 1896, was in possession of the Government in 1896. Mr. Ogilvie goes on to say:

> For the news has gone out to the coast, and an unprecedented influx is expected next spring (1897). And this is not all, for a large creek called Indian Creek joins the Yukon about midway between the Klondike and Stewart rivers, and all along this creek good pay has been found. * * * Now gold has been found in several of the streams joining Pelly River, and also along the Hootalinqua. In the line of these finds farthest south are the Cassiar gold fields in British Columbia; so the presumption is that we have in our territory along the easterly watershed of the Yukon a gold-bearing belt of indefinite width, and upwards of 300 miles long, exclusive of the British Columbia part of it.

Later on, he says:

> I think this is enough to show that we may look forward with confidence to a fairly bright future for this part of our territory.

Then, referring to Bonanza Creek, he says:

> From $1 to the pan of dirt up to $12 are reported, and no bed rock found yet. This means from $1,000 to $12,000 per day per man sluicing.

And again :

Enough prospecting has been done to show that there are at least fifteen miles of this extraordinary richness, and the indications are that we will have three or four times that extent, if not all equal to the above, at least very rich.

In January, 1897, he reports :

The reports from the Klondike region are still very encouraging.

Later on :

One thing is certain, we have one of the richest mining areas ever found, with a fair prospect that we have not yet discovered its limits.

On January 22nd, 1897, he reports :

I am confident from the nature of the gold found in creeks that many more of them, and rich too, will be found.

Then, on January 23rd, 1897 :

Placer prospects continue more and more encouraging and extraordinary.

Then, Mr. Speaker, how in the name of reason could the Minister of the Interior talk in that light way in regard to what had so much impressed the Minister of Railways when he issued the pamphlet published in August, 1897, that must have been prepared a long time prior to that, and informed the world, informed all for whom it was intended, that they were invited to come to our shores and to enjoy the conditions that obtained in Canada. He published this as early as August, 1897 :

The discoveries of gold near the southern boundary of British Columbia have recently been followed by still further discoveries on the Yukon River and its tributaries in the extreme north, and at numerous points between the two gold and silver have been found in such quantities as to create the belief that throughout the several ranges of the Rocky Mountains from the 49th parallel to the Arctic Ocean, additional fields for mining enterprise will annually be found for many years to come, and that as transport is afforded mining towns will arise from north to south of British Columbia. In no part of the world can capital be more profitably employed.

Then coming particularly to the Yukon, there is an article headed "The Yukon Gold Fields," which is published by that hon. gentleman in August, 1897. It says :

The greatest gold discovery of recent years has been made in the North-west Territories of Canada. No sooner had the great wealth of the gold and silver quartz mountains of British Columbia become known to the world than tidings were received of fabulously rich gold diggings on the Yukon and its tributary streams, particularly on the Thronduick, or as it is more generally called, the Klondike, as well as on the Bonanza, the Eldorado and other creeks.

And later on :

But of its richness in that respect there is no doubt, and it is impossible at present to limit the locality from which gold will be taken.

Further on in the same article there is the following :—

But the enormous quantity of gold brought out by a few prospectors resulted in a rush such as has not been seen for many years, and it became necessary to provide more amply for the future.

That was the statement made by the hon. Minister in August, 1897.

Let us now go a step further and see what information had been obtained by our neighbours to the south. The Minister of the Interior of the United States, in his annual report for the year ending June 30th, 1897, publishes some valuable information, and the United States Government had no officer more reliable or more deserving of praise than their representative in this regard. Speaking of Alaska, the Hon. Secretary of the Interior said :

The population of the district, according to the census of 1890, was 32,052, which has been greatly augmented since, notably so during the last two years when discoveries of valuable gold mines in Alaska, and particularly in the Klondike region, has caused a large influx of white people from all grades of society.

In the appendix to this report the Secretary adds some interesting information :

Near by is the mouth of the Koyukuk River (the Klondike), a tributary to the Yukon from the north. This river has been ascended 600 miles by steamer, and with its various tributaries is known to be rich in gold.

Again :

When the tidings came of the rich finds on the Klondike last spring, the entire population forsook the place, Circle City, and hastened to Klondike, and hundreds of good, comfortable log cabins were emptied.

Again :

The summer has been a memorable one because of the excitement created by the rich gold discoveries of last winter on the Klondike. I was at St. Michael the 1st of July, when the returning miners, with their valuable packages of gold dust, reached that port en route to the States, and later in the fall when thousands of miners reached St. Michael from the States en route to the Klondike mines.

Again :

My observations at the various mining camps along the river, and my conversations with miners that had been from one to several years in the country, and a personal inspection of gold dust brought out by various persons, have led me to feel that the public statements of the richness of the mines clustered around the Klondike have not been exaggerated.

Again, this officer reporting, who is the general agent of education for Alaska, Mr. Sheldon Jackson, says :

Wherever a prospector has experimented on the streams and creeks, not only in the Yukon valley, but also on the streams north of the Arctic circle running into the Arctic Ocean, as well as a number of the great streams running into the Pacific Ocean, evidences of gold deposits have been found, making Alaska probably the largest fields of gold deposits in the world.

Then we have another source of information in a lecture delivered by Mr. Ogilvie in Victoria, and a reference to this will strengthen the position I took at the beginning of my observations, that we are handing over not only a rich gold possession to these contractors, the extent of which the Minister of Railways confessed he could not even guess, but we are handing over what acknowledged authorities say is the largest tract of rich gold deposits the world has ever known. Mr. Ogilvie, in his lecture, at page 16 of the report, says:

> We must have from 90,000 to 100,000 square miles, which, with proper care, judicious handling and improved facilities for the transportation of food and utensils, will be the largest, as it is probably the richest gold field the world has ever known.

Again, he says:

> There are men in that country who are poor and who will remain so. It has not been their luck, as they call it, to strike it rich, but I may say that that country offers to men of great fortitude, steadiness and some intelligence an opportunity to make more money in a given time than they could possibly make anywhere else

Again:

> In conclusion let me say that we have in the far north land a vast region comprising from 90,000 to 100,000 square miles of untold possibilities. Rich deposits we know exist in it, and for aught we know many more equally rich may yet be found. We know now that there is sufficient to supply a population of 100,000 people, and I look forward to seeing that number of people in that country within the next ten years.

Hon. gentlemen may consider that in bringing to the attention of the House, not for the first time, testimony as to the mineral wealth of their country, there is not altogether a proper appreciation of the time of the House; but it is a remarkable fact that testimony to the value of that country now comes from this side of the House and from hon. members opposed to this Bill, while hon. gentlemen who are seeking to minimize the mineral wealth of the Yukon are those who are seeking to put through this gift to Mackenzie & Mann.

But there is another matter which troubles hon. gentlemen opposite, I think. There has been confusion among members on the Treasury benches as to what they really intended to give these contractors, and as to what the conditions of the contract are. What have we to say in view of the conflict between the Minister of the Interior and the officer who was sent to that country with the most extraordinary instructions, or at all events clothed with very wide authority indeed? The Minister of the Interior said:

> Somebody the other night—I think it was the hon. member for West York (Mr. Wallace)—in a sarcastic tone, wanted to know why Major Walsh was camped far from Dawson City. In the name of common sense, what would he be doing at Dawson City? We have forty mounted police and a sufficient staff of officers there to do the work.

Where are these instructions? The Prime Minister, as I understood him, said that there was not a line to that effect in the instructions. We were told:

> Major Walsh is at the place he was told to stay, attending to the business he was sent to attend to.

But Major Walsh has been heard from, and Major Walsh was asked:

> "Well, Major, were you disappointed at being held up here by the ice?
>
> "Yes, I was much disappointed, I was very anxious to get to Selkirk at least, with all my party and with it to Dawson City."

There is, not merely a contradiction between colleagues, but there is a very serious contradiction between the Commissioner and the Minister of the Interior in regard to a matter not wholly unimportant in this connection.

There is confusion as to the facts, but, what is even a more serious thing, there is a bewildering confusion amongst Ministers on the Treasury benches as to the rights of this country in our relations with the United States. Yesterday, the Prime Minister, in urging this Parliament not to pay any heed to what the United States authorities might do, in connection with the transhipment of goods on the Stikine River, told us, that if the United States attempted to contravene a solemn treaty, there was a remedy easily at hand. Mark you, Mr. Speaker, the Government are relying upon this, that if we in Canada are interfered with by the United States customs authorities on the Stikine River, and if that interference is against the letter or spirit of the treaty, we have our remedy, and that remedy is that we can go to a United States court, and in the face of a United States statute obtain a vindication of our rights under the treaty, because, as the Prime Minister says—and it is upon this supposition the Government are going—a treaty is paramount to a statute in the United States. I listened in vain for the opinion of the Solicitor General on that subject, and I say here and now, that neither the Minister of Justice nor the Solicitor General of Canada will endorse that opinion of the Prime Minister. Sir, what a plight are we not in, when, in pushing this enterprise on the assurances that are given to us against these threats, or supposed threats, from the south, are of that nature.

Let us see exactly what the law is in the United States; it was settled long ago. The law is, that a treaty which is ratified by their Congress—and, if it be not so ratified, it is not a treaty at all—is a part of the law of the land. It obtains its effect and vitality from the action of their Congress, just as a statute does, and it is paramount to all the statutes that contravene it which have been passed anterior to the sanction of that treaty. But, Sir, there is not a jurist in the

United States who pretends that the body that brought that treaty into life cannot undo it and every line and every letter in it, the very next day or the very next moment. The responsibility is not between the law courts and the Government; the responsibility is between either party to the treaty. Their rights are not in the courts of the United States; their rights are in the diplomatic chamber; their rights have to be settled as they are generally settled, between independent governments. There is not a pretense of authority in the United States to support the proposition laid down by the Prime Minister of Canada yesterday. Whether clause 13 is contrary to the spirit or provisions of that treaty, or whether any Act is passed in the Congress of the United States, contrary to the provisions of the treaty, we have not the slightest ground to go upon to cause us to believe that we can obtain relief in any court of the United States. Our only remedy for the violation of that treaty would be in the usual way, namely, through the British Government. The Minister of Public Works does not seem to accept the law as I lay it down, but he will find it is said in Wharton:

A treaty may supersede a prior Act of Parliament, and an Act of Congress may supersede a prior treaty.

That is the law, and authorities are cited for it. But let me give the opinion of an Attorney General of the United States, long ago; for there has not been an occasion in recent years for an Attorney General of the United States to instruct any one either at home or abroad on such a condition of affairs in connection with the administration of their laws. Crittenden says:

I am not insensible to the sanctity of treaties, and appreciate the public importance of their faithful observance. But their moral effect and their obligation under the laws of nations is not now the subject of consideration. The question before us involves the legal effect of treaties under our constitution, and the political powers of this Government in respect to them. To say that a treaty annuls every Act of Congress that comes in conflict with it, is to place the whole political power of the Government in perpetual subjection to it. The supreme political and legislative power of this country is placed in the hands of the Government of the United States, under the constitution, and its Acts are uncontrollable, except only by that constitution; and that constitution does not say that Congress shall pass no law inconsistent with a treaty; and it would have been a strange anomaly if it had imposed any such prohibition. There may be cases of treaties so injurious, or which may become so by changed circumstances, that it would be the right and duty of the Government to renounce or disregard them. Every Government must judge and determine for itself the proper occasion for the exercise of such power, and such a power I suppose, is impliedly reserved by every party to a treaty, and I hope and believe belongs inalienably to the Government of the United States. It is true that such a power may be abused; so may the treaty-making power of all other powers, but for our security against such abuse we may and must rely on the integrity, wisdom and good faith of our Government.

These are authorities which it would not have been necessary for me to refer to, were it not for the extraordinary proposition solemnly laid down on a great and exciting occasion by the Prime Minister of this country, when he, yesterday, endeavoured to give comfort by telling us, that a treaty in the United States was paramount to a law that Congress made itself. I have just given the authority to show that no such idea obtains, and that that theory of the Prime Minister can afford no comfort or relief to any hon. gentleman who desires to support this Bill. It is bad enough to suppose that Ministers are proceeding in such ignorance of the conditions that surround them, and on this subject of treaties I may call your attention to the startling contradiction between the Minister of Railways (Mr. Blair) and the Minister of the Interior (Mr. Sifton). The Minister of Railways rushed to this House with this contract that had been arranged in haste, and with regard to the Stikine River he told us: We are not subject to any conditions. Then, the Minister of the Interior, finding that a very weak case had been made in support of the Bill, in a speech delivered loud enough for us to hear—whether we could understand it or not, is another question—told us, that our rights were curtailed under the Treaty of Washington, and later on, that same gentleman, forgetful of this difficult question and of these difficulties between his colleagues and himself, said:

So that we consider ourselves in a perfectly impregnable position in regard to the navigation of the Stikine River.

In one portion of his speech, when he was endeavouring to prove that Sir John Macdonald had lost us our right to the navigation of these rivers, we were always in danger, according to him; but later on, when speaking of that treaty, and when he had no point to make against the late Conservative chief, he assured us that our position under the treaty was unassailable. Later on, with no other treaty, no other understanding, we were assured that our position was sound and unassailable; and ten minutes afterwards, this same gentleman, hurrying over important subjects like these, so that he could not remember the positions he had taken up in the very same debate before, said, as to our right to tranship on the Stikine River:

That is a question upon which we can give no positive statement.

We who stand in an impregnable position, we who are subject to no conditions whatever on the Stikine—when you ask us how about our rights of transhipment, have to tell you that that is a question upon which we can give no positive statement. The Prime Minister, if I recollect aright, did attempt yesterday to give us a

positive statement. We would like to back him up; we would like to back the Government up in the most extreme position, which it would be necessary for us to take, as to those treaty rights; but it certainly looks as if this weak and halting suggestion of the Minister of the Interior were what Congress is now acting upon. The Solicitor General insinuated that it was the observations made on this side of the House that suggested to Congress that they should embarrass us, that they should deal with this question of transhipment so as to render this scheme abortive; but the direct and positive evidence that gives force to the suggestion that the idea came from hon. gentlemen opposite I hold under my hand, in the fact that a Minister of the Crown in Canada told the United States several weeks ago, before these Bills dealing with transhipment or bonding were introduced into Congress, that this question of transhipment was one on which we could give no positive statement. Then later on, the Minister of the Interior said:

It is a question——

A question, mark you—our right under the treaty, a matter so plain that the Prime Minister would not consider for a moment the possibility of Congress doing anything to interfere with it——

It is a question which, if disputed, must be decided either by negotration or by reference to a competent tribunal.

And what are we to do in the meantime? We have had negotiations with the United States. We have had negotiations this year, and most extraordinary things happened. The negotiators could not understand each other. We sent the Minister of the Interior to Washington, or at any rate he went there to advise, and he came back thinking he had made a bargain of a certain character; but it took him six weeks to find out that the other party to the bargain had never heard of it at all, and did not agree to it.

Now, let us see what is happening in Congress, and how much hon. gentlemen on the other side of the House know of it, from anything we have heard from them. There is the Prime Minister in his seat, and the Minister of Trade and Commerce, and the Minister of Inland Revenue, and the Minister of Public Works, and the Minister of Customs, and the Postmaster General, and the Solicitor General—a very fair representation of the Cabinet; and I would ask them now, for the purposes of my argument, whether they are aware of any other measure than the Bill containing the clause 13 mentioned yesterday, which deals with the subject of transhipment, now before Congress. I ask that, for this reason. The Prime Minister and the Minister of Marine and Fisheries took the position that it is arguable whether clause 13 deals with transhipment at all. Am I not fair in saying that those hon. gentlemen endeavoured to allay alarm and excitement in this country over clause 13 by saying that it related to the bonding of goods, and not to the transhipment of goods? For that reason, I ask the Prime Minister, who is in charge of our interests at a most critical time—I ask him in good faith—is he aware of any other measure dealing with the subject of transhipment before Congress?

The PRIME MINISTER (Sir Wilfrid Laurier). There may be, but I am not aware of any.

Sir CHARLES HIBBERT TUPPER. Well, Mr. Speaker, I think this Bill had better be withdrawn. I think that, not merely for the reasons which I gave at the commencement of my speech, but I think it had better be withdrawn until we have the Government advised of a Bill which is now passing through Congress dealing directly with the subject of transhipment. I have under my hand, not merely the Bill dealing with the subject of transhipment, but a report of the Secretary of the Treasury recommending that Bill to Congress; and we are chided with taking up time discussing a Bill concerning transhipment on the Stikine when to-day members on the Treasury benches do not know of the legislation before Congress dealing directly with that subject. Were the Government ever in a more humiliating position? Is it possible for us to imagine a more humiliating position for them to be in—that in regard to transhipment, on which they say there is a question, they do not know that the Government of the United States are asking power at the hands of Congress to make any regulation they please concerning our privilege of transhipment on the Stikine River; and the legislation is of such a general character, that we are not to know what the regulations are until the Secretary of the Treasury has considered and made them—that he will be given such wide discretionary power that, after that Bill goes through Congress, at his own sweet will and in his own time——

The PRIME MINISTER. Hear, hear.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman cannot afford to sneer at my observation, for he has not read the Bill.

The PRIME MINISTER. Pardon me. If the hon. gentleman refers to the Bill which he has in his mind, I have read every line of it.

Sir CHARLES HIBBERT TUPPER. I acted upon the hon. gentleman's statement that he knew of no other Bill.

The PRIME MINISTER. I know what Bill the hon. gentleman refers to. I am not aware that it affects this question. The hon. gentleman refers to a Bill whereby the Secretary of the Treasury is authorized to make regulations with regard to tranship-

ment—a Bill which is perfectly consistent with the powers of the United States. I stated yesterday that the executive authority of the United States has the right to make regulations for their own protection, but not to defeat our right.

Sir CHARLES HIBBERT TUPPER. I am willing to take this answer of the Prime Minister, that he did know of a Bill dealing with transhipment other than that containing clause 13.

The PRIME MINISTER. The hon. gentleman cannot find a clause in that Bill affecting this question. It is only for the making of regulations.

Sir CHARLES HIBBERT TUPPER. Excuse me; I have the floor. The hon. gentleman knew of the Bill after I explained it. Before I explained it, the hon. gentleman told me that he did not know of any other Bill than that containing clause 13.

The PRIME MINISTER. This is an insinuation that is hardly worthy of the hon. gentleman; but, Mr. Speaker, let the hon. gentleman read his Bill, and he will find that there is nothing at all in it but power given to the Secretary of the Treasury, and the other proper officers to make regulations.

Sir CHARLES HIBBERT TUPPER. That is what I stated. The hon. gentleman surely does me an injustice when, after I stated what the Bill contained, he informed me that he did know of it. Of course, the hon. gentleman withdraws what he said before, when he told me, as distinctly as anyone could, and as "Hansard" will show, that he did not know. The hon. gentleman evidently had forgotten, and I think he will find that this Bill is not the insignificant Bill which he supposes it is.

I shall, if the House will permit me, take time to show that this is part, and a part and parcel, of a systematic plan attempted by the United States on the western coast of the Dominion, for the purpose of capturing and securing trade at the expense of Canadian enterprise; and it is a dangerous thing for the First Minister of this country to regard so lightly a provision which he says he understands.

Mr. SUTHERLAND. Legislation promoted by Mr. Hamilton Smith.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman is making an extraordinary statement. Does he make it seriously or in chaff?

Mr. SUTHERLAND. I believe it is true—Mr. Hamilton Smith and his associates.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman says, that Mr. Smith is promoting a Bill which the First Minister declares is a harmless and a very ordinary Bill regarding the subject of transhipment; and so we are somewhat bewildered. I venture to say, that the right hon. the First Minister, at any rate, does not share the supposition that Mr. Hamilton Smith is the suggestor and prompter of these Bills for the creation of difficulties by means of vexatious bond and transhipment regulations of the United States.

Mr. SUTHERLAND. That is what he and his associates are doing, and you are giving them the time to do it.

Sir CHARLES HIBBERT TUPPER. Let me point out, that on the 15th of January Congress was informed, not only of the Bill having to do with this transhipment, but of a report from the Secretary of the Treasury, Mr. Lyman J. Gage, who, to my knowledge, has been in communication, not with Mr. Hamilton Smith, but with parties out on the Pacific Coast whom he was assisting—and he was right from his own point of view—and co-operating with, and who are competing with Canadians for the Yukon trade. This report of Secretary Gage is a very important document, and had considerable weight in the discussion of the Bill by Congress. It is dated the 9th February, and, in referring to the subject under discussion from different points of view, he says:

> In order to cover more explicitly the situation, sea-going vessels can proceed to St. Michael, near the mouth of the Yukon. The Yukon is very shallow, in some places only four feet deep. Transfers of cargo and passengers from deep-draught sea-going vessels to river vessels drawing little water are therefore necessary at St. Michael; substantially the same as is true of the Stikine River, and Wrangel, near its mouth.

Then other clauses of the Bill—for the Bill deals with other subjects as well—come in; and, after referring to these provisions, touching particularly the coasting trade, Secretary Gage goes on to say:

> Section 3 is designed to give the Secretary of the Treasury full powers to regulate the transfer of cargoes and passengers from deep-sea vessels to shallow vessels bound up the Yukon and the Stikine. The conditions under which such transfers will occur cannot now be fully foreseen, so the bestowal of discretionary power in the Secretary of the Treasury seems the only way to meet the situation.

Hon. gentlemen opposite can only comfort themselves by assuming that the Secretary of the Treasury will make those regulations in conformity with treaty rights and obligations. But the trouble is, that he is vested by that Bill with wide and ample power to ruinously embarrass and impede our trade and shipping up the Stikine River. That Bill was under consideration on February 15th in Congress, and that report was read in conjunction with it, and this explanation was given why this discretionary power is vested in the Secretary of the Treasury:

> This is made to apply to the new station in Alaska in the navigation of the Yukon and Stikine rivers. The Secretary says it is impossible to frame a statute which might not do great injustice, and so it is left in the discretion of the

Secretary of the Treasury to make such laws and regulations as the commerce on this river requires.

That Bill is Bill No. 17808, and is the one referred to the Committee on the Merchant Marine and Fisheries. The Secretary explained that the Bill covers the Yukon and Stikine rivers, so that, until the Secretary of the Treasury makes the regulations or has come to a conclusion, we are left absolutely in the dark as to whether we are to be bothered unfairly, or as to what the nature of these regulations will be at all.

The MINISTER OF CUSTOMS (Mr. Paterson). Is the hon. gentleman aware whether any regulations have already been made with reference to the Yukon ?

Sir CHARLES HIBBERT TUPPER. Yes, the hon. gentleman told us so.

The FIRST MINISTER. Not under this Bill.

Sir CHARLES HIBBERT TUPPER. No, it is not law, and whatever regulations are made, the hon. gentleman will understand, can be very easily unmade by a party that has these wide discretionary powers, and Mr. Gage states particularly that he is desirous of getting into his hands this power, so as to make regulations that may fit the circumstances. All the regulations that are now existing will, of course, stand in the way very little time, should the Secretary of the Treasury of the United States consider it necessary to replace them by others.

But let us take section 13 of another Bill, a Bill with a title not exactly generic to this question. It is an Act extending the homestead laws and providing for right of way for railroads in the district of Alaska. I have it as it was introduced, and I have it as it passed, according to the newspapers. Section 13 of this Bill provides :

That under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods in warehouses and merchandise in bond, or of placing them in bonded warehouses at the port of Wrangel, district of Alaska, and of withdrawing the same for exportation to any place in British Columbia or the North-west Territories without payment of duty, is hereby granted to the Government of the Dominion of Canada and its citizens, or citizens of the United States, whenever, and so long as it shall appear to the satisfaction of the President of the United States, who shall ascertain and declare the fact by proclamation, that no exclusive privilege of transporting through British Columbia or the North-west Territories, goods or passengers arriving from or destined for other ports in Alaska, is granted to any persons or corporations by the Government of the Dominion of Canada, and that the privilege has been duly accorded to responsible persons operating transportation lines in British Columbia or the North-west Territories of making direct communication with transportation lines in Alaska, and that the Government of the Dominion has consented to, and is allowing on behalf of the citizens of the United States the entry free of duty of all miners' outfits and a supply of provisions and clothing, the whole not exceeding in quantity one thousand pounds for each citizen of the United States proposing to engage in mining in British Columbia or the North-west Territories, and that the Government of the Dominion of Canada has removed all unequal restrictions to the issue of miners' licenses to all citizens of the United States operating or intending to operate in British Columbia or the North-west Territories.

And then it provides that we shall grant American fishermen privileges denied them by treaty.

There is, therefore, the embarrassment to be considered. Business men know better than I, that, owing to the condition of the sea, it may be impossible, when a ship reaches Wrangel, to unload from the vessel into lighters, and it may be necessary to land and warehouse the goods for a longer or shorter time, according to the circumstances. The embarrassment that may be caused under that clause will not be minimized by one who looks at these matters in the light of the ordinary principles of carrying on business.

It being Six o'clock, the Speaker left the Chair.

After Recess.

Sir CHARLES HIBBERT TUPPER. I am sorry that, on continuing my observations I have only the pleasure of seeing the Prime Minister (Sir Wilfrid Laurier) and the Minister of Inland Revenue (Sir Henri Joly de Lotbinière) in their places. However, I take it that the absence of other hon. Ministers may be simply a reflection upon myself. I hope that, so far as they are concerned, it is not an indication of any diminishing interest in this interesting question. The Minister of the Interior (Mr. Sifton), I see, has arrived—and it is only fair to say that since my observation was made the Solicitor General (Mr. Fitzpatrick) has been good enough to enter an appearance, and the Minister of Public Works (Mr. Tarte) is also ready for the fray.

The MINISTER OF THE INTERIOR. If the hon. gentleman (Sir Charles Hibbert Tupper) will only have patience for a little, he will have a distinguished audience.

Sir CHARLES HIBBERT TUPPER. It could not be more distinguished, now that the hon. Minister of the Interior is here. The hon. gentleman, speaking some time ago, but speaking in this debate, said among many other extraordinary things, that, forsooth, we had no cause of complaint against the United States. Let me not misrepresent the statement of the hon. gentleman. Let me read the very language he used :

We have had no cause of complaint against the United States Government because of their dealings with us upon this question.

And again:

When I was there——

Speaking of his visit to Washington and of a member of the United States Government, who is called here the Secretary of the Navy, but really, I suppose the Secretary of the Treasury—I do not suppose that "Hansard" is correct in that.

——he said that he would have them issued in such a way as to facilitate our trade in any reasonable way that we had any right to expect, and that he would be able to get them out in a short time.

And again:

The Secretary of the Treasury did assure that he would at once——

I call your attention to this, Mr. Speaker,—"that he would at once"

——issue regulations which would have the effect of doing away with the necessity of paying these fees, and I so telegraphed to the Board of Trade of Victoria, and, I think, that of Vancouver.

The regulations were to have been drafted and issued at once. So that then, we had this state of facts admitted by the Minister of the Interior of the Dominion of Canada to exist—that long ago he went to Washington and reached an agreement with the Secretary of the Treasury of the United States in regard to regulations concerning the customs upon goods passing from Canada through United States territory into the Yukon country. And, after many weeks, after extraordinary and unexplained delays on the part of the United States, costing the people of this country, east and west, many thousands of dollars, embarrassing the business of Canada, I venture to say, to an extraordinary degree, there came regulations which dealt wholly with Dyea and Skagway and ignored the Stikine River altogether.

All this was the result of the visit of a member of the Canadian Government to the city of Washington, and he had no cause of complaint against the Government of the United States. Must we eat humble pie all the time, Mr. Speaker? Must we go hat in hand to the governors of the United States, and be thankful that they courteously receive us? Must we not complain if an understanding is not complied with? Either the Minister of the Interior is exceedingly deceived or his statement is incredible, that he had no cause of complaint. Well, let us see. I have given you what he stated to this House, and I will sow you from other statements he has made, how our Minister of the Interior was dealt with by these gentlemen in charge of the public affairs of the United States. It appears that he had made all the concessions that the United States desired he should make. He was frank and explicit, let us give him credit for that, as to how far Canada would go in regard to the concessions that they desired, and those were made in no doubtful manner. He received from them promises, and though the promises stood for weeks without any performance, and though definite regulations issuing out of those negotiations from the United States wholly ignored this route that is so indispensable now in the eyes of the Government, and so necessary for our purposes, the hon. gentleman chided in advance any one who would dare to rise in his place in this House and find fault with the manner in which the United States Government had dealt with him. Dealt with him! Why, they played with him, Mr. Speaker; they played with him as they would play with a child; and the extraordinary thing is that the child, after being played with, did not understand the game they were at. Now, let me see what he told the business people of the coast he had accomplished on this mission. On the 3rd of January, 1898, he wired to the Board of Trade of Victoria as follows:—

Have just returned from Washington where I have——

Got a promise? No, Mr. Speaker:

——where I have completed arrangements ensuring passage of Canadian goods by way of Dyea and Skagway sub-ports without charge for inspection referred to in your telegram and correspondence. Treasury Department will make arrangements to facilitate business.

Has the hon. gentleman no cause for complaint against the United States? or does he consider our position in Canada so humble and so contemptible that he dare not make complaints if the very best faith is not kept with him? If that statement is correct, and I believe when the hon. gentleman sent that telegram he believed it was correct, I know of no language sufficient to characterize the treatment that was accorded to him by the United States authorities, no language sufficient to deplore and to decry the spirit that prompted them so to delude, and so to deceive, the Minister of the Interior. He had completed arrangements on the 3rd of January which ensured this passage of goods forsooth, by a route which is now a secondary affair, not to be mentioned even in connection with the Stikine River; and perhaps the Minister of the Interior will confess that on that occasion he had no arrangement whatever in regard to the Stikine River, and no understanding with the United States Government. From what has occurred in Congress, from the action of the Secretary of the Treasury since, I take it there can be no question whatever that the Minister of the Interior entirely overlooked the necessity of coming to any arrangement with them in regard to this essential portion of the Government programme that is now submitted to us. However, on January 4th, the people of the Pacific Coast, relying on the acuteness of the Minister of the Interior, supposing

that he was equal to the occasion, supposing that he understood what had happened at Washington, congratulated him in this manner:

Your telegram has created better feeling amongst merchants here. Most important Washington authorities wire proper instructions, Skagway and Dyea; any delay will greatly prejudice Canadian trade. North bound steamers with full Seattle passenger lists leaving frequently.

But little did the people of the Pacific Coast understand the administrative capacity of the Minister of the Interior and his instinct for government, upon which he dwelt to the immense amusement of this House a short time ago, when he having botched and bungled the whole of this business from beginning to end, dared to rise in his place and sneer at the instinct of government possessed by Sir John A. Macdonald. When I heard that hon. gentleman, when I saw his scorn, feigned or unfeigned, in regard to the career of that great statesman, when I heard him discuss and criticise the statesmanship of Sir John A. Macdonald, I remembered the old adage that a live dog was better than a dead lion. On no other principle that I can conceive would the Minister of the Interior be warranted in the sneers and scoffs that he threw against that great name. Well, the people of Victoria soon learned to measure the value of our new plenipotentiary at Washington, soon understood how much the telegram of January meant. Remonstrances came from the coast fifteen days afterwards, he informed the people of that coast:

Saturday regulations being issued immediately,

But still no cause of complaint, not a ground of complaint from the Minister of the Interior, we are to assume, had occurred. Remonstrances came from the coast having regard to this positive and unqualified statement, this unqualified assurance from a responsible Minister fresh from the negotiations at Washington, after business transactions had been based upon his assurance, remonstrances followed and followed quickly and daily. On the 20th January, this telegram went from the Minister of the Interior to the Board of Trade:

It was arranged that there should be no regulations at Stikine that would harass our trade, but not specifically provided that same regulations adopted at Dyea and Skagway should apply to Stikine.

Still no regulations; still the officers of the United States at the Sound, up on the Stikine, at Dyea and Skagway, everywhere that they could be found on that coast, were embarrassing every Canadian steamship company, stating that there were no instructions received from Washington. Still, of course, those who had an abiding faith in the Minister of the Interior, and there were some even then on the coast, excused the Minister by stating that the instructions no doubt had been settled, but there had not been time to communicate them to these outposts. In the meanwhile, our rivals in the United States ports, at Seattle and other ports on the Pacific, were clutching, and grasping, and controlling trade in connection with our own Yukon country. That was on the 20th. But again on the same day another telegram came from the Minister of the Interior:

Am advised this morning by the Assistant Secretary of the Treasury that the collector of customs for Alaska would be in Washington in two or three days, and that regulations are held pending conference with him.

This shows the manner in which the Government acted, against which there is no cause of complaint! The hon. gentleman, acting as the representative of the British Crown, had exhibited the very best of faith. Everything he had assured the people at Washington would be done he had implemented to the very letter, which it was his bounden duty to do; and I can understand him resenting, even if he thought it was not politic to express it, the action of those authorities, but I cannot understand him, under the circumstances endeavouring to excuse this extraordinary conduct on the part of the United States Government, unless he was wholly erroneous, wholly inaccurate in regard to that telegram of January 3rd in which he stated that the arrangements and regulations had actually been completed. It was not necessary to bring from Alaska the collector of customs to discuss regulations that had been arranged and agreed to, according to the telegram of the Minister.

Again, we had another version from the Minister as to what happened. On 22nd January, he telegraphed to Captain Irvine in Victoria:

Arrangement was that instructions should be given which would do away with customs charges and inspection fees. Treasury Department has not yet issued instructions. Have been wiring them constantly. Last telegraph says they expect to close in a day or two. Have done everything possible; do not see what more I can do Expect it is only a matter of a few days.

I am in the hearing of the hon. Minister of the Interior, and he knows he was greviously disappointed; that though he sent this telegram on 22nd January, it was not a matter of a few days but of weeks, and the matter was not settled until after 22nd January, when the Minister of Customs had to come down to the House first with regulations and instructions that concerned the Dyea and Skagway only, and afterwards he supplemented the statement by saying the Government would obtain further information and advice applicable to the case of the Stikine River. I therefore, join issue with the hon. Minister of the Interior, and I say we are doing our duty here in expressing our resentment against the treatment shown to a Minister of the Crown who went to Washington, and in good faith conducted these

negotiations with the authorities of the United States, and was treated in the contemptible manner in which the Minister of the Interior was treated, and he had not the spirit to resent that treatment though it has cost the people of this country many and many a dollar. I come again, then, to make good my position in regard to the absolute futility of relying on the good will of the United States or upon the United States view of international law as heretofore expressed in connection with any scheme or proposition that aims at the development of the Dominion of Canada. I have just as high an opinion of individuals in the United States as any hon. gentleman on the opposite side of the House, and when I charge against that government hostility to this country, when I charge against that country every ungenerous effort that can be made to thwart us in advancing Dominion interests, I refer to their pernicious system of politics, deplorable and humiliating, and I believe many thousands of Americans are as much disgusted with their system of government as are our own people so far as relations with Canada are concerned. I am against voting a single dollar or a single acre of land in Canada, mineral or otherwise, to any project that depends on the good will of the United States for the successful carrying out of that scheme for which the land is appropriated. We may have done so before, if you like; but having had experience of the United States, we should look at the facts, and look the position in the face, and place our lines and arrangements and our plans, as we can do and as this country is rich enough to do and willing enough to do, wholly apart from them and wholly irrespective of what they wish or seek. I say we cannot rely on those people showing towards us the slightest measure of fair-play. Some hon. gentlemen seem to speak with bated breath when referring to the conduct of the United States; it is an awful thing to say anything respecting even a United States citizen in this House of Commons, as I have heard during this debate. If there is any British subject afraid of saying what he thinks, I have under my hand the authority of those who advise directly Her Majesty the Queen to show that they are not built of that stuff. I have under my hand the language of those advising the Queen now that points out directly, emphatically and in the strongest language possible not only how those people to the south of us, represented by their Government, will not only twist and vary treaties and will twist and torture principles of law, but will scheme and arrange so as to grasp every advantage possible, regardless of any consequences whatever. Let me give the House an example. For instance, there has been a difference of opinion in this House as to whether the Treaty of 1825 gave the people of this country the right to navigate the Yukon. Mr. Blake, no mean authority, was of the opinion, contrary as I have endeavoured to show, to the opinion prevailing in England, that we had under that treaty, notwithstanding the purchase of the country by the United States, the absolue right to navigate the Yukon. No one will doubt we got the right, whatever the other question may be, under the Treaty of Washington, and we got the right to navigate the Stikine under that treaty, if we did not enjoy it in 1871 under the Treaty of 1825. Yet there is the best authority to show that after that Treaty of 1871, and for several years thereafter no British bottoms could go up the Stikine River. There was the treaty. Hon. gentlemen opposite are willing to risk the resources of this country on the assumption that the United States will understand and carry out a treaty as we read it; and yet with the Treaty of 1871 it is a fact that in 1873 the customs officers of the United States Government on the Stikine prevented and were instructed to prevent any British bottom ascending the waters of that river. We have the authority of Sir Donald Smith, the present Lord Strathcona, who in this House stated, notwithstanding the contention of Mr. Blake, notwithstanding the views of hon. gentlemen opposite, who even now think that under the Treaty of 1825 we have a right to navigate the Yukon, British bottoms were not allowed to navigate that river. Let me give the House the language of Sir Donald Smith during the discussion on the Treaty of Washington, as reported in the "Globe." He said:

> As to the assumption that free navigation of the Yukon in the North-west was of no practical use to Canada, he thought it was otherwise. That river goes into British territory for a distance somewhere of 300 or 400 miles, and while it now takes the Hudson Bay Company several years to get their goods from England to points on that river, they will, if the treaty is ratified, be able to get their goods to their destination in eighteen months.

The hon. gentleman read a letter from the Secretary of State of the United States to prove that no vessels other than those of United States citizens can go up that river. As to the Stikine River, the fact is, that, notwithstanding the Treaty of 1871, as late as 1873 the British vessels were not given their rights under the terms of that treaty, and for confirmation of that I refer hon. gentlemen to the correspondence in the Sessional Papers, vol. 11, for the year 1878. These are facts pertinent to the very case in point, and let us see whether that excuse cannot be given again by the Americans in connection with the proposition now under consideration. They can say: Oh, yes, the treaty did arrange that you should navigate the Stikine, but the regulations concerning the treaty and the instructions have not been sent forward to the officers on the Stikine River, but they will be sent forward. In the meantime, notwithstanding the treaty,

years elapse before the officers of the United States have instructions to obey it; on the contrary in the case mentioned up to that time they had instructions which prevented that treaty being operated. In my opinion, Mr. Speaker, and I have the authority of the Minister of Trade and Commerce for saying it, although he is not a lawyer, there never was a more monstrous assertion of an untenable right on the part of any country than there was by the United States of America in connection wtih the Behring Sea fisheries. They had not a single shadow of excuse for the action they took, and which they took for the purpose of breaking up a great Canadian industry and paralyzing a large portion of our mercantile marine on the Pacific Coast. Without any foundation in international law, against all the traditions of their country, against all their previous interpretations of international law, they simply instructed their revenue cutters to seize right and left on the high seas, fifty, sixty and seventy miles from land, any ship floating the British flag that dared pursue an industry which they desired should be locked up in the hands of a monopoly of their own citizens. Eleven years have we been discussing this, but yet, with decisions of a most unmistakable character against them, and vacillating from position to position, the Americans have fought us during the whole period. Some of the men that they ruined have died, many of the ships that were concerned have disappeared, and we are still waiting for one dollar of indemnity in compensation for that gross violation of international law and comity of nations—a violation that was perpetrated by the United States simply to break down, as they almost succeeded in breaking down, by virtue of the power they were allowed to exercise regardless of principle—the Canadian sealing industry. Hall, referring to this action of the United States, says:

> With flagrant inconsistencies, the United States, when acquiring possession of Alaska, have claimed as attendant upon by virtue of cession from Russia about two-thirds of Behring Sea—a space of 1,500 miles long and 600 miles wide—and upon the ground of this claim have seized British vessels engaged in seal fishing.

Let me pass from this subject to another phase of the question. The Minister of Customs smilingly attempted to answer the expression of my fear that injustice might be done us under the Act by which the Secretary of the Treasury of the United States will be permitted to make regulations concerning the transhipment of British goods at Wrangel; but let me give him some of our experience with the United States authorities on the subject of regulations. Having whipped them from pillar to post on the questions I have referred to, having obtained the judgment of an international tribunal that they they had no case at all, regulations were prescribed under which the seal-hunters in Pacific waters were to be guided and governed. The Colonial Office, after some experience of these gentlemen in their administration of international regulations which had their birth in the treaty and the judgment under the treaty, speaks of the treatment Canadians received at the hands of these people, concerning whom the Minister of the Interior says we have no cause of complaint whatever. Mr. Chamberlain's department, addressing the Foreign Office and discussing that United States despatch, vulgarly known as the "Shirt Sleeves Despatch," of General Sherman, thus wrote only in September last:

> The extent to which British sealing vessels have been unecessarily harassed by the United States patrol vessels during 1895 and 1896 may be judged from the fact that in 1894, when the British sealing fleet numbered only 22 vessels, 36 boarding operations were performed, an average of one and a half per vessel, while in 1895, when a fleet of 40 British vessels were engaged, the number of boardings rose to 183, an average of four and a half per vessel, and in 1896 the British fleet of 57 vessels was subjected in Behring Sea alone to 171 boardings by the United States patrol, an average of three times per vessel. It is interesting to note that in 1895, 76 United States vessels were subjected to only 156 boarding operations.

If the direct adviser of Her Majesty the Queen is not afraid to call a spade a spade, when dealing with the United States, any member of this House may without fear warn the Government of Canada that they are relying upon a broken reed when they rely upon the good faith of the United States in maintaining inviolable the spirit and letter of the different treaties. Lest any one should be timid in this House at the utterance of such language, let me refer again to the language of the Colonial Office in that same despatch, and let us see how they understand the position of the United States touching obligations of any kind. In the despatch I find the following:—

> The nation which is now so zealous for prohibiting the killing of seals on the high seas was, in 1832, with equal zeal asserting a claim of rights for its citizens, not only to kill seals on the high seas, but to land and slaughter them on the shores of a friendly nation. The power which now reproaches Her Majesty's Government with "unneighbourly" conduct because they decline to abolish an industry, the lawfulness of which has never been questioned except by the United States, and has, only four years since, been vindicated by the highest international tribunal, did not shrink, in 1832, when the United States sealing vessel "Harriet" had been seized for violating the territory of the republic of Buenos Ayres in the pursuit of fur seals, from landing an armed party at Soledad and carrying off the crew and cargo of the vessel, and from declaring that the seal fishery on those coasts was in future to be free to all Americans, and that the capture of any vessel of the United States would be regarded as an act of piracy.

They, notwithstanding their action in 1832, notwithstanding their views that certain things would be an act of piracy, did not

hesitate to commit against British subjects in 1886 and afterwards, the very self-same acts of piracy, and worse than that, attempted to justify them. Again, this despatch, coming from the office of the Right Hon. Joseph Chamberlain, says:

> They (British subjects) have performed with the utmost rigour all the requirements of the award, but they have had to make continual and unavailing protests against the attempts of the United States to hamper and embarrass the operations of British subjects pursuing their lawful vocation.

Out on these very waters, on the very coast now under our consideration. You have the evidence from the British Government, new and fresh, you have the opinion of the authorities of the Crown in England, that, in spite of international law, in spite of the judgments of tribunals, in spite of the regulations under treaties, the United States pursue and are pursuing their fell purpose of embarrassing and harassing in every possible way, manner and form a British industry in that vicinity. And can you doubt, Sir, can any man doubt, that whatever the result of a collision on these questions may be—I mean a collision of opinion, a difference in regard to the interpretation of the treaties that have been discussed—that the spirit that induced them to hamper us as they have hampered us on the deeper waters, will prevail when thousands and hundreds of thousands of their citizens on their Pacific Coast are bringing all the pressure they can bring to bear on the Washington authorities, to give them every conceivable advantage in this Yukon country, and in the trade connected with it. I have no manner of doubt whatever, Mr. Speaker, that not only is that their purpose, but from the legislation now before Congress there is cause for any reasonable man to assume that, so far as they can go, short of actual offensive and warlike demonstrations and action against us, the people of the United States will compel the Administration of the day to go. If you do not agree with me, if this is perhaps an extreme position, at any rate it seems to me there is just cause and just reason for the caution that I have endeavoured to inculcate in my speech, that is, that we should have no plan and no proposition for the expenditure of money, or involving financial responsibility for Canada in regard to the development of this country, where it is possible that people who have taken the action they have taken, who are considering the measures they are considering, can by any manner of means come in and even for the time thwart us and embarrass us.

I am, therefore, in the strongest manner against, and will vote against any proposition for the expenditure of a dollar, or the assumption of responsibility for any action, which is dependent upon United States good-will at the present time for its successful accomplishment. I am as anxious as any man in this House or out of it can possibly be for all fair and legitimate aid being accorded for the development of this, the richest gold field, as I believe it to be, in the world, for the benefit of Canadians and Canadian trade. Indeed, I go further than hon. gentlemen on the Treasury benches. The Minister of Agriculture (Mr. Fisher), reverting to the old spirit that pervaded the Liberal party, that fear of the future, that fear to risk a dollar to gain anything for the people of this country, spoke of this proposition as worthy of commendation because there was not any money of the people of the east to be risked in it, and because after all we were only risking the gold field itself, and what it might produce. I go further than that, and I say that I believe the bulk of the people of Canda to-day, with our credit as it is, with the confidence that pervades the Canadian breast, in our own strength and in our financial independence of any other country, would rally round a Government, Grit or Conservative, that would have the pluck and courage to risk the dollars of the Canadian people, not merely to manage and control in a wholly independent manner the trade of that part of Canada, so rich as it undoubtedly is, but to enable the Government, by a wise and statesmanlike policy, to rely upon the possibility, the human probability, too, of being recouped tenfold by wise and reasonable regulations in the administration of that country, for every dollar expended in order to hold and keep it in our hands. I believe the gentlemen on your left, Sir, are ready to support this Government in an active and energetic policy that will pledge the resources of this country, wholly apart from any surrender of our mineral lands, wholly apart from any gambling or speculation in them; so that we could say to the world: "We told you, and we meant it when we told you, that we had a rich and vast heritage in the Yukon country, and when we asked you to come and risk your resources and your lives in the pursuit of wealth in that part of the world, we believed every word we published; and if it will pay you to venture everything you have, you see that we believe it will pay us and the people of Canada to risk some of our credit to enable you to go to that country by an all-Canadian route, and to come out of it when you desire." I believe that a speedy and successful route into that country can be found, and can be constructed within a reasonable time, from a port on the British Columbia coast. Though I do not profess to be thoroughly proficient as to the merits of the different routes, I believe, from what I have heard in that province from gentlemen who are familiar with the country in general, that a route from a British Columbia port into the Yukon can be built, which would be partially, if

not wholly, adapted to the other different routes—at any rate, to the Edmonton route and the Ashcroft route, with very slight deviation later on. At present I believe it is our bounden duty to push on at any reasonable cost, but with the honest, bona fide risk of the money of the people of this country, in the construction of such a road. But under no circumstances, I say again, will I vote for a national gamble in this case or in any other case. With the general purport of the amendment, I am in full and hearty accord. The only qualification I would make in it is that I have no hesitation in being a little more definite than that; and instead of saying, "the best available route, judging from all we have heard," I would vote for a route which begins in the province of British Columbia, and went to the points that have been mentioned; as our practical friend, a gentleman of great experience, the hon. member for Compton (Mr. Pope), has said, not to begin up in the ice region to build a railway between different icicles, but to build on the coast and push our way in—building a cheaper road; cheaper to the men who would undertake the contract, and cheaper in the end to the Dominion of Canada.

Those are my principles, Mr. Speaker, and of those principles I am in no sense ashamed. If the country is not with us to-day in our resistance to this monstrous proposition, this wild speculation, this unholy gamble, it will not be long before the people throughout Canada will give no uncertain sound as to their condemnation of the vilest and worst scheme that was ever submitted to an independent Parliament.