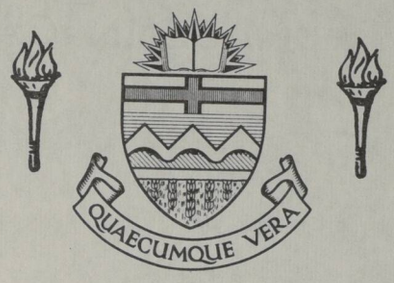
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NEWFOUNDLAND AFFAIRS AND CROFTER COLONISATION

Colonies

Canada 33

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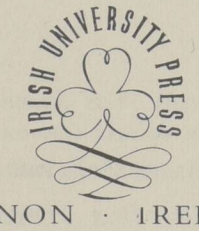
REPORTS AND CORRESPONDENCE ON NEWFOUNDLAND AFFAIRS AND CROFTER COLONISATION AND OTHER PAPERS RELATING TO CANADA WITH APPENDICES

1895-99

Colonies

Canada

33



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No. 135.

NEWFOUNDLAND.

ANNUAL REPORT FOR 1893.

(For Report for 1892 *see* Colonial Report [Annual] No. 102.)

Presented to both Houses of Parliament by Command of Her Majesty
May 2, 1895.



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1895.

[C.—7629.–18.]

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2	Zululand	Forests.
3	Sierra Leone	Geology and Botany.
4	Canada	Emigration.

No. 135.

NEWFOUNDLAND.

[For Report for 1892 *see* Colonial Report (Annual) No. 102.]

Sir TERENCE O'BRIEN to the MARQUESS OF RIPON.

Government House, St. John's,
March 12, 1895.

MY LORD MARQUESS,

I HAVE the honour to forward herewith, for your Lordship's information, the Blue Book of this Colony for the year 1893, together with the Colonial Secretary's report thereon.

I have, &c.

T. O'BRIEN, Lieutenant-Colonel,
Governor.

REPORT ON THE BLUE BOOK OF NEWFOUNDLAND FOR THE YEAR 1893.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward you herewith the Blue Book of this Colony for the year 1893, for transmission to the Right Honourable the Secretary of State for the Colonies.

I am unfortunately unable, in reporting upon the information contained therein, to establish a comparison with the returns for 1892. The destruction of most of the Customs Records and those of other departments by the great fire of that year rendered it impossible to make a full return of the movements of trade and shipping. It will be necessary, therefore, in order to measure the advance or otherwise of the Colony by comparison with previous records, to establish a contrast between 1891 and 1893. Such will, in my estimation, be the best method of testing the condition of the Colony.

As a direct result of the great fire there was, during the latter part of 1892, considerable increase in the importations of the Colony. This increase was largely abnormal, and consequently it should not be taken into consideration when estimating the

NEWFOUNDLAND. 1893.

exact position of the Colony in relation to an increase or decrease of prosperity for the year now under consideration.

From a comparison, then, of the trade returns for the years 1891 and 1893, I am led to the conclusion that 1893 was to the people of Newfoundland quite as prosperous as 1891 and your Excellency will remember that in my report on the Blue Book for that year I stated "that during the year under consideration the "circumstances of our people were most prosperous. That the "exports from the Colony touched the highest point reached "since 1881 and exceeded those of 1890 by over a million and a quarter dollars." From other sources, and notably from the report of the Chamber of Commerce, I have information confirmatory of the conclusion to which I have arrived.

But for the comparative failure of the Seal fishery, the result of the year's operations would have been even more satisfactory. Unfortunately this important Spring fishery proved unsuccessful; the total number of seals taken did not amount to one-half of the previous year's catch. Compared with the voyage for 1892 the result is as follows :—

1893.

Skins, 175,748, valued at $166,704.
Oil, 2,932 tuns, valued at $205,240.

1892.

Skins, 390,174, valued at $468,209.
Oil, 5,301, tuns, valued at $397,575.

The cod-fishery for the year 1893, both shore and Labrador, was fairly successful in its results, the catch was an average one, the cure better than for many years past, and the local prices good. Unfortunately for exporters, the prices obtained in foreign markets, especially those of Spain and Portugal, were not altogether satisfactory, owing to bounty-fed competition.

As a consequence of the low prices obtainable in these countries for our staple, a large quantity of the fish hitherto exported to those countries was diverted to Brazil, where the prices realized were satisfactory and the demand brisk and continuous, a state of affairs due, no doubt, to the revolution, which, keeping the country in a perturbed state, prevented that attention being paid to agriculture and the preparation of dried food-stuffs.

The minor fisheries, with the exception of the lobster-fishery, show no signs of improvement. The results of the lobster-fishery during the past year have been most gratifying, the quantity secured being above the average and the prices realized, both in local and foreign markets, remunerative.

As a consequence of an unfortunate season, I am unable to report a satisfactory result with regard to last year's farming operations. Root crops were very short, the only compensation being the good crops of hay and fodder.

The output of our mines was largely in excess of 1892, but the prices ruling lower the financial returns are only about equal to those of last year.

A large increase will be found in the quantity of lumber exported. This industry is steadily increasing, and, with the opening up of the country by the construction of the railway, a further increase can be confidently expected. The price obtained for our lumber in local and foreign markets was good, and I am glad to be in a position to state that as to both quality and price obtained our lumber compares most favourably with that of Canada in the English markets. It is to be exceedingly regretted that visitors from England who come to this Colony annually to gratify their sporting proclivities should persist in decrying its lumbering and other capabilities through the medium of the English press. These persons have no opportunity of judging of the extent or quantity of the lumber, or of the mineral deposits, as their pursuits confine their journeyings to the barren lands. It cannot be but apparent to the thoughtful that the object which prompts the observations referred to is entirely selfish, and designed to prevent the development and settlement of the interior, which is at present regarded as the best sporting ground in North America.

The total amount deposited in the Savings Bank on the 31st December 1893 shows an increase of $34,932 over 1892.

Railway work progressed steadily and continued until late in December, affording employment to over 2,000 of our people. The work performed by the contractor has been highly satisfactory.

The revenue of the Colony on current account amounted to the sum of $1,753,344 and a further sum of $100,000 was raised on capital account under the Railway Connecting Roads Act. Compared with that of 1892 (from the total of which must be deducted $32,260 received for insurance on Public Buildings burnt on 8th July) this shows a decrease of $97,686, which sum will probably be accounted for by the importations having assumed normal proportions after the great fire of the year previous. The Customs receipts for the latter year were $1,731,893 and in the former $1,626,778, a falling off of $105,115, a sum which approximates sufficiently to the actual decrease in the Customs revenue to show the correctness of the assumption above made.

The expenditure for 1893 amounted to $1,807,100 on current account, as against $1,643,878 in 1892, an increase of $163,222, the principal items of increase being, on account of Educational Disbursements ($24,000), Election Expenses ($40,000), Relief of Poor ($12,000), Postal Department ($20,000), St. John's Fire Brigade ($29,000), Steam ($17,000), Interest on Public Debt ($52,000), while those of decrease were, Addresses of Legislature

NEWFOUNDLAND. 1893.

($16,000), Fishery Protection ($19,000), Railways ($13,000), Roads ($9,000).

The expenditure on capital account amounted to $302,912, as against $24,343 in 1892, to represent which we have the following, Grand Bank and Fortune Improvements $3,140.27, New Custom House, St. John's $5,757.48, New Factory, St. John's $1,696.43, New Court House, St. John's 6,432.64, Queen's Wharf, St. John's $11,996.55, St. John's Rebuilding Act $211,667.83, Railway Connecting Roads $56,257.61, Hospital, Ross's Valley $5,963.62.

The statement dealing with the assets and liabilities of the Colony shows that the floating balance against the Colony stands at the close of the year at the sum of $835,848, irrespective of the sum of $157,940 unexpended legislative grants, making in all a total of $993,752.

The Funded Public Debt of the Colony amounted at the close of the year to the sum of $8,255,546.65 having been increased during the year by $1,862,179·15, made up as follows:—

	$	c.
St. John's Rebuilding Act 1893 - - -	202,419	15
Act 53 Vict. c. 4., Hall's Bay Railway - -	1,014,000	00
Act 53 Vict. c. 4., Western Railway - -	545,760	00
Act 56 Vict. c. 24., Railway Connecting Roads -	100,000	00
	1,862,179	15

Deducting from the total Public Debt the amount due by the St. John's Municipal Council and guaranteed by the Government ($1,131,407) and adding the floating debt given above, the actual indebtedness of the Colonial Government will be found to be $8,117,891 or about $40 per head of population. The increase of funded debt is due to the construction of 100 miles of railway, the purchase of land in St. John's for the widening of streets, and to the loan for Railway Connecting Roads above-mentioned.

TRADE.

Under the heading "General condition of Colony" I have sufficiently enlarged on trade movements for the year under consideration. I shall confine myself to the following statement having reference to imports and exports.

The total value of Imports for 1893 amounted to $7,572,569, of which $2,680,853 worth was from Great Britain, $3,127,954 from the Colonies, and $1,763,762 from foreign countries.

The value of Exports being, to Great Britain $1,303,650, to British Colonies $1,169,932, and to Foreign countries $3,802,330, making a total of $6,280,912.

SHIPPING.

In 1893, 2874 vessels, with an aggregate tonnage of 852,308, were entered and cleared, of which 2,622 ships, measuring 816,494

tons, were British registered. The records not being complete for the previous year, no comparison can be made.

LEGISLATION.

Twenty-seven Acts were placed upon the Statute Book of the Colony during the year under consideration, of which the following are the most important :—

Cap. II.—Which authorizes the construction and equipment of a line of railway to Port-aux-Basques, a distance of about 280 miles from Placentia Junction.

Cap. III.—Provides for the maintenance and operation of the lines of railway from Whitbourne to Port-aux-Basques and branches.

Cap. IV.—Provides for the establishment and maintenance of a Fire Department in the town of St. John's and authorizes the appointment of Fire Commissioners.

Cap. VI.—"An Act respecting Foreign Fishing Vessels" makes provision for the granting of licenses to foreign fishing vessels, for the purchase of bait and general supplies for the fishery; license fee being $1.50 per ton. It also authorises the boarding and searching of vessels by authorised officers.

Cap. VII.—This Act provides for the appointment of a Council of Higher Education consisting of 23 members, and has in view the raising of the standard of education in the Colony by the holding of examinations, and the awarding of scholarships, &c.

Cap. VIII.—"An Act respecting the Department of Fisheries." This Act provides for the formation of a Department of Fisheries, the appointment of a Commissioner of Fisheries, having the direction of the said Department, and the administration of all laws relating to sea and inland fisheries.

Cap. XII.—"An Act to regulate the practice of medicine and Surgery in the Colony." This Act provides for the formation of a Medical Board, consisting of seven regularly qualified practitioners, whose duties shall be to make and enforce measures for the protection and preservation of life in the Colony.

Cap. XVIII.—This Act extends the right to celebrate marriages to Staff Officers of the Salvation Army.

Cap. XIX.—This Act provides for the recognition in Newfoundland of probates and letters of administration granted in the United Kingdom of Great Britain and Ireland by the Supreme Court.

Cap. XXI.—Provides for the continuance of the French Treaties Act until 31st December 1895.

EDUCATION.

I have nothing special to report under this head during the year. The provisions of the Act authorising the appointment of a Council

NEWFOUNDLAND. 1893.

of Higher Education were carried into effect and the initiatory stages of a scheme destined to encourage a more advanced system of education in this Colony were undertaken by the said Council.

In 1893, 576 schools were in operation, with an attendance of 34,337; in 1892 the numbers were respectively 514 and 34,526. The total expenditure, including legislative grants, fees, and voluntary contributions, amounted in 1893 to $141,143.

FISHERIES.

This subject has been generally dealt with under the head of "general condition of the Colony." A comparative statement of the Seal fishery for 1892 and 1893 shows the following:—

—	1893.	1892.
Number of skins - - -	175,748	390,174
Tuns of oil - - - -	2,932	5,301
	$	$
Value of skins - - - -	166,704	468,209
Value of oil - - - -	205,240	397,575

A decrease of 214,426 in the number of seals taken, of 2,369 tuns in the yield of oil, and of $493,840 in the value of the total returns.

Unfortunately, owing to the lack of record, similar comparative statements cannot be given with regard to our other fisheries. I, however, append the result of the season's catch, including Labrador.

Cod Fishery.

—	Quantity.	Value.
		$
Dried - - - - -	1,160,335 qtls. -	4,328,499
Green - - - - -	1,101 qtls. -	1,982
Boneless - - - -	- - -	15,501
Skinless - - - - -	- - -	9,624
Other - - - - -	- - -	60
		4,355,666
Cod oil - - - -	3,000 tuns	216,000
		$4,571,666

Herring Fishery.

—	Quantity.	Value.
		$
Pickled - - - - -	60,322 barrels -	181,094
Frozen - - - - -	46,883 barrels -	46,883
Smoked - - - - -	95 cases - -	190
		$228,167

Salmon Fishery.

—	Quantity.	Value.
		$
Pickled - - - - -	3,499 tierces -	55,984
Preserved - - - -	63 cases - -	504
Trout, pickled - - - -	1,640 barrels -	12,463
		$68,951

Lobster Fishery.

—	Quantity.	Value.
		$
Preserved - - - -	35,403 cases -	265,522

LUMBERING.

In addition to what I have previously stated respecting this industry, the following figures will indicate for the years 1892-1893 its rapid expansion, comparative statement of the returns of which are as follows.

The export in 1892 was 2355 M.; in 1893, 3073 M.; and an enormous quantity of native timber was used in the re-building of the city.

RAILWAYS.

During the year under consideration, the work on the Hall's Bay Railway was rapidly pushed forward, and the close of the year witnessed the completion of that line and the commencement of the Western Railway across the Island and down to Port-aux-Basques. Thirty-five miles of iron was laid for the western line before the work was stopped for the season.

NEWFOUNDLAND. 1893

MINING.

I regret having to chronicle a very considerable falling off in the quantity and value of exportations of mining produce. This however, was largely due to the closing down of one of our principal mines at Little Bay consequent upon the great depth of the mine (over 1,500 feet) and the expense of getting the ore to the surface also tended to restrict operations.

Asbestos mines are still being worked on the west coast by English and Canadian capitalists, and new deposits have been uncovered by prospectors during the year.

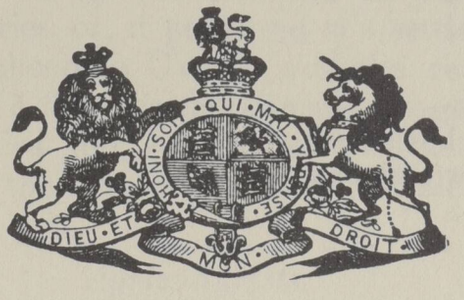
I have, &c.
R. BOND,
Colonial Secretary.

No. 4.

CANADA.

Memorandum by the Canadian Minister of the Interior upon the Advantages offered by the several Provinces of Canada to Various Classes of Emigrants.

Presented to both Houses of Parliament by Command of Her Majesty.
April 8, 1895.



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[C.—7697.]

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108	St. Vincent	,,
109	Gibraltar	,,
110	Bahamas	,,
111	Turks and Caicos Islands	,,
112	Leeward Islands	,,
113	Barbados	,,
114	Malta	,,
115	Zululand	,,
116	British Honduras	,,
117	Trinidad and Tobago	,,
118	Falkland Islands	,,
119	Rodrigues	,,
120	Mauritius	,,
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123	Basutoland	1893–94
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MISCELLANEOUS.

No.	Colony.	Subject.
1	Gold Coast	Economic Agriculture.
2	Zululand	Forests.
3	Sierra Leone	Geology and Botany.

No. 4.

CANADA.—EMIGRATION.

Department of the Interior, Canada,
Ottawa, January 26, 1895.

THE following information, pointing to the advantages offered by the different Provinces of Canada to various classes of emigrants, has been compiled, for transmission, through the proper channel, to Her Majesty's Secretary of State for the Colonies, for the information of Her Majesty's Government and of the public of Great Britain and Ireland. The classes of people that are recommended to come to Canada are first indicated, and the openings that exist for them in the various provinces are then set forth as concisely as possible.

Persons with Capital.

The first great demand is for practical men with some capital at their disposal, for which class there are unlimited openings. They can engage in agricultural pursuits, taking up free-grant lands, or purchasing the improved farms to be found in advantageous positions in every province; or in mining, or in the manufacturing industries, or, if possessed of a settled income, living will be found to be cheap in Canada, and the country offers the additional benefits of a fine healthy climate, magnificent scenery, abundant opportunities for sport, and facilities for educating children and placing them in life not to be excelled anywhere.

Agriculturists.

Persons of small capital and knowledge of farming often desire to enter upon agricultural pursuits. Before this is done, experience should be acquired by hiring out as a labourer, or in some other way. The necessary experience having been obtained, a farm may be either rented, purchased, or taken up as a free grant.

Tenant Farmers.

For tenant farmers the country offers many advantages. Improved farms are cheap; free grants can be obtained by those

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prepared for the temporary inconvenience of pioneer life ; the soil is fertile, the climate insures the growth of all crops produced in Great Britain, and all the smaller fruits grow and ripen in the open air, as in many parts of the country do grapes, peaches, tomatoes, and melons. There is a large and growing demand in the Dominion, and in the mother country, for all the cereals, fruits, live stock and general farm and dairy produce available for disposal, while taxes are light, and labour-saving appliances are cheap, and in general use.

Young Men desiring Agricultural Experience.

The question is often asked if it is essential for young men wishing to take up farms in Canada, but desiring before doing so to acquire a knowledge of agriculture, to pay premiums for that purpose. It may be plainly stated that no premiums are necessary and it is advised that none be paid. Strong and healthy young men from 16 to 21 years of age, who are prepared to accept for a time the hard work and surroundings more or less inseparable from a farm labourer's life, have no difficulty in getting employment in the spring, and the agents of the Government in Canada will assist them as far as possible in doing so without charge, although, of course, without accepting any direct responsibility. Being without experience, they will not get much wages at first, in addition to their board and lodging, but as they acquire skill they will be able to command remuneration in proportion to the value of their work.

Male and Female Farm Servants.

There is a large and growing demand for male and female farm servants in every part of the Dominion, owing to the rapidity with which the land is being brought under cultivation. Machinery of various kinds is in daily use, but labour is very scarce notwithstanding, and good hands can always find constant and remunerative employment.

Market gardeners, gardeners, and persons understanding the care of horses, cattle, and sheep, may also be advised to come out, but there is little or no opening for farm managers or bailiffs, Canadian farmers as a rule supervising their own buildings and personally taking part in the work.

Domestic Servants.

In every city, town, and village, female domestic servants can readily find employment. The wages are good, the conditions of service are not irksome, and comfortable homes are assured. There is little or no demand for females other than domestic servants ; governesses, shop assistants, nurses, etc., should not come out unless for the purpose of joining friends who will be able to help them in getting employment.

Other Callings.

Mechanics, general labourers, and navvies are advised to obtain special information as to their respective trades and kinds of work before coming out. The demand for railway employees is not great, and is easily met by the supply in the country. Clerks, shop assistants, telegraphists, draftsmen, &c., are not encouraged to emigrate to Canada, unless proceeding to appointments already assured, or to join friends.

Now, with regard to the particular advantages offered by the various Provinces.

Prince Edward Island.

Although there is apparently little room for new settlers, yet Prince Edward Island is a desirable field for a certain class of emigrants who, in search of a ready-made farm where they may have the social comforts of life within reach, prefer to pay a higher price to going further westward. Such farms can be obtained in the Island, various circumstances having contributed to place them in the market. The price of the land varies according to its quality, situation and buildings, but a farm of 100 acres, with good buildings, can be obtained for $20 to $35 (4*l.* to 7*l.*) an acre. Facilities for travel and transportation are excellent. The roads are good, and few farmers are as much as six miles from a shipping place for their surplus produce. All the necessaries of life can be had at reasonable prices; the soil is rich and fertile, and labour-saving machinery of the most improved kinds can be purchased or hired without difficulty, the competition in this branch being keen. The successful crops raised are wheat, oats, barley, potatoes, and turnips, oats and potatoes being exported in large quantities. It may be added that the Province enjoys a high reputation for its horses, cattle, sheep, and pigs. The fisheries around the coast are also most valuable and extensive.

Nova Scotia.

The climate of Nova Scotia is well suited to Europeans. The fertility of the soil in the agricultural districts is very great, and the production of the farms, even under a more or less perfunctory system of agriculture is equal, and in some cases superior, to those of Great Britain. The grain and root crops are excellent, and the more highly cultivated farms produce astonishing crops.

Live-stock and dairy-farming might and will be more extensively and profitably prosecuted in this Province. Every farmer raises stock, but most of it is intended to supply the markets with butchers' meat. Until recently, not nearly so much attention was paid to butter and cheese as to the raising of cattle for the slaughter-house. In some counties, however, cheese and butter are made in considerable quantities, both for home consumption and for export. Farms along the line of the

Intercolonial Railway supply the City of Halifax with a large quantity of milk. A great deal of the profit of every farm arises from the sale of fat cattle. There is plenty of first-rate pasturage in every county, and almost the only expense of raising stock is that of the winter-feed, and as that consists chiefly of hay, at a cost or market-value of from 25*s.* to 40*s.* per ton, according to locality or season, it will be easily perceived that the business is profitable.

There is much land suitable for sheep-raising in every county, and even among the wild lands there are tracts of pasture that might be made capable of maintaining large flocks at very little expense. In the south-western part of the Province, sheep are pastured along the shores and on the islands most of the winter, and in some places through the whole year.

For all the fruits of the temperate zone, the soil and climate of Nova Scotia are favourable. Fruit-raising at present is confined chiefly to three counties, viz.:—Annapolis, Hants and King's, out of the 18 comprising the Province. Apple-growing has received much attention heretofore, and the crop reaches some 300,000 barrels from the districts referred to, a large part of which is exported. The excellent flavour and the keeping quality of Nova Scotia apples has won for them a high position in the markets of Europe and the United States, and there is legitimate room for a large extension of the present area devoted to that fruit. Plums, cherries, strawberries, raspberries, and tomatoes, give large yields with little attention; and, in addition to the large demand for local consumption, considerable quantities are shipped regularly to New York, Boston, and other towns on the American seaboard. Fruit-growing in Nova Scotia as a rule is conducted in conjunction with mixed farming, the orchards being attached to farms of from 100 to 200 acres. There are always desirable farm properties of this class for sale at from 200*l.* to 1,000*l.*, particularly in the counties that border the Bay of Fundy, so that persons of moderate means are able to find suitable openings.

Although Nova Scotia is perhaps better adapted for a manufacturing country than many other parts of America, owing to an unlimited command of water-power, and its inexhaustible supply of coal and iron, there are few manufactories in comparison with what, considering the facilities, there might be, or what in the near future there may be expected.

The mining industry is also important, and is being rapidly developed, and the value and extent of the business are too well known to need detailed description

New Brunswick.

All who have given the subject proper attention agree in stating that the Province of New Brunswick is particularly well adapted for a system of varied husbandry, combined with cattle-raising and feeding. The pastures are excellent, and the abundant crops

of roots afford the means of raising cattle and sheep of good quality for the Provincial and English markets. That this can be done with profit has been demonstrated beyond a doubt.

A good deal of attention has been given of late to dairying, and with the best results. Trial shipments of butter and cheese have been made to Great Britain and the best prices obtained, and when competition was tried at some of the great exhibitions the highest awards were won.

All garden vegetables, such as cabbage, cauliflower, beet, celery, lettuce, onion, cucumbers, tomatoes, pumpkins, and squash, grow to the greatest perfection.

The fruits of New Brunswick are apples, pears, plums, cherries, gooseberries, strawberries, raspberries, blueberries, and blackberries. Wild grapes grow on all the islands of the St. John River, and butternuts and hazelnuts are abundant in a wild state.

A great deal of attention has been paid of late years, both by the Dominion and by private breeders, to the live stock of the Province, and although there is still great room for improvement, the stock of the best New Brunswick farmers will compare favourably with that of other countries. The Federal Government has established an experimental farm on the borders of New Brunswick and Nova Scotia, in connection with the general system of experimental farms for the whole Dominion, and enough evidence has been obtained to prove that all kinds of vegetables, grain, pulse, &c., are above the average both in yield and quality in that locality.

If a man goes to New Brunswick with sufficient capital, he will have no difficulty in providing himself with a suitable farm. Farms can be purchased of 30 to 200 acres of cleared land, provided with buildings, at prices varying from 100*l.* to 1,500*l.* sterling. The latter sum will purchase a first-class farm, and an excellent farm can frequently be bought for half the money, near railway and water communication. To persons who desire to settle in this Province, and who have money, it is only necessary to look well about them until they find a farm in the market that suits them, and then to buy or rent it with the option of purchase. With prudence and attention to business they are sure to succeed.

To those who wish to emigrate but do not, however, possess enough money to buy a farm, or even to stock it if it was bought, the free grants and Labour Acts passed by the New Brunswick Legislature offer an easy way for them to become landowners, and in the end farmers, perhaps, of independent means. It must be remembered, however, that most of the Crown lands require clearing as a preliminary to cultivation.

Quebec.

The soil of this Province is for the most part found to be extremely rich, and susceptible to the highest cultivation. It is

CANADA. EMIGRATION.

adapted to the growth of very varied products. The cereals, hay, roots and grain crops grow everywhere in abundance where they are cultivated. Spring wheat gives an average of about 18 bushels to the acre. Cattle-breeding on a large scale is carried on, and for some years past cattle have been exported in considerable quantities from this Province to the English market. For pasturage, the lands of Quebec are of special excellence, particularly those in the Eastern Townships and north of the St. Lawrence.

Indian corn, hemp, flax, and tobacco are grown in many parts of the Province, and yield large crops.

Parts of the Province of Quebec are especially favourable for the growth of apples and plums. Large quantities of the former are exported, and some of the varieties which are peculiar to the Province cannot be excelled, and they have specialities which cannot, perhaps, be equalled. The small fruits grow everywhere in profusion. Grapes ripen in the open air in the southern and western parts of the Province, and are now beginning to be largely grown.

The Province has yet much room for men and women, and for capital to develop its resources.

Tenant farmers from the old country may find frequent opportunities to purchase improved farms in the Province of Quebec at very reasonable prices, from 4*l.* sterling per acre, including dwelling houses, outbuildings, and fencing. Farms of this description, particularly suited to emigrants from the United Kingdom, may be found in the Eastern Townships.

In the Eastern Townships the settler from the United Kingdom will find good society; ample means for the education of his children, from the primary schools to the University; churches of all denominations; and congenial social conditions.

The Eastern Townships are hilly and well wooded. They abound in small lakes, brooks and rivulets, and in natural springs of fresh water. The grasses are rich, and the conditions are very favourable for the keeping of cattle, sheep and pigs. In the last few years the dairying industry has become most important, and large quantities of butter and cheese are now annually exported. The climate, as well as the soil and shelter, is favourable for fruit-raising; apples are very plentiful; grapes and tomatoes ripen in the open air; and the conditions of life generally are very pleasant.

The manufacturing and mining industries of the Province of Quebec are also considerable.

On the shores of Lake Memphremagog, and in many other parts of the Eastern Townships, very handsome residences have been erected in situations of almost unexampled natural beauty, coupled with very favourable climatic conditions. Comparatively small means would enable a man to obtain an estate in the Eastern Townships in which he might find elements of comfort and natural beauty.

Ontario.

Men to work and develop the agricultural and mineral resources are the emigrants Ontario most needs, especially agriculturists. The demand for female domestic servants is always large and steady, but as respects artisans and mechanics, and men required by the numerous manufacturing industries, it is desirable that information should be obtained in advance as to the demand for their own particular kind of labour.

Ontario is rapidly becoming an important manufacturing country. The leading industries are, works for making all kinds of agricultural implements in iron and wood, waggons, carriages, railroad rolling stock, including locomotives, cotton and woollen factories, tanneries, furniture factories, flax mills, iron and hardware works, paper and pulp mills, soap works, wooden ware, &c., The bountiful water supply in Ontario, as well as steam and electricity, are used as motive powers in these manufactories.

Ontario has many varieties of soil, nearly all of which are fertile, and easy of cultivation. The most common are the loams of various kinds, black, clay, and sandy. There are also light and heavy soils, sandy soils, and in some districts marsh and alluvial soils of great depth resting on sandy bottoms.

Hemp, flax, tobacco, and sugar-beet, are profitable crops, in addition to all the well-known cereals, such as wheat, oats, barley, rye, &c.; maize, or Indian corn, and tomatoes ripen well, while in all parts of the Province apples and grapes come to perfection. In the Niagara, Lake Erie, and Lake St. Clair districts peaches ripen in the open air and are produced in immense quantities. The growth of such products forms an unerring index to the character of the climate. Immense quantities of grapes are grown, in Western Ontario especially, and shipped to all the principal markets in the Dominion, or are used in the districts in the production of wine.

Flattering as the foregoing facts are to the Province, its agriculturists are now turning their attention more and more to dairy-farming and stock raising, which have been developed within a few years to an extent that has given surprising and gratifying results, both in illustrating the capabilities of the soil and in proving that such farming is more profitable than the old system.

Fruit-farming, (embracing vine culture), is another branch to which the attention of the intending settler in Ontario should be directed. For many years the apple tree has been steadily growing in importance, and plums, pears, peaches and small fruit of every kind form an important item in the marketable products of many a farm. The fruit region may be described in general terms as extending from the east end of Lake Huron, along Lake Erie to the Niagara River, and including all the counties bordering on Lake Ontario. Although apples may be cultivated with profit in any of the settled portions of the Province, it is only in the southern region above indicated that the fruit culture has, up to this time,

CANADA EMIGRATION.

received much attention, and the success which has attended it has been so encouraging, that vineries, orchards, and fruit-gardens on a large scale are numerous in the Niagara district, and on the same line until the county of Essex is reached, which is regarded as specially adapted for the profitable culture of the vine.

The price of farming lands varies much according to locality. In the neighbourhood of cities and large towns in the old settled districts, it is sometimes as high as 20*l.* sterling an acre, and from that figure it runs all the way down to 2*l.* an acre for partially cleared farms in the newly settled districts in the north-eastern parts of the Province. In speaking of the price of a farm, it is usually rated at so much an acre, including buildings, fences, and all fixed improvements; hence, many of the so-called highly priced farms may carry a charge of 4*l.* per acre on account of the dwelling house, stables, barns, and other outbuildings, which are sometimes very commodious and substantial structures of brick or stone, costing from 600*l.* to 1,000*l.* or more.

The average price for good farms in the best agricultural districts in the old settlements, is from 10*l.* to 15*l.* per acre, and at this rate usually a large amount of the purchase-money may remain unpaid for a term of years, secured by mortgage at a rate of interest not exceeding six per cent. In newer counties, where the land is but partially cleared, and where a half of the farm or more is still in its primitive wooded condition, or in "bush" as it is termed, prices range from 4*l.* to 10*l.* per acre for really good farms in good situations, to still lower figures when the situation and soil are not so favourable.

Free grants of land may be obtained in many parts of Ontario, including the Algoma and Rainy River districts, but they are generally covered with forest and need clearing before cultivation is possible.

Manitoba.

The settler in Manitoba will find schools, colleges, churches, and a kindred society. The social conditions where settlement has taken place leave nothing to be desired.

The soil is a rich, deep, black argillaceous mould or loam, resting on a deep and very tenacious subsoil. It is nearly, if not quite, the richest soil in the world, and is especially adapted for the growth of wheat and for mixed farming. Analyses by chemists in Scotland have established this fact.

Water is found everywhere by digging wells of moderate depth on the prairie. The rivers and coulees are also available for water supply.

All the small fruits are plentiful in Manitoba. The hop grows wild in great luxuriance. Flax is adapted to the soil and climate.

Both the soil and the climate of Manitoba are suitable in a very high degree to the growth of the ordinary roots and

vegetables of the temperate zone. Potatoes yield large crops with the simplest culture. The profusion with which this root grows is a surprise to visitors, and the quality is excellent. The same remark may be made of beets, mangolds, and other roots. Cabbages and cauliflowers grow to large size.

Manitoba offers many advantages for cattle-raising. Cows from the Eastern Provinces thrive and grow fat on the native grasses, and farmers are beginning to pay more attention to the raising of stock, not only in view of the growing importance of the cattle trade, but of the rapidly increasing dairy industry. The very great profusion with which potatoes and barley may be grown has, in conjunction with the dairy industry, led to an increase in the pig-raising industry, and a large trade in pork and pork products is anticipated in the near future.

There is in Manitoba an immense amount of most desirable vacant land awaiting the advent of settlers.

North-West Territories.

The North-West Territories are divided into four provisional districts, named respectively, Assiniboia, Saskatchewan, Alberta, and Athabaska.

Assiniboia offers practically the same advantages to settlers as the Province of Manitoba. The soil is rich and favourable for the production of cereals, roots and vegetables of all descriptions.

The whole region of Saskatchewan is interspersed with clumps of spruce of good growth, furnishing an abundant supply of building timber of the best quality. Clear lakes, generally abounding in fish, are numerous, game is abundant, and the quality of the soil is excellent. Indeed it would be difficult to exaggerate the interesting features of this beautiful region, which is to a considerable extent unoccupied as yet by settlers, and untouched by land corporations. Therefore the emigrant will find in this region a fair field for the exercise of his choice of a home.

It is essentially a wheat-growing country, and, judging from observations spread over a number of years, it may be safely concluded that the wheat raised in this district will compare favourably, both in quality and quantity, with that grown in any other locality in the North-West Territories. Oats and barley are raised here easily with good results, and agricultural roots of all kinds are cultivated successfully. Mixed farming and dairying are very generally followed.

Potatoes, turnips, carrots, mangolds, and beets are sure crops. They all yield well, are of excellent quality, and are particularly free from disease or damage by insects. Garden vegetables do well, and are more or less grown by farmers.

As to stock-raising, no part of the Great North-West can offer superior advantages. The climate, food, and water, are all that can be desired, and during the last five years great progress has been made in that direction, not only so far as numbers are

concerned, but also in the quality of the stock raised, a large number of thoroughbred animals having been imported.

The district of Alberta may be said to be pre-eminently the dairy region of America. Its cold clear streams, and rich luxuriant grasses, make it a very paradise for cattle. This is at present the ranch country. Numerous ranches have been started, both for horses and neat cattle, and have already assumed positions of great importance. The ranches in some parts also contain numbers of sheep.

The suitability of the district for mixed farming, especially that in which dairying has a large share, is proved by actual results.

The district of Athabasca has vast resources, but being as yet, from its Northern position, out of the range of immediate settlement, a detailed description is at present unnecessary.

The free grant lands in Manitoba and the North-West Territories are administered by the Government of Canada, and the terms on which grants are made can always be learned by British, Irish, and European emigrants, by applying to any of the agents of the Canadian Government.

British Columbia.

In proportion to the area of the Province the amount of land suitable for agricultural purposes in British Columbia is small, but in the aggregate there are many thousands of acres of arable land so diverse in character, location, and climate influences as to be suited to the production of every fruit, cereal, vegetable, plant, and flower known to the temperate zone.

In mineral resources British Columbia is the richest of all Canadian Provinces. Coal is abundant, while gold, silver, iron, copper, galena, mercury, platinum, plumbago, mica, slate, salt, and many other minerals are widely distributed.

The timber resources of the Province are practically inexhaustible; in no part of the Province is there a scarcity of wood.

Persons with capital are always welcomed in every Province of the Dominion, but nowhere are there better prospects for moneyed people than in British Columbia, where there is such a variety of valuable resources awaiting development, and where manufacturing industries are in their infancy.

Agriculturists with, say, 100*l.* and upwards can do well on Government Lands, provided they are able and willing to work, and are prepared for the experiences of pioneer life. With more capital, farms partially improved can be had in most of the districts at 2*l.* per acre and upwards, prices, of course, depending upon location, quality of soil and improvements. Farm labour is generally in demand from early spring to late autumn, and immigrants intending to take up land, can, without much difficulty, get farm work for a time before pre-empting.

The demand for female domestic servants is always active, and is likely to remain so.

The foregoing is a brief summary of the many inducements offered to settlers by the various Provinces of the Dominion. Throughout the whole Dominion the facilities offered to emigrants by the Government are of the most perfect kind. Agents are established in all parts, who are prepared to give the fullest information on all points of interest to settlers, and to aid them with their advice and experience in the choice of location for homesteads, information as to means of transport, &c. An especial feature of this system is the establishment of Government Employment Bureaus, the object aimed at being to facilitate communication between persons seeking work and those who may have need of their services.

Full and further particulars respecting Canada, the regulations under which free grant and other lands may be acquired in all the Provinces, demand for labour, rates of wages, and information on all other subjects interesting to the intending emigrant, may be obtained by communicating with Sir Charles Tupper, Bart., High Commissioner for Canada, 17, Victoria Street, London, S.W., or with any of the other Agents of the Government of Canada, whose names and addresses are given in all publications relating to the Dominion.

In conclusion the attention of intending emigrants might be drawn to the improved conditions of existence prevailing in Canada. The magnificent scenery, the fine bracing climate, the free and congenial society, combine to make Canada one of the finest countries in the world for emigrants of settled means; and for the man who is able and willing to work, industry and attention to business are always sure to result, if not in wealth, at least in a comfortable competence, and a heritage for his children.

T. MAYNE DALY,
Minister of the Interior,
Canada.

CANADIAN COPYRIGHT.

RETURN

OF

AMOUNTS RECEIVED FROM CANADA SINCE 1877

AS

DUTIES COLLECTED ON FOREIGN REPRINTS OF BRITISH COPYRIGHT WORKS.

Presented to both Houses of Parliament by Command of Her Majesty.
27 *June* 1895.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and
32, Abingdon Street, Westminster, S.W.; or
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

1895.

[C.—7781.] *Price* ½*d.*

Return of Amounts received from Canada since 1877 as Duties collected on Foreign Reprints of British Copyright Works.

					£	s.	d.	£	s.	d.
Received in 1877	for the year ended 30th June		1876	- - -				135	17	4
„ 1879	„ years	„ „	1877 and 1878	-				175	1	6
„ 1881	„ „	„ „	1879 and 1880	- -				*150	18	0
„ 1883	„ „	„ „	1881 and 1882	-				*127	19	1
„ 1885	„ „	„ „	1883 and 1884	- -				*106	6	2
„ 1887	„ „	„ „	1885 and 1886	-				*420	5	4
„ 1888, 1889, and 1890	„ „	„ „	1887, 1888, and 1889		1,113	18	0			
			Deducted by the Colony for collection expenses		55	13	10	1,058	4	2
„ 1891	„ year ended	30th June	1890	-	1,021	8	5¼			
			Deducted by the Colony for collection expenses		51	1	5¼			
								970	7	0
„ „	„ „	30th June	1891	-	967	15	9			
			Deducted by the Colony for collection expenses		48	7	9			
								919	8	0
„ 1893	„ „	30th June	1892	-	603	17	9¾			
			Deducted by the Colony for collection expenses		30	3	10¾			
								573	13	11
„ 1894	„ „	30th June	1893	-	383	10	8			
			Deducted by the Colony for collection expenses		19	3	6			
								364	7	2
„ 1895	„ „	30th June	1894	-	294	5	11			
			Deducted by the Colony for collection expenses, &c.		18	4	7	276	1	4
								5,278	9	0

* *See* Parliamentary Paper, No. 398 of 1890.

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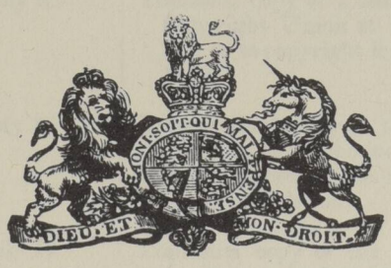
CANADA.

CORRESPONDENCE

ON THE SUBJECT OF THE

LAW OF COPYRIGHT IN CANADA.

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1895.

[C.—7783.] *Price* 1*s.* 1*d.*

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2	Lord Stanley of Preston.	Aug. 16 (Rec. Sept. 2.)	Transmits copy of a minute of the Privy Council asking that Her Majesty's Government will denounce the Berne Convention on behalf of Canada.	2
3	Do. - -	Aug. 26 (Rec. Sept. 7.)	Transmits copy of a report by the Minister of Justice on the recent Act of the Dominion Parliament to amend the Copyright Act.	3
4	Do. - -	Aug. 31 (Rec. Sept. 16.)	Reports that all facilities will be given to Mr. Daldy, Hon. Secretary of the Copyright Association, for explaining his views to the Colonial Government.	9
		1890.		
5	F. R. Daldy, Esq. -	Feb. 22	Transmits copy of a letter to Sir John Thompson, Minister of Justice for Canada, suggesting that the Canadian Act of 1889 should be dropped, and submits arguments in support of the proposal.	9
6	To Lord Stanley of Preston.	Mar. 25	Informs him that the Secretary of State cannot authorise the bringing into force of the Act to amend the Copyright Act, and suggests that the law should be left as it now stands until the result of legislation now pending in the United States and any negotiations which may ensue thereon is known.	12
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10	To Board of Trade -	July 17	Transmits copy of the Canadian Copyright Act Amendment Act of 1889, and of correspondence thereon.	27
11	To Foreign Office and Board of Trade.	Aug. 5	Transmits, for observations, copy of a memorandum by Sir John Thompson.	28
12	Board of Trade -	Aug. 16	Observes that the Canadian Act is against the interests of British authors, and should not receive favourable answer, but that the Board will be prepared to consider whether it might not be possible to withdraw the privilege of copyright from citizens of States not parties to the International Convention.	28
13	Lord Stanley of Preston.	Aug. 18 (Rec. Sept. 1.)	Transmits a minute of the Privy Council concurring in the views expressed in Sir John Thompson's letter of 14th July.	29

o 86750. Wt. 1003.

Serial No.	From or to whom.	Date.	Subject.	Page.
		1890.		
14	Foreign Office -	Sept. 1 Extract.	States that there would appear to be very serious objections to the Canadian Copyright Act, 1889; suggests that the Board of Trade, the Incorporated Society of Authors, and the Copyright Association should be consulted, and asks that no final decision should be taken without Foreign Office concurrence.	29
15	To Foreign Office -	Sept. 17	Transmits copy of Board of Trade letter of August 16, 1890; points out that the Royal Commission on Copyright of 1878 unanimously reported in favour of the introduction of a licensing system in the Colonies, that Lord Knutsford sees no reason to withdraw his concurrence in that part of the Report of that Commission which relates to Colonial copyright, and that the question to be considered seems to be whether Imperial legislation should be resorted to to enable the Canadians to adopt the system recommended by the Commission.	30
16	To the Copyright Association and the Society of Authors.	Sept. 17	Transmits copies of the Canadian Copyright Act of 1889, with Sir J. Thompson's report on same, of Sir J. Thompson's letter of July 14, and Lord Knutsford's despatch of March 25, 1890, and requests to be favoured with observations thereon.	31
17	To Board of Trade -	Sept. 17	Observes that the licensing system under which an English book may be republished in a Colony was suggested and approved unanimously by the Royal Commission on Copyright of 1878, and that Lord Knutsford sees no reason to withdraw the opinion he then arrived at.	31
18	The Society of Authors.	Nov. 3	Expresses a hope that, if Her Majesty's Government legislate in the direction desired by Canada, due security will be taken for the efficient collection of royalties, and expresses doubt whether the Canadian Act does not abolish copyright altogether, unless the work is reprinted or republished within one month.	31
19	To Lord Stanley of Preston.	Nov. 8	Transmits, for the observations of his Ministers, copy of a letter from the Society of Authors.	32
20	To Foreign Office -	Nov. 8	Transmits copy of a letter from the Society of Authors.	32
21	F. R. Daldy, Esq.	Dec. 13	Submits a memorandum of observations by the Copyright Association on the memoranda of Sir John Thompson.	32
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22	Lord Stanley of Preston.	Dec. 20, 1890 (Rec. Jan. 6, 1891)	Transmits copy of a report by the Minister of Justice suggesting the passing of Imperial legislation to authorise the Dominion Parliament to deal with the question of copyright, and replying to the Secretary of State's despatch of 8th November.	36
23	To F. R. Daldy, Esq.	Jan. 16	Acknowledges receipt of his letter of 13th December, and promises a further reply.	38
24	To Lord Stanley of Preston.	Mar. 18	Informs him that Her Majesty's Government thought it well to defer replying to his despatch of 20th December 1890 until it was seen how the copyright question would be finally dealt with in the United States.	38

Serial No.	From or to whom.	Date.	Subject.	Page.
		1891.		
25	Lord Stanley of Preston.	Oct. 19. (Rec. Nov. 5.)	Transmits an Address to the Queen from the Dominion Parliament, praying for power to legislate on all matters relating to copyright, and that notice may be given of the withdrawal of Canada from the Berne Copyright Convention.	38
26	To Board of Trade and Foreign Office.	Dec. 7	Transmits copies of further correspondence relative to the desire of the Dominion Government for legislative powers; proposes to inform the Governor General that, if his Government will amend the Act of 1889 in the manner indicated, Her Majesty's Government would be prepared to introduce an Imperial Act for its ratification.	40
27	Board of Trade -	Dec. 30	States that the Board has suggested to the Foreign Office that a meeting of representatives of the Departments interested should be held to consider the questions raised in Colonial Office letter of 7th December.	41
		1892.		
28	Foreign Office -	Jan. 5 Extract.	Transmits copy of a letter from the Board of Trade suggesting the appointment of a Departmental Committee to discuss the questions raised, and concurs in the suggestion.	41
29	Board of Trade -	Jan. 11	Transmits copy of a letter from the Foreign Office concurring in the suggested appointment of a Departmental Committee, and asks if Colonial Office concur.	42
30	To Foreign Office and Board of Trade.	Feb. 19 Extract.	Concurs in the proposal to appoint a Departmental Committee.	42
31	Board of Trade -	May 21	Transmits the Report of the Departmental Committee on the question of Canadian Copyright.	43
32	To Board of Trade -	June 4	Proposes to invite the views of the Dominion Government on the Report of the Departmental Committee.	59
33	Board of Trade -	June 15	Concurs in the proposal to invite the views of the Dominion Government.	59
34	To Lord Stanley of Preston.	June 30	Informs him that while Her Majesty's Government have not yet tendered any advice to the Queen in respect of the petition enclosed in his despatch of 19th October 1891, they have submitted the question to a complete and exhaustive examination; encloses the Report of the Departmental Committee, and requests him to invite Ministers to state their views upon it.	60
35	Sir F. Pollock (The Society of Authors).	Dec. 9	Forwards copy of a legal opinion by Mr. Rolt -	60
36	To Foreign Office and Board of Trade.	Dec. 19	Transmits copy of a letter from the Society of Authors, enclosing an opinion on the state of copyright in Canada, and proposes to communicate the representations of the Society to the Dominion Government.	62
37	Board of Trade -	Dec. 21	Observes that there appears to be no objection to a copy of the letter from the Society of Authors being sent to the Canadian Government.	63
38	Foreign Office -	Dec. 27	Suggests that before any further communication is made to the Dominion Government, a copy of the Departmental Report should be sent to the Society of Authors with a request for their observations.	63

Serial No.	From or to whom.	Date.	Subject.	Page.
		1893.		
39	To the Society of Authors.	Jan. 3	Transmits copy of a Report of a Departmental Committee on the Canadian Copyright Question, and asks whether, after perusing it, the Society wish to add anything to their letter of 9th December.	63
40	The Society of Authors.	Feb. 8	States that the Society do not desire to make any further observations, and expresses thanks for the courtesy shown by the Secretary of State.	64
41	To the Society of Authors.	Feb. 17	States that the wish of the Society to be informed of the reply of the Dominion Government will be borne in mind.	64
		1894.		
42	The Earl of Aberdeen	Feb. 10 (Rec. Feb. 28.)	Transmits a minute of Council, in reply to the Secretary of State's despatch of 30th June, adhering to the decision to withdraw from the Berne Convention, and promising a further communication on the subject of Imperial legislation to give the Dominion Government greater freedom.	64
43	Do. -	Feb. 20 (Rec. Mar. 9.)	Transmits a Report by the Minister of Justice recapitulating the history of the copyright question, and again urging that the restrictions which prevent the Canadian Parliament dealing freely with matters relating to copyright may be removed.	66
44	To Foreign Office, Board of Trade, and Treasury.	Apr. 19	Transmits, for observations, an extract from the Tariff Bill now before the Canadian Parliament dealing with the duty of an imported foreign reprints of British copyright books, and an extract from a speech of the Minister of Finance thereon.	77
45	The Earl of Aberdeen	Mar. 30 (Rec. Apr. 19.)	Transmits a minute of Council intimating that, in view of expected alterations in the copyright laws as regards Canada, the duty of 12½ per cent. on foreign reprints of British copyright works will no longer be collected.	78
46	Copyright Association (F. R. Daldy, Esq.).	Apr. 19	Requests that he may be furnished with a copy of the new Canadian Copyright Bill, and that any such Bill may be reserved for the signification of Her Majesty's pleasure.	79
47	To Board of Trade, Foreign Office, and Treasury.	Apr. 23	Transmits copy of a despatch from the Governor-General reporting that the duty of 12½ per cent. on foreign reprints will no longer be collected.	79
48	Foreign Office -	Apr. 25	Observes that the point of the duty on foreign reprints forms part of the larger question of the removal of restrictions on Canadian legislation; suggests that, pending consideration by the Foreign Office of the papers enclosed in Colonial Office letter of 20th April, steps should be taken to prevent the Dominion Government prejudicing the question.	80
49	Do. - -	Apr. 28	Suggests that the question should again be referred to the Departmental Committee which met to consider the Act of 1889.	80
50	Treasury - -	Apr. 30	Presumes that it is understood that the effect of the revised Canadian Tariff will be to bring into force the Copyright Acts, prohibiting the importation of reprints of British copyright works on 27th March 1895.	80

Serial No.	From or to whom.	Date.	Subject.	Page.
		1894.		
51	To Copyright Association (F. R. Daldy, Esq.).	May 1	States that there is no separate Copyright Bill before the Canadian Parliament, but encloses copy of a clause in the Tariff Bill now before the Dominion Government, and of an extract from the speech of the Finance Minister dealing with copyright, and adds that the subject is under the consideration of Her Majesty's Government.	81
52	To the Earl of Aberdeen.	May 1 Telegraphic.	Inquires whether his Ministers have considered the effect of the 2nd section of the Colonial Laws Validity Act of 1865 upon the section of the Revised Tariff which proposes to admit foreign reprints after March 27, 1895.	81
53	To Treasury -	May 3	Transmits copy of a telegram to the Governor General relative to the clause of the Tariff Bill admitting foreign reprints after March 27.	81
54	To Board of Trade -	May 3	Transmits copy of correspondence with the Foreign Office on the subject of the proposed admission of foreign reprints into Canada.	81
55	To Foreign Office -	May 3	Observes that the Secretary of State has no power to prevent the Dominion Parliament passing any laws it thinks fit, and that he would not be prepared to disallow the Revenue Act on account of the clause permitting the importation of foreign reprints.	82
56	Copyright Association (F. R. Daldy, Esq.).	May 3	Asks that no reply may be sent to Canada on the subject of copyright before the views of the Association and the Chamber of Commerce have been heard	82
57	To Board of Trade -	May 4	Requests that the Committee which considered the Canadian Act of 1889 may be again summoned to consider the present position of the question.	82
58	To Foreign Office -	May 4 Extract.	Concurs in the proposal to again refer the question to a Departmental Committee.	83
59	The Society of Authors.	May 7	Asks for information as to the Bill on Canadian Copyright which is understood to be now awaiting Her Majesty's assent.	83
60	To Copyright Association (F. R. Daldy, Esq.).	May 12	States that the communications from the Dominion Government on the subject of copyright in Canada are being referred to the Committee appointed to consider the Canadian Copyright Act of 1889, and that his Lordship will be glad to refer any observations on the subject to that Committee.	83
61	To Foreign Office, Board of Trade, and Treasury.	May 16	Transmits an extract from the Canadian Parliamentary Debates containing an announcement by the Minister of Finance of an extension of the date at which duties on foreign reprints will cease to be collected.	84
62	To the Society of Authors.	May 18	Observes that there is no Bill on Canadian Copyright now before Her Majesty's Government, but encloses copy of the clause in the Tariff Act which proposes to remove the duty on foreign reprints.	84
63	The Society of Authors.	May 19	Expresses thanks for Colonial Office letter of 18th May.	85
64	Copyright Association (F. R. Daldy, Esq.).	May 22	Expresses the willingness of the Association to consider carefully and report on the Canadian papers, and requests copies of the communications from the Dominion Government accordingly.	85

Serial No.	From or to whom.	Date.	Subject.	Page.
		1894.		
65	To Copyright Association (F. R. Daldy, Esq.).	May 30	Transmits copy of Sir J. Thompson's memorandum on the subject of copyright in Canada.	86
66	Treasury - -	June 1	States that a reply is awaited from the Board of Trade on the subject of Colonial Office letter of April 23, 1894.	86
67	To the Society of Authors.	June 9	Transmits, for observations, copy of a memorandum by Sir John Thompson on the Report of the Departmental Committee.	86
68	The Society of Authors.	June 14	Requests permission to lay the correspondence communicated by the Colonial Office before a representative committee which has been formed to watch the question of Canadian Copyright.	86
69	Do. - -	June 19	Transmits copy of further opinion of counsel on the papers enclosed in Colonial Office letter of 9th June.	87
70	To the Society of Authors.	June 26	Conveys thanks for the Society's letter of 19th June.	88
71	Foreign Office -	July 3	States that the English Copyright Association have deputed Mr. F. R. Daldy to visit Ottawa to place arguments before the Conference in favour of maintaining the existing system of Imperial Copyright.	89
72	To the Earl of Jersey	July 4 Telegraphic.	Enquires whether the report that the Conference will discuss the question of Colonial Copyright is correct; if so the Copyright Association propose to send Mr. Daldy as their representative, and it is considered desirable that he should be heard.	89
73	The Earl of Jersey -	(Rec. July 5.) Telegraphic.	Reports that Sir J. Thompson's memorandum has been communicated to the Conference but that no discussion will take place.	89
74	To Foreign Office - -	July 5	Transmits copies of telegrams exchanged with the Earl of Jersey respecting the proposed visit of Mr. F. R. Daldy to Ottawa.	89
75	To the Earl of Aberdeen and the Earl of Jersey.	July 5	Introduces Mr. F. R. Daldy, the Hon. Secretary of the Copyright Association, who has been deputed to lay the views of that body on the question of copyright before the members of the Conference.	90
76	British Museum -	July 19	Draws attention to the failure of Canada to comply with the law as regards the deposit of Canadian publications with the Museum, and requests that the interests of the Museum in this respect may be kept in view in the course of negotiations respecting copyright in Canada.	90
77	To the Earl of Aberdeen.	Aug. 4	Transmits copy of a letter from the British Museum, dated July 19, 1894, and expresses a hope that the Dominion Government will take steps to ensure that copies of books first published in Canada are furnished to the Museum.	90
	[illegible] -	Aug. 4	Transmits copy of Colonial Office Despatches to the Earl of Aberdeen, dated August 4, 1894.	91
79	Foreign Office - -	Aug. 20	Transmits copy of a note from the United States Chargé d'Affaires inquiring whether there is any probability of Canada withdrawing from the British Copyright Acts, and inquires what answer should be returned thereto.	91

Serial No.	From or to whom.	Date.	Subject.	Page.
		1894.		
80	To Foreign Office -	Aug. 28	Expresses the opinion that the United States Chargé d'Affaires should be informed that the question of Canadian Copyright is under consideration, and that no statement can be made on the subject at present.	92
81	To Foreign Office and Board of Trade.	Sept. 13	Transmits copies of correspondence between Mr. F. R. Daldy and the Canadian Prime Minister.	92
82	Copyright Association	October (Rec. Nov. 1.)	Submits observations and recommendations of a special joint committee appointed to consider Sir J. Thompson's Memo. on Canadian Copyright.	93
83	Copyright Association (F. R. Daldy, Esq.).	Nov. 9	Asks when a deputation can be received - -	102
84	The London Chamber of Commerce.	Nov. 12	Asks that copies of all communications on which representative opinions are desired may be sent to the Chamber, which fully endorses the representations made by Mr. Daldy.	103
85	To F. R. Daldy, Esq.	Nov. 16	Appoints the 26th November for the reception of a deputation.	103
86	To the London Chamber of Commerce.	Nov. 17	States that the wishes of the Chamber will be borne in mind.	103
87	Copyright Association	Nov. 17	States that a deputation will be arranged for the date fixed in Colonial Office letter.	103
88	F. R. Daldy, Esq. -	Dec. 8	Transmits copies of a pamphlet on the subject of Canadian Copyright which is about to be circulated amongst authors and the Press, and of a letter addressed to the Earl of Derby in 1883.	104
89	Mr. R. E. Bray -	Nov. 27 (Rec. Decr. 10.) Extract.	Urges Her Majesty's Government not to comply with the wishes of the Dominion Parliament, which does not represent the Canadian people in this matter.	107
90	To the Earl of Aberdeen.	Dec. 18	Transmits copy of Mr. R. E. Bray's letter of November 27, 1894, and requests that the writer may be informed that his letter has been received.	107
		1895.		
91	To the Earl of Aberdeen.	Mar. 15	Suggests, as the only course which appears to offer any solution of the questions at issue, that a representative of the Dominion Government, fully informed on the subject, should come over and discuss it personally with Her Majesty's Government.	107
92	The Society of Authors.	March 20	Forwards a petition from authors, publishers, and all interested in copyright in the United Kingdom against the Canadian Act.	108
93	R. T. Lancefield, Esq. (Canadian Copyright Association).	(Rec. Mar. 22) Telegraphic.	Reports that he has sent by mail a statement containing convincing arguments in favour of the Canadian contention.	109
94	The Copyright Association of Canada.	March 22 (Rec. April 4.)	Forwards copy of a circular giving an official statement of many of the points covered in the discussion from a Canadian point of view.	109
95	To the Earl of Aberdeen.	April 8	Requests that Mr. Lancefield may be informed that his telegram and letter of 22nd March have been received.	112

Serial No.	From or to whom.	Date.	Subject.	Page.
		1895.		
96	The Earl of Aberdeen	March 27 (Rec. April 9.)	Reports the intention of his Ministers to recommend to Parliament such an amendment of the present Copyright Act as will meet the views of the British Museum in regard to the deposit of books.	112
97	To Foreign Office -	April 9 (Extract.)	Transmits copy of a letter from the Society of Authors, with draft of a reply.	113
98	To Board of Trade -	April 9	Transmits copy of a letter from the Society of Authors, with draft of a reply thereto.	113
99	To British Museum -	April 18	States that the Dominion Government propose to recommend an alteration of the law to meet the wishes of the Museum authorities.	113
100	Foreign Office -	April 19	Concurs in draft enclosed in Colonial Office letter of 9th April.	114
101	To the Earl of Aberdeen.	April 20	Conveys the thanks of the Secretary of State for the ready compliance of Ministers with his wishes in the matter of the deposit of books in the British Museum.	114
102	Board of Trade -	April 22	Concurs in draft enclosed in Colonial Office letter of 9th April.	114
103	To the Society of Authors.	May 11	Observes that the petition will be forwarded to the Dominion Government, who will doubtless give all due consideration to the views expressed, which, however, go much further than those set forth in the Society's letters of 3rd November 1890 and 9th December 1892.	114
104	To Foreign Office and Board of Trade.	May 16	Transmits copy of letter of 11th May to Society of Authors.	115
104a	To the Earl of Aberdeen.	May 18	Forwards copy of a petition from authors and others interested in the question against the Canadian Act of 1889.	115
105	The Society of Authors.	May 23	Encloses a memorandum again setting forth in detail the objections of the Society of Authors to the Canadian Act of 1889, together with copies of letters from Mr. J. G. Ridout, of Toronto, arguing against that Act.	115
106	The London Chamber of Commerce.	May 31	Requests that the Chamber may be represented at any conference with Mr. E. L. Newcombe, who it is understood is coming over to discuss the question on behalf of the Canadian Government.	120
107	The Copyright Association.	June 5	Asks that the Association may be represented at, and may take part in, any conference with the representative of the Canadian Government.	120
108	To the London Chamber of Commerce and the Copyright Association.	June 12	States that it will not be possible to admit any representatives of the Chamber and the Association to the conferences with the Canadian delegate, but that any further representations will receive full consideration.	120
109	The Earl of Aberdeen.	June 5 (Rec. June 19.)	Reports that his Ministers have authorised Mr. E. L. Newcombe, the Deputy Minister of Justice, to proceed to London to discuss the copyright question with Her Majesty's Government.	121

Serial No.	From or to whom.	Date.	Subject.	Page.
		1895.		
110	To the Society of Authors.	June 20	In reply to the Society's letter of June 20th, assures them that their objections to the Canadian Act of 1889 will receive full consideration by Her Majesty's Government in their discussions with the Canadian delegate.	122
111	To the Earl of Aberdeen.	June 20	Transmits copies of Nos. 105 and 110 - -	122
112	Do. - -	June 24 (Telegraphic.)	Observes that Mr. Newcombe had better not leave at once as discussion cannot conveniently take place until the new Imperial Government has completed its arrangements.	122

CANADA.

CORRESPONDENCE

ON THE SUBJECT OF THE

LAW OF COPYRIGHT IN CANADA.

No. 1.

52 VICTORIA, CHAP. 29.

AN ACT to amend "The Copyright Act," Chapter sixty-two of the Revised Statutes.

[Assented to 2nd May 1889.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections four and five of "the Copyright Act" are hereby repealed and the following substituted therefor:— Sections 4 and 5 of R.S., c. 62, repealed; new sections.

"4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an international copyright treaty with the United Kingdom, in which Canada is included, who is the author of any book, map, chart or musical or literary composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific, musical or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold of such literary works, from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner and on the conditions, and subject to the restrictions herein-after set forth. Who may obtain copyright. Translations. Term of copyright.

"5. The conditions for obtaining such copyright shall be that the said literary, scientific, musical or artistic work shall, before publication or production elsewhere, or simultaneously with the first publication or production thereof elsewhere, be registered in the office of the Minister of Agriculture, by the author or his legal representatives, and further that such work shall be printed and published or produced in Canada, or reprinted and republished or reproduced in Canada, within one month after publication or production elsewhere; but in no case shall the sole and exclusive right and privilege in Canada continue to exist after it has expired in the country of origin. Conditions for obtaining copyright. Proviso.

"2. No immoral, licentious, irreligious, or treasonable or seditious literary, scientific, or artistic work shall be the subject of such registration or copyright. Exception.

"3. If any such copyright work has been reprinted previously to the coming into force of this Act, any person who has, previously to such date, imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person. Reprints previously imported may be sold.

"4. In the case of any person who has contracted, previously to the coming into force of this Act, to supply any reprint of any work, either in its complete state or by serial numbers, of which work copyright has been obtained either in the United Kingdom or any such country as aforesaid, but not in Canada, such person shall be entitled to complete such contract, and, subject to the provisions of the Acts respecting duties of Customs, to import the same; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person." Previous contract for supplying reprint may be fulfilled.

2. Section six of the said Act is hereby repealed. Section 6 repealed.

License, if no copyright is taken out.

3. If the person entitled to copyright under the said Act as hereby amended fails to take advantage of its provisions, any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses to print and publish or to produce the work for which copyright, but for such neglect or failure, might have been obtained; but no such license shall convey exclusive rights to print and publish or produce any work.

No exclusive right.

Royalty to be paid.

2. A license shall be granted to any applicant agreeing to pay the author or his legal representatives a royalty of ten per centum on the retail price of each copy or reproduction issued of the work which is the subject of the license and giving security for such payment to the satisfaction of the Minister.

How collected and paid.

4. The royalty provided for in the next preceding section shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor in Council, but the Government shall not be liable to account for any such royalty not actually collected.

Importation; from foreign countries may be prohibited.

5. Whenever under the foregoing provision of this Act a license has been issued permitting the printing and publishing or the producing of any work, and evidence has been adduced to the satisfaction of the Governor in Council that such work is in course of being printed and published or produced in such manner as to meet the demand therefor in Canada, the Governor General may, by proclamation published in the "Canada Gazette," prohibit the importation, while the author's copyright or that of his assigns is in force, subject to the provisions herein-after contained, of any copies of reproductions of the work to which such license relates; but if at any time thereafter it is made to appear to the Governor in Council that such work is not, under such license, printed and published or produced in such manner as to meet such demand, the Governor General may, by proclamation published as aforesaid, revoke such prohibition.

If work is not published under license so as to meet demand.

No prohibition of importation from United Kingdom.

6. Nothing in this Act contained shall be deemed to prohit the importation from the United Kingdom of copies of works of which the copyright is there existing and which are lawfully printed and published there, nor shall anything in this Act contained be deemed to apply to any work for which copyright has been obtained in the United Kingdom or in any such country as aforesaid before the coming into force of this Act; but the law in force at the time of the coming into force hereof shall be deemed to be still in force as respects such works.

Commencement of Act.

7. The foregoing provisions of this Act shall come into force on a day to be named by proclamation of the Governor General.

No. 2.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.

(Received September 2, 1889.)

My Lord, The Citadel, Quebec, August 16, 1889.

I have the honour to forward, herewith, a copy of an approved Report of a Committee of the Privy Council concurring in a recommendation of the Minister of Agriculture, that in virtue of the reservation contained in Article I. of the Proces-Verbal of signature, Her Majesty's Government may be moved to announce the denunciation by Canada, for the reasons specified by the Minister, of the Convention concerning the creation of an International Union for the Protection of literary and artistic works, signed at Berne, September 9th, 1886, and further, under the authority of Section 9 of the Imperial International Copyright Act, 1886, to pass an Order in Council to declare that the Berne Convention shall not be held to apply to the Dominion after the termination of one year from the date of such declaration.

I have, &c.

STANLEY OF PRESTON.

Enclosure in No. 2.

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the GOVERNOR-GENERAL IN COUNCIL, on the 11th August 1889.

On a memorandum dated 27th July 1889, from the Minister of Agriculture; recommending in respect to the Convention concerning the creation of an international union for the protection of literary and artistic works commonly known as the Berne Convention, in virtue of the reservation contained in Article 1, of the Procés-Verbal of signature, that Her Majesty's Government be moved to announce the denunciation of such Convention by the Dominion of Canada for the following reasons :—

A. That its provisions do not accord with those of the Canadian Copyright Act, passed at the last session of Parliament.

B. That it is not in accordance with the requirements of Canada.

C. That it is a limitation of the privileges to Canadian publishers conferred by the Canadian Copyright Act of 1875, approved by Imperial legislation.

The Minister states that under the existing Canadian law, sanctioned as stated by Imperial legislation, copyright is granted in Canada on the condition of printing in Canada, to any subject or citizen of any country which has an international copyright treaty with the United Kingdon.

It therefore follows that, in so far as relates to the principal consideration, the securing of copyright, the authors of all the countries parties to the Berne Convention can easily obtain it in Canada.

The Minister further recommends that Her Majesty's Government in virtue of the authority granted by Section 9 of the Imperial International Copyright Act, 1886, be moved to pass an Order in Council to declare that the Berne Convention shall not be held to apply to the Dominion of Canada after the termination of one year from the date of such declaration in accordance with the provisions of Article 20 of such Convention.

The Committee concur in the foregoing recommendations and advise that your Excellency be moved to transmit a copy of this minute to the Right Honourable the Secretary of State for the Colonies for action as herein requested.

JOHN J. MCGEE,
Clerk, Privy Council.

No. 3.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received September 7, 1889.)

MY LORD, The Citadel, Quebec, August 26, 1889.

I HAVE the honour to transmit to your Lordship a copy of an approved Minute of the Privy Council submitting a report of the Minister of Justice with reference to the Act* of the last Session of the Dominion Parliament to amend the Copyright Act (Chapter 62, Revised Statutes of Canada).

I have, &c.
STANLEY OF PRESTON.

Enclosure in No. 3.

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by his Excellency the GOVERNOR-GENERAL IN COUNCIL, on August 17, 1889.

The Committee of the Privy Council have had under consideration a report dated August 3rd, 1889, from the Minister of Justice with reference to the Act of the last

* No. 1.

Session of the Parliament of Canada to amend the Copyright Act (Chapter 62, Revised Statutes of Canada).

The Committee concur in the said report (annexed) and advise that your Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,
Clerk, Privy Council.

To his Excellency the GOVERNOR-GENERAL IN COUNCIL.

1. In reporting to your Excellency that the Act passed at the last Session of the Parliament of Canada, entitled, "An Act to amend the Copyright Act," (Chapter 62, Revised Statutes) might properly receive your Excellency's assent, the undersigned intimated that the Act would be made the subject of a more extended report, and he now respectfully presents to your Excellency the following observations in pursuance of that intimation :—

2. The Act contains a provision that it shall not come into force until proclaimed by your Excellency, and there was not, and is not, any intention on the part of your Excellency's Government, to advise the issue of a proclamation bringing it, into force until it has been submitted to Her Majesty's Government, with the explanations which your Excellency's advisers can present, and until Her Majesty's Government shall concur in the issue of the proclamation.

3. The concurrence of Her Majesty's Government has been considered necessary because the Act deals with a subject on which Imperial legislation extending to all Her Majesty's possessions now exists, and in respect to which it is not desired by your Excellency's Government that a measure should be adopted which would conflict with the policy which Her Majesty's Government has hitherto pursued excepting in so far as the important interests involved in Canada urgently require, and excepting from a date before which any necessary preliminary arrangements can be concluded in order to prevent confusion and surprise. Moreover, the fact that the Imperial legislation adopting the Berne Convention on the subject of Copyright extends to all Her Majesty's possessions (and must continue to extend to Canada until the expiration of a year from notice of denunciation), makes it necessary that, before the proclamation should be issued, Her Majesty's Government should be asked to give the notice of denunciation on behalf of Canada, and that a year's delay should elapse after that notice, and that before the Act of last Session can be given effect to an Order of Her Majesty's in Council be obtained releasing Canada from the operation of the Statute which makes the Berne Convention operative throughout the Empire. The request on the part of the Government of Canada for the notice of denunciation of the Berne Convention has already been, or is now about to be, transmitted, and the duty of the undersigned is, therefore, limited to an explanation of the reasons which induced the adoption of the Act of last session, and a statement of the principles on which such legislation can, in his view, be sustained.

4. For reasons which will not be dilated on at length in this report, the copyright system heretofore in force (under Imperial and Canadian legislation) has been found to be most unsuitable to Canada and the Berne Convention is found to increase the causes of complaint which previously existed.

5. The copyright law in force in Canada (of which the Act of last session was an amendment) irrespective of the International Copyright Act of 1886, which gives effect to the Berne Convention, consists, as has been intimated, partly of Imperial and partly of Canadian legislation.

6. Under it every work copyrighted in Great Britain had copyright protection without the requirement of publication in Canada. Under the protection of this system United States authors secure copyright in Great Britain and her possessions by publishing in England (sometimes by publishing a limited edition, not intended to supply the market and not sufficient therefore), and thus secure control of the Canadian market, while a Canadian cannot obtain such copyright privileges in the United States.

7. The rights which British authors and publishers have in British possessions under this condition of the law have been greatly abused by the sale of their copyright privileges to American publishers, and their refusal to sell to Canadian publishers on like terms. By this means United States publishers have been enabled to command the Canadian market under the provisions of legislation which were not intended for their benefit, but for the benefit of the British author and publisher. The prices of American reprints are

so low that the British publications have no chance of competing with them in Canada, and Canadian reprints being prohibited by the copyright law, the business of reprinting for Canadian readers is thus, to a great extent, thrown into the hands of American publishing houses, to the very great detriment of the publishing interests of Canada.

8. By the legislation of last session it is proposed that the persons having copyright under Imperial legislation or under any treaty arrangement with Great Britain may preserve the exclusive right as to Canada by publishing or republishing in this country within a certain time, and that if he does not so publish or republish his copyright shall still avail him to the extent of enabling him to collect a royalty on all republications made in Canada by any other person.

9. The evils before mentioned which have occasioned complaint will be augmented by the provisions of the Berne Convention, which extends the copyright privileges without publication in British possessions to authors of any country which has joined, or may join, the Copyright Union formed by that Convention.

10. For the benefit conferred on Canadian authors (who are comparatively a very limited class) of copyright in the countries comprised in the Berne Convention Union the business of publishing in Canada will be repressed as to works published in all these countries, and the United States publishers will be free from any restrictions of that kind, not only as to the vast markets of their own country, but as to Canada as well.

11. Parliament considered that the peculiar position in which Canada is placed on account of her proximity to the United States, and the copyright policy of the United States, demand peculiar treatment in legislation on this subject, and treatment different from both the Berne Convention and from the Imperial and Canadian Copyright Acts heretofore in force. The Canadian Parliament has on more than one occasion expressed this opinion, and did so emphatically at its last session by unanimously passing the Act now under consideration.

12. If it should seem to Her Majesty's Government that further explanations are needed to convince them of the expediency of the proposed change, or of the necessity of the Act of last session being allowed to go into operation, he trusts that a further opportunity will be afforded of making those explanations, as abundant material exists therefor in the experience of all who are interested in the publishing business in Canada.

13. The undersigned submits that the royalty provision of the Act of last session in favour of the holder of the British copyright is reasonable, and affords ample facilities for collection. The Government of Canada will be prepared to submit to Her Majesty's Government the regulations which may be adopted under the Act for securing the collection of the royalty and the payment thereof to the proper parties.

14. It only remains for the undersigned to observe, as regards the policy of permitting republication in Canada in consideration of such a royalty in favour of the holders of the copyright out of Canada, that under existing legislation the importation of foreign reprints into Canada is permitted on the imposition of a Customs duty in favour of the copyright holder.

15. The Act of last session will make the same provision in favour of the Canadian publisher, but under regulations which will restrain the influx of foreign reprints and afford a better means of collecting the compensation to the copyright holder.

16. The undersigned has reason to apprehend that a question may be raised as to the power of the Parliament of Canada to pass the Act in question, because he is aware that previous legislation on this subject has been stated to require the sanction of the Imperial Parliament, and because that view has been based on very eminent legal authority. On that subject he begs to present the following considerations.

17. The Act in question is understood not to conflict in any way with any Imperial legislation passed since the adoption of the British North America Act, 1867.

18. For that reason, as has been already intimated, no Proclamation will be issued bringing the Act into force until after the Imperial Copyright Act of 1886 giving effect the Berne Convention ceases to be applicable to Canada.

19. The remaining question, therefore, simply is as to the right of the Parliament of Canada under the British North America Act to make regulations in Canada regarding copyright in Canada, notwithstanding that these regulations may differ from those existing under Imperial legislation adopted prior to the British North America Act.

20. The view which the undersigned respectfully presents is, that, as regards all those subjects in respect of which powers were given to the Canadian Parliament by the British North American Act, the true construction of the British North America Act is that Parliament may properly legislate without any limitation of its competency, except-

ing the limitation which Her Majesty can always impose by disallowance (whether the Act be within the powers of Parliament or not), and excepting also as to control by Imperial legislation subsequent to the British North America Act and applicable to Canada. As to this latter it may be considered, in so far as it deals with the subjects given to the Parliament of Canada, as amendatory to the British North America Act.

21. One of the subjects over which power was given to the Parliament of Canada to legislate by the British North America Act was "copyright." *See* section 91.

22. When in 1872 the Parliament of Canada passed an Act respecting copyright in pursuance of this section of the British North America Act the Act was reserved for Royal Assent, and Lord Carnarvon in a Despatch, dated 15th June 1874, stated to the Earl of Dufferin, one of your Excellency's predecessors, that he had been unable to advise Her Majesty to assent to the Act, and that he had taken the advice of the Law Officers of the Crown on the subject.

23. Lord Carnarvon in that Despatch intimates that the 91st section of the British North America Act, above referred to, is to be interpreted by one of the headings which appear in the statute, namely, "Distribution of legislative powers," and he almost seems to incline to the opinion that the 91st section, on which all the power of the Parliament of Canada depends, is intended to withdraw the powers from the provincial Legislatures, and not to confer any substantial authority on the Parliament of Canada.

24. If that view would be correct, the British North America Act would simply have been a withdrawal from the Legislatures of the various provinces which were thereby united of a large portion of the authority which they had possessed ever since representative institutions were conferred upon them; and it is difficult to see that any authority is conferred upon the Parliament of Canada, or that that Parliament has now the powers which belong to the Parliaments of all other self-governing Colonies.

25. Lord Carnarvon, however, after making in effect the statement that the 91st section of the British North America Act is merely a part of a scheme for the distribution of legislative powers, and is not to be considered, as it always has been regarded and interpreted by the courts as well as by Her Majesty's Government, as the gift of legislative power to Canada, proceeds to say that the effect of the Imperial Act (British North America Act) is "to enable the Parliament of Canada to deal with Colonial "copyrights within the Dominion," and "it is clear that it was not contemplated to "interfere with the rights secured to authors by the Act of 5 and 6 Vict., or to override "the provisions of that Act."

26. It may be said, in referring to this observation, that neither the Act of 1872 nor the Act of last Session did anything more than deal with colonial copyrights.

27. It is claimed that the British North America Act, section 91, gave the Parliament of Canada, power as full as that possessed by the Imperial Parliament to say who should, and who should not, have copyright within the Dominion; and, as regards the observation that it was not contemplated to interfere with the rights secured to authors by the Imperial Act, all objection under that head may be dispensed with because the Act of last Session will not affect any rights which have been secured before it shall come into operation.

28. The undersigned cannot advance the foregoing views without extreme deference, because he finds that Lord Carnarvon's Despatch intimates that in the opinion which his Lordship expresses he is supported by the Law Officers of the Crown, and also by those eminent lawyers the present Lord Selborne and the present Lord Herschell, whose report he laid before Parliament in 1872.

29. In the face of such eminent authorities he would hardly venture to press upon the attention of Her Majesty's Government the view of the Canadian Government which he has above presented if it were not to his mind perfectly plain that the people of Canada would hold him culpable if he failed to assert what was the only interpretation under which they received the Constitution and under which they were willing to be content with that Constitution.

30. If the 91st section of the British North America Act has not conferred on the Parliament of Canada all the powers of the Parliament of the United Kingdom in respect to the subjects there enumerated, the gift of powers made by that Act is delusive in respect to the Canadian Parliament, and is less than the gift of powers which the provincial Legislatures previously enjoyed regarding the same subjects.

31. The undersigned is encouraged to state this opinion not only because it has been supported by the Canadian Parliament, and because it agrees with the understanding of the Canadian people on the subject from the first, but because the same view has been upheld, he ventures to submit, by the Judicial Committee of Her Majesty's

Privy Council, on more than one occasion since the Despatch of Lord Carnarvon in 1874.

32. Before referring to the decisions of that tribunal, however, he would advert to the opinion presented to Lord Carnarvon in 1872 from the two Law Officers already named. In that opinion the view is stated that the powers of Parliament are exclusive only so far as relates to the Legislatures of the provinces of which Canada is composed. This view it is not intended to controvert.

33. It has never been claimed that the powers of the Parliament of Canada are exclusive of the powers of the Parliament of Great Britain, and nobody can doubt that the Parliament of Great Britain can at any time, limitations of good faith and national honour not being considered, repeal or amend the British North America Act or exercise, in relation to Canada, its legislative power over the subjects therein mentioned. Subject to the same limitations, Her Majesty's Goverment can, of course, disallow any Act of the Parliament of Canada.

34. It is respectfully submitted that the Canadian Parliament except as to the control which may be exercised by the Imperial Parliament by a statute subsequent to the British North America Act, and except as to the power of disallowance, possesses unlimited power over all the subjects mentioned in the 91st section, and that it is necessary that it should do so for the well-being of Canada, and for the enjoyment of self-government by its people.

35. In the case of Hodge *v.* the Queen (9 Appeal Cases, 117), decided by the Judicial Committee of the Privy Council in 1883, the following passage declares:—

"When the British North America Act enacted that there should be a Legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the province and for provincial purposes in relation to the matters enumerated in section 92, it conferred not in any sense to be exercised by delegation from or as agents of the Imperial Parliament, but authority as plenary and as ample within the limits prescribed by section 92 as the Imperial Parliament in the plenitude of its power possessed and could bestow.

"Within these limits of subjects and area the local legislature is supreme and has the same authority as the Imperial Parliament or the Parliament of the Dominion would have had under like circumstances to confide to a municipal institution or body of its own creation authority to make byelaws or resolutions as to the subjects specified in the enactment, and with the object of carrying the enactment into operation and effect."

36. In the case of Harris *v.* Davies (10 Appeal Cases, 279), the Judicial Committee of the Privy Council decided in 1885, that the Legislature of New South Wales under a charter not wider than the British North America Act had power to repeal a Statute of James (21 Jas I., c. 16, s. 6), and had impliedly done so by 11 Vict., c. 13, s. 1, of that Colony, which, according to its true construction, placed an action for words spoken upon the same footing as regards costs and other matters as an action for written slander.

37. In the case of Powell *v.* Apollo Candle Committee [? Co.] (Limited), (10 Appeal Cases, 282), the Judicial Committee decided in the same year, that a Colonial Legislature within the area of its powers is unrestricted. The following passage from the judgment is pertinent to the present question:—

"Two cases have come before this Board in which the powers of Colonial Legislatures have been a good deal considered, but these cases are of too late a date to have been known to the Supreme Court when their judgment was delivered. The first was the case of Reg. *v.* Burah in which the question was whether the section of an Indian Act conferring upon the Lieutenant-Governor of Bengal the power to determine whether the Act, or any part of it, should be applied to a certain district, was, or was not, *ultra vires*. In the judgment of this Board, given by the Lord Chancellor, the legislation is declared to be *intra vires*, and the Lord Chancellor lays down the general law in these terms: 'The Indian Legislature has powers expressly limited by the Act of the Imperial 'Parliament which created it, and it can, of course, do nothing beyond the limits which 'circumscribe these powers.'

"But when acting within those limits it is not in any sense an agent or delegate of the Imperial Parliament, but has, and was intended to have, plenary powers of legislation, as large, and of the same nature as those of Parliament itself. The same doctrine has been laid down in a later case of Hodge *v.* The Queen where the question arose whether the Legislature of Ontario had, or had not, the power of intrusting to a local authority, a Board of Commissioners, the power of enacting regulations with regard to their Liquor License Act of 1877, of creating offences for the breach of those regulations and

annexing penalties thereto. Their Lordships held that they had that power. It was argued then, as it has been argued to-day, that the local legislature is in the nature of an agent or delegate, and on the principle *delegatus non potest delegare*, the local Legislature must exercise all its functions itself, and can delegate or instruct none of them to other persons or parties.

"But the judgment, after reciting that such had been the contention, goes on to say: It appears to their Lordships, however, that the objection thus raised by the appellants is founded on an entire misconception of the true character and position of the provincial Legislature.

"They are in no sense delegates of, or acting under any mandate from, the Imperial Parliament. When the British North America Act enacted that there should be a Legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the province and for provincial purposes in relation to the matters enumerated in section 92, it conferred powers, not in any sense to be exercised by delegation from, or as agents of, the Imperial Parliament, but authority as plenary, as ample, within the limits prescribed by section 92, as the Imperial Parliament in the plenitude of its power possessed or could bestow, within these limits of subjects and areas the local Legislature is supreme, and has the same authority as the Imperial Parliament."

38. The case of Riel *v.* the Queen, decided by the same tribunal in the same year, is likewise pertinent. There had been three Imperial statutes for the regulation of the trial of offences in Rupert's Land, since known as the North-West Territories of Canada.

39. The statutes of Canada made other provisions inconsistent with these statutes, and the conviction of the prisoner had taken place under the statutes of Canada. The Lords of the Judicial Committee declined to admit an appeal, entertaining no doubt as to the correctness of the conviction.

40. The opinion of Lord Carnarvon seems to have been based on a strict view taken of the Imperial statute known as "the validity of Colonial Laws Act" (28 & 29 Vic. c. 63), which declared that Colonial statutes should be void and inoperative if they should be repugnant to the provisions of any Act of Parliament extending to the Colonies, or repugnant to the provisions of any order or regulation made under the authority of such Act, and having in such Colony the force and effect of such Act.

41. There may be ground for argument that as the British North America Act was passed subsequently to this statute, it confers a constitution more liberal than those to which the statute applied.

42. Another view which may be urged is, that the repugnancy, in order to have the effect indicated, must exist in relation to some statute passed after the creation of the Legislature of a Colony. The statute does not seem, certainly, to have been construed by the judicial decision, in the manner indicated by Lord Carnarvon.

43. If the view which his Lordship takes is correct, it will be impossible for the Parliament of Canada to make laws in regard to any one of the 21 subjects which constitute the "area" of the Canadian Parliament (to adopt the phrase used in the decision of Hodge *v.* the Queen in relation to the Ontario Legislature) when such legislation is repugnant to any legislation which existed previously, applicable to these subjects, in the Colonies.

44. There undoubtedly did exist Imperial legislation as regards all those subjects in the Colonies, at a time long anterior to the gift of representative institutions, and it was never supposed to be necessary that Canada, or the provinces now constituting Canada before the Union, should obtain the repeal of that legislation by the Imperial Parliament before they proceeded to adopt such measures as became necessary from time to time in the government of the country.

45. It is respectfully submitted that, in respect to all these subjects, the Parliament of Canada must be considered to have the plenary powers of the Imperial Government (to quote the words of the Judicial Committee) subject only to such control as the Imperial Parliament may exercise from time to time, and subject also to Her Majesty's right of disallowance, which the British North America Act reserves to Her, and which, no one doubts, will always be exercised with full regard to constitutional principles and in the best interests of the Empire, when exercised at all.

46. For these reasons the undersigned respectfully recommends that Her Majesty's Government be moved to permit the Copyright Act of last Session to go into operation, subject to a date being hereafter agreed upon by Her Majesty's Government for bringing it into force.

47. He respectfully asks, also, that your Excellency's Government may be allowed to discuss all questions raised in this Report at further length and further detail, if necessary, as they involve grave consequences for the Dominion of Canada, not merely in relation to the subject of copyright, but in relation to the rights and powers of Parliament, and he recommends that a copy of this Report, if approved, be transmitted to Her Majesty's Principal Secretary of State for the Colonies.

JNO. S. D. THOMPSON,
Minister of Justice.

August 3rd, 1889.

No. 4.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received September 16, 1889.)

MY LORD, The Citadel, Quebec, August 31, 1889.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 14th instant,* introducing Mr. F. R. Daldy, the Honorary Secretary of the Copyright Association, and requesting that I should afford him all proper facilities for explaining to my Ministers his views in reference to certain points connected with copyright legislation.

I have communicated with the First Minister, who is at Rivière du Loup, not far from the address given me by Mr. Daldy, and have asked him to arrange to see him if possible, and I have told Mr. Daldy (who was personally known to me when I was at the Board of Trade), that I will see him here if he will call. All other possible facilities will be given him.

I have, &c.
STANLEY OF PRESTON.

No. 5.

F. R. DALDY, Esq., to COLONIAL OFFICE.
(Received March 3, 1890.)

Aldine House, Belvedere, Kent,
February 22nd, 1890.

MY LORD,

I HAVE the honour of sending to your Lordship four copies of a letter I have prepared for Sir John Thompson, the Canadian Minister of Justice, on the subject of the recent Canadian Copyright Bill.

I should esteem it a favour if your Lordship would forward it to Sir John Thompson, with any criticisms or opinions you may desire to express upon it, as I am most anxious, in consequence of the kindness and courtesy I have received on this question from the Colonial Office, not to entangle the subject by expressing any opinions to the Canadian Government without your full cognisance.

Your Lordship will notice that I venture to recommend the Canadian Government *to drop the subject*, because, in my opinion, no further legislation is required on their part, at least at present.

I have not entered into the question of the particular "Royalty editions" which the Royal Commission suggested might be allowed to be published *under certain circumstances*, because those circumstances do not arise here. It cannot be said that the Canadian market is "not supplied with cheap editions enough to satisfy *the wants of the public*" under present regulations, and it is only in such a case that their recommendations apply. I think it was never contemplated that the law should be changed merely to confer a doubtful benefit on the Canadian printing trade at the expense of the author's interests.

The difficulties which would arise from the issuing of licensed editions, as proposed by the Canadian Act, appear to me so great that they practically destroy the very principle of copyright. Licensed editions would under any circumstances rob the author of the

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* Not printed.

control of the fruit of his own brain and labour, and interfere with his property to the extent of compelling him to sell it at a fixed price. They would also prevent his having any oversight of his writings, and this is not unimportant, for I have heard of cases in which a publisher employed another writer to finish a novel because the author did not issue it fast enough to suit his purposes. He would be unable to bring out any revised or improved editions, a point to which the late Lord Lytton attached great importance. He could not choose his own publisher. He could not control the accuracy of his writings, which, in many cases, is of vital importance not only to his popularity but to his reputation. These editions would lead to inextricable confusion.

As a case in point, I may refer to a theological work which Messrs. Rivington have been preparing. "An author is bringing out a few copies of an abstract of a theological "work, for which he expects some circulation in Canada, because he is well known there, "with a view to learn whether the public will give him sufficient encouragement to treat "the subject more fully." If a licensed edition be issued he would be barred from bringing out his complete work, because it would necessarily include the smaller, and for this he would have lost his copyright in Canada, and could not even reprint it himself without a license.

Again, take the novel, the class of work most likely to circulate largely there. Mr. Blackmore's popular novel "Lorna Doone," did not attract sufficient attention for the first six months to justify his reprinting it in Canada, but afterwards it sold there very largely. Yet by this Act he would have lost his copyright there. Again, how is he to get adequate remuneration? Take the case of a novel by Edna Lyall passing through "Good Words." What is to prevent a local newspaper reprinting each portion as it appears; and is the royalty to be paid on the whole of each number of the paper or only in proportion to the space it occupies in it? Or if Farjeon's last novel, issued complete, were republished in a Canadian periodical, extending perhaps over 12 numbers, how is he to be paid? Again, if the novel is issued as a *supplement* to a newspaper or periodical, and *given gratis*, how is he to be paid? Remember he is barred from supplying very cheap editions direct now, because the law cannot prevent *their being returned to England to compete with* his home editions. This objection would also apply to the above Canadian cheap edition, and, therefore, he is bound for his own protection to be able to put them into the hands of a publisher he can trust, and bind him under penalty not to send them to England or the other Colonies.

I might multiply illustrations of the difficulties flowing from depriving the author of the control of his work, and even enlarge on its injustice. No other class of property is, to my knowledge, forcibly taken from its producer at, as I have said before, a price fixed without his consent, and I may add that no country has ever hitherto even attempted to rob him of the fruit of his labour, except the United States, and even that country is legislating to concede him this right, though, I admit, under severe restrictions.

I do not know whether you consider that the Canadian Act might be interpreted by the United States as directed against her trade. It would undoubtedly so operate, and, though I cannot feel that she deserves much consideration, it is to be borne in mind that the trade was created by our Act of 1847 and subsequent Canadian legislation, and perhaps, as a friendly Power, she is entitled to notice of this kind of legislation, and it may lead her to remonstrate on account of its being unfair to those of her interests which we have heretofore stimulated.

I earnestly hope the Canadian Government will not persist in this legislation, for I am sure she might substantially gain her end of encouraging her own production, as far as is reasonable, if she fully carries out her Act of 1850, and the Home Government were induced to legislate so as to prevent all colonial reprints from coming into the English market, and thus make it safe for British authors to arrange with Canadian publishers for cheap editions.

I may add the present Act is not in the interest of the Canadian public, for that might be better served by repealing the Canadian Customs duty on books (15 per cent.), nor of Canadian authors, for the Act, if proclaimed, would immediately restrict their copyright to the Dominion and exclude them from the benefits of the Berne Convention, and their present rights in Great Britain and other Colonies would also be lost.

I have, &c.

F. R. DALDY.

Enclosure in No. 5.

Aldine House, Belvedere, Kent,
February 20, 1890.

DEAR SIR JOHN,

I HAVE delayed writing to you till I could assure myself that the Copyright Act passed last year by the Canadian Legislature was *ultra vires*, and therefore could not obtain the Royal Assent without Imperial legislation. From the eminent opinions I have privately obtained, I am now quite satisfied on the point, and I write under the impression that the Law Officers of the Crown will not differ from that view.

The question, therefore, will arise of the course you wish to take respecting your Copyright Act of 1889; and, in view of it not being necessary for you to legislate on account of your having joined the Berne Convention, I ask you, amongst other courses, to consider fully that of letting the subject drop altogether; or, at least for the present, because the legislation and other consideration of Copyright Law now taking place in the United States may considerably modify, if not entirely obviate, the necessity for your dealing with it by legislation at all. I do not know what value attaches to the statement, but I am justified in telling you that the American Copyright League have learned that the most prominent Minister in the United States Government has under consideration the making of a special treaty with Great Britain, after the Bill sanctioning the principle of protection for the property of foreign authors has become an Act.

Should you decide on this course, you have still to consider what steps you will take for the better collection of the author's royalty, under the Act of August 10, 1850.

I think I drew your attention to the fact that out of 20 Colonies, which have passed similar Acts, 17 have made due provision for stamping each imported copy as it passes through the Custom House, and every unstamped copy is liable to seizure and forfeiture. This prevents smuggling, especially if you authorise any person to seize unstamped copies and to retain them as their own on payment of the duty and getting them stamped, for you thereby secure the aid of the booksellers who have honestly paid the duty, because they are naturally anxious to prevent others under-selling them.

The trouble this would impose on the Custom House officers is more apparent than real, for, when several copies are imported in sheets, as only the title-page has to be stamped the stamping will not take long, and in the case of bound-up volumes, those in paper covers can be stamped on the outside, and those in cloth or other binding on the title-page. If you shrink from the expense you can easily make the duty 15 per cent. and retain 2½ per cent. for Customs expenses.

To assist the Custom House officers I would suggest that an alphabetical register be printed of all books liable to duty to date, and that you print annually, for Customs use, an alphabetical supplement; and once in five or seven years you could bring out a new edition of the catalogue incorporating these supplements.

For this register you have the materials in the Customs notices you have received from time to time, and need only arrange the books in alphabetical order.

Our Commissioners of Customs have very kindly agreed to accept entry of a work as soon as it is in the press, to enable them to give you notice for your Customs by the time it is published.

An important advantage of stamping imported copies will be the encouragement of reprinting English copyright works in Canada, because the imported copies will be weighted with 15 per cent. author's royalty, and 15 per cent. Customs duty, together 30 per cent., in favour of those publishers who like to bring out Canadian editions of suitable works by arrangements with their authors; and, if, even now, Messrs. Lovell and Son, of Montreal, Mr. Bryce, of Toronto, and others produce authors' editions of several copyright works, with such a stimulus they would produce many more.

The Governor in Council has not hitherto sent with his remittances under this Act the name of the work on which the duty is paid, and as a consequence it is often very difficult to assign them to the right author, as the publisher to whom it is sent is not told the name of the author to which it belongs. This might be remedied by adopting a form somewhat like the enclosed—I make it as short and simple as possible:—

Name of Book.	English Publisher.	Amount.
		£ s. d.
"Cleopatra" - - - -	Longmans & Co. - - - -	0 0 0

I am sure that a re-perusal of the Act of 1850 will satisfy you that Canada undertook efficiently to carry out its intentions, and I do not know a simpler or more effective form of so doing, or one entailing less trouble on all concerned in its administration than the above scheme.

I shall be much gratified if these suggestions help you to put this troublesome subject on a proper footing.

Believe me, &c.
F. R. Daldy.

The Hon. Sir John Thompson,
Minister of Justice,
Ottawa, Canada.

No. 6.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

My Lord, Downing Street, March 25, 1890.

In reply to your Despatch of 26th August,* I have to state that I have given very careful consideration to the arguments put forward in the able report of the Minister of Justice, in which the Privy Council concurred, with reference to the Act of the last session of the Dominion Parliament to amend the Copyright Act (cap. 62, Revised Statutes of Canada), but I regret to say that I am unable to authorise you to issue a proclamation to bring that Act into force.

I am advised by the Law Officers that the powers of legislation conferred upon the Dominion Parliament by the British North America Act, 1867, do not authorise that Parliament to amend, or repeal, so far as relates to Canada, an Imperial Act conferring privileges within Canada.

This advice, as your Ministers will observe, by reference to the Parliamentary Paper (Copyright Colonies)† of April 1875, is in entire accordance with the advice tendered by former Law Officers—now Lords Selborne and Herschell—in 1871, and by the Law Officers in 1874 and 1875, and I may add with the judgments of two judges in the case of Smiles *v.* Bedford on Appeal 1, Upper Canada Reports 436. The reasons upon which this view is based are very clearly stated by Lord Carnarvon in his Despatch of 15th June 1874,‡ and I have only to express my concurrence in those reasons.

This important subject will doubtless receive further consideration by your Ministers; and it may, therefore, be perhaps not out of place if I call attention to two provisions in the Act passed last session by the Dominion Parliament, which have been directly brought under my notice, and to which special objection is felt by the proprietors of copyright in this country.

In the first place it has been pointed out, that, under the Canadian Copyright Act of 1875, which had effect given to it by the Imperial Act of 1875, no limitation of time for printing and publishing, or reprinting and republishing, in Canada was imposed, whereas by the fifth section of the Act of the last session, one month only is allowed for such proceeding; and I am assured that in the great majority of cases, it would be practically impossible within that time to make the necessary arrangements. I should hope, therefore, that upon further consideration, it may be recognised that the time proposed is insufficient.

The second provision to which objection is strongly felt, is that which empowers the granting of licenses to print and publish works for which copyright might, but for neglect or failure, have been obtained. I am aware that the principle of granting such licenses was affirmed by the Royal Commissioners on Copyright in their report of the 24th May 1878, and that they recommended such grants "in case no adequate provision "be made by republication in the Colony or otherwise, within a reasonable time after "publication elsewhere, for a supply of the work sufficient for general sale and circula-

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* No. 3. † [H. C. 144] April 1875. ‡ No. 4 in [H. C. 144] of 1875.

" tion in the Colony," but the conditions, which, in their opinion, seemed reasonable, as conditions precedent to the granting of such licenses have hardly had effect given to them in this Act, especially when it is remembered that the copyright proprietor is only allowed one month within which to publish or to republish.

And as bearing upon this question of licensing, I enclose, for the consideration of your Ministers, the copy of a letter,* which I have received from Mr. Daldy, who represents the Copyright Association in this country, and in which some reasons, which appear to me to carry considerable weight, are advanced against the proposed system of licensing.

I observe that in the report of the Minister of Justice, it is assumed that before any proclamations under the Copyright Act of last session could be issued, it would be necessary for Her Majesty's Government to give, on behalf of Canada, notice of denunciation of the Berne Convention. Any action on the part of Her Majesty's Government in this direction has, for the present, been rendered unnecessary, inasmuch as they are not able to concur in the issue of a proclamation.

Your Ministers will doubtless further consider whether it would not, upon the whole, be desirable to leave the law as it now stands, until it is seen what is the outcome of the legislation pending upon the subject of copyright in the United States, and of any negotiations between the Governments of Her Majesty and of the United States, which may be consequent thereon. The result of those negotiations might be to remove some of the difficulties now felt in the Dominion, and to obviate further legislation.

In conclusion I will only add that it is my desire to assist, as far as possible, any well considered measure which, while substantially preserving the rights of copyright proprietors under the Imperial Act, will meet the wishes of the Canadian people.

I have, &c.

KNUTSFORD.

No. 7.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

[*Not answered.*]

My Lord, Downing Street, March 25, 1890.

Referring to my Despatch of even date,† respecting the Act to amend the Copyright Act (cap. 62, Revised Statutes of Canada), I think that your Ministers will probably agree with me that it is inconvenient to retain on the statute book a law which has not taken effect, and I should be glad if you will consult them as to whether they propose to repeal it, or whether they would prefer that, under the circumstances, I should submit it to Her Majesty for formal disallowance.

I anticipate that the former course will be more consonant with their wishes; and I may also observe that, if reference is made to the second section of the Colonial Laws Validity Act, 1865, it will be seen that the Act can have no validity in so far as it is repugnant to an Act of the Imperial Parliament extending to the Dominion of Canada.

I have, &c.

KNUTSFORD.

No. 8.

BOARD OF TRADE to COLONIAL OFFICE.

(Received July 10, 1890.)

[*Answered by No.* 10.]

Board of Trade (Railway Department), London, S.W.,

Sir, July 9, 1890.

I am directed by the Board of Trade to transmit to you herewith, for the information of the Secretary of State, a copy of a letter which they have received from the

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* No. 5. † No. 6.

Central Office of the International Copyright Union at Berne, asking for information on the subject of copyright legislation in Canada during the past year ; and I am to request that you will move Lord Knutsford to be good enough to cause this Department to be furnished with any observations which his Lordship may wish to offer in the matter.

I am to add that the Board of Trade would also be glad to receive copies of the Canadian Act referred to by the Central Office, both for transmission to that office and for record in this Department.

I have, &c.
COURTENAY BOYLE.

Enclosure in No. 8.

To the Assistant Secretary (Railway Department) Board of Trade, Londres, S.W.

(No. 258.—Annexes.)

Bureau de L'Union Internationale pour la
Protection des Œuvres Littéraires et Artistiques,
Monsieur le Secrétaire, Berne, le 3 Juillet 1890.

Les journaux nous ont appris qu'un projet de loi sur la protection des droits d'auteur a été présenté le 11 Mars 1889 au Parliament du Canada.

On nous demande si ce projet a été voté par les deux Chambres du Dominion et s'il a reçu la sanction de S. M. la Reine.

On nous parle d'une loi Canadienne qui formerait le chapitre 59 des lois de 1889 et qui aurait reçu la sanction royale le 2 Mai 1889.

Comme nous manquons de renseignements à ce sujet, nous vous serions reconnaissant, Monsieur le Secretaire, de vouloir bien nous mettre à même de répondre à la demande qui nous est adressée.

Nous saisissons cette occasion pour vous présenter, Monsieur le Secrétaire, avec nos remerciements anticipés, l'expression de notre considération distinguée.

Bureau de l'Union Internationale
Littéraire et Artistique
le Secrétaire Général,
Morel.

P.S.—Nous avons fait de cette question l'objet d'une étude publiée dans les No. 1, 2, 3, et 5 du "Droit d'Auteur" de cette année.

No. 9.

Sir J. S. D. THOMPSON to COLONIAL OFFICE.
(Received July 19, 1890.)

Westminster Palace Hotel, London, S.W.
My Lord, July 14, 1890.

In the report which I had the honour to make to his Excellency the Governor-General of Canada in Council on the subject of copyright in Canada, dated August 3rd, 1889, and which was approved by his Excellency and transmitted to your Lordship,* it was asked that his Excellency's Government might be allowed to discuss the questions dealt with in that report at further length, and in further detail, if necessary, as they involved grave questions of great consequence to Canada, not only with respect to copyright, but in relation to the powers of the Parliament of the Dominion.

Having had the privilege to-day of carrying on that discussion, to some extent, with your Lordship, I avail myself of the permission accorded me at our interview to place in writing before you some of the argmuents which I am instructed by the Government of Canada to advance, in amplification of my report above mentioned.

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* No. 3.

In your Lordship's Despatch of the 25th of March 1890,* in reply to the observations in that report, you called the attention of the Government of Canada to some provisions of the Copyright Act of Canada of 1889, to which you stated that special objection was felt by the proprietors of copyright in Great Britain. One of these was the limit of time (one month), allowed for the British author or publisher to republish in Canada, after publication in Great Britain. Your Lordship had been assured that, in a great majority of cases, it would be impracticable, within the period of one month, to make the necessary arrangements for re-publication in Canada, and expressed the hope that, upon further consideration, it might be recognised that the time proposed was insufficient. Upon this point, as well as to other details of the Act, it is unnecessary to trouble your Lordship with any argument at the present moment. The questions to be settled first, and to which I understand your Lordship to wish that I shall address myself, relate to the principle of the Act and to the power of the Government of Canada to pass it. Any details which are felt to be unfair or inadequate, in view of all the interests involved, will, I am sure, be reconsidered by the Parliament of Canada. At the same time, I may observe that it is contended on the part of those who are interested in the publishing business in Canada that the time referred to is not unreasonably short, and that the holder of copyright in the United Kingdom can easily make arrangements for simultaneous production in the two countries, so as to have re-publication made in Canada within the time specified in the Act. The time for re-publication must necessarily be of short duration, because, during that period, the importation of foreign reprints of the work, as well as the re-publication in Canada by other than the copyright holder in Great Britain is prevented, pending the exercise of the option by him as to whether he will avail himself of the Canadian copyright law or not.

On this, and on all other matters of detail, any suggestions which your Lordship may think proper to make will, I am sure, receive the earnest and respectful attention of the Canadian Government.

Your Lordship's Despatch refers his Excellency's Government for some particulars of the objections which had been pressed on you to a letter dated Aldine House, Belvedere, Kent, February 20th, 1890, supposed to have been addressed to me, signed by Mr. F. R. Daldy, Hon. Secretary of the Copyright Association, but I have been unable to gather much information from that letter as to the objections which are entertained in England with regard to the Canadian Act of 1889. Mr. Daldy, and the association which he represents, are hostile to any measure by which the right of any Colony to self-government on this subject may be asserted or conceded, and his letter suggests an entire abandonment of the legislation of 1889, and the adoption of further measures to carry out more strictly the existing law, which is so unsatisfactory in Canada. I may mention here, in case the fact should be of any importance, that I know of Mr. Daldy's letter only by the copy appended to your Lordship's Despatch. If Mr. Daldy has ever sent such a letter, it has never reached me.

Coming now to a statement, more in detail than could be made at our interview, of the views which prevail in Canada on this subject, I am charged by the Canadian Government to express to your Lordship, in the strongest terms which can be used with respect, the dissatisfaction of the Canadian Government and Parliament with the present state of the law of copyright as applicable to Canada, and to request most earnestly from Her Majesty's Government, that they will apply a remedy, either by giving approval to a proclamation to bring the Canadian Act of 1889 in force, or by promoting legislation in the Parliament of Great Britain to remove any doubt which may exist as to the power of the Parliament of Canada to deal with this question fully and effectually.

Your Lordship is aware that the Statute of 1842 (5 & 6 Vict. chap. 45), is the Imperial statute by which copyright in Great Britain is extended to all the Colonies and dependencies of the Empire.

Any principles of common law by which authors and publishers might have claimed copyright were superseded by that Act, and copyright was given to any person who should publish a literary work in the United Kingdom, if he should be a subject of Her Majesty, or a resident of any part of Her Majesty's dominions.

I need not remind your Lordship that the operation of that Act was immediately attended with great hardship and inconvenience in the North American Colonies.

The Legislature of the Province of Canada, in the year 1843, passed a series of resolutions expressing a strong remonstrance, and nearly all the other Legislatures in North America followed.

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* No. 6.

The Legislature of Nova Scotia in 1845 memorialised Her Majesty for a modification of the Act. They stated that the high price of English books, and the monopoly of London publishers, which were felt to be serious grievances in the United Kingdom, but mitigated there by the periodical sales by some of the publishers, and by the wide establishment of circulating libraries, clubs, and reading societies, were intensified in the Colony, where the importation of English editions of new books was confined to a few copies for the use of libraries and wealthy individuals; that the readers of the Colony were usually supplied by American reprints of English books, and that any law of copyright to prevent the importation of such reprints could not be enforced and would be ineffectual, even to extend the sale of English copies beyond the previously existing demand.

The Legislature of Nova Scotia at that time pressed upon Her Majesty's Government, not only a consideration of the general advantages of literature upon the minds of the people, but the evil tendency of literature of a foreign, and often hostile country, like the United States, in forming the political opinions and the tastes of the people in the provinces.

On November 27th, 1845, Lord Stanley, Her Majesty's Principal Secretary for the Colonies, replied to this memorial from Nova Scotia, intimating that the attention of Her Majesty's Government was being directed to the state of the copyright law, in order to discover if there were any particulars in which the law might be so amended, as to afford any relief to the Colonies, "without promising that Parliament would be recommended to alter its determination to afford protection to the authors and publishers of Great Britain, of their right of property in their own productions."

On the 13th March 1846, the Legislature of Nova Scotia again adopted a report, which was transmitted to the Right Honourable the Secretary of State for the Colonies.

That report stated that attention had been given by the Committee to the Despatch of Lord Stanley dated the 27th November 1845, and that they were convinced "that the practical effects of the Copyright Act were to deprive the people of the Colonies of literature, whose means rendered them unable to purchase costly books issued from English publishing houses, to diminish the revenue, and to encourage smuggling, without producing any corresponding benefit to the author."

These remonstrances drew from the Right Honourable Mr. Gladstone, the Secretary of State for the Colonies, a representation to the publishing trade in England, that "they must be induced to modify any exclusive view which might still prevail with regard to this important subject."

At length, on the 19th October 1846, Sir Stafford H. Northcote, by direction of the Lords of the Privy Council for Trade, reviewing the contentions which had been thus pressed upon the Home Government by the Legislatures of the Colonies, made the following recommendation to the Colonial Office:—

"Under these circumstances, my Lords see no course so likely to be successful as that of inviting the Colonial Legislatures themselves to undertake the task of framing such regulations as they may deem proper for securing at once the rights of authors and the interests of the public. My Lords feel confident that they may rely upon the Colonies being animated by a sense of justice which will lead them to co-operate with this country in endeavouring to protect the author from the fraudulent appropriation of the fruits of labours upon which he is often entirely dependent, while they entertain a sanguine hope that methods may thus be discovered of accomplishing this important object with the least possible inconvenience to the community."

"I am accordingly directed to request that you will suggest, for Lord Grey's consideration, whether it might not be desirable to obtain from Parliament an Act authorising the Queen in Council to confirm, and finally enact, any colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country, it being provided by the proposed Act of Parliament that no such colonial law or ordinance should be of any force or effect until so confirmed and finally enacted by the Queen in Council, but that, from the confirmation and final enactment thereof, the copyright law of this country should cease to be of any force or effect within the Colony in which any such colonial law or ordinance had been made, in so far as it might be repugnant to, or inconsistent with, the operation of any such colonial law or ordinance."

I am, &c.

STAFFORD H. NORTHCOTE."

The following is the reply of the Colonial Office to the Board of Trade, dated 20th October 1846 :—

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, October 30, 1846.

I HAVE laid before Earl Grey your letter of the 19th instant, respecting the operation of the Imperial law of copyright in the British North American Colonies.

His Lordship directs me to acquaint you, for the information of the Lords of the Committee of Privy Council for Trade, that he concurs in the views expressed in your letter on this subject, and that it is, in his opinion, preferable, after the repeated remonstrances which have been received from the North American Colonies on the subject of the circulation there of the literary works of this kingdom, to leave to the Colonial Legislatures the duty and responsibility of enacting the laws which they shall deem proper for securing the rights of authors and the interests of the public.

Lord Grey therefore directs me to request that you would move the Lords of the Committee of Privy Council for Trade to take such measures as may be expedient for submitting to the consideration of Parliament in the ensuing session a Bill authorising the Queen in Council to confirm and finally enact any colonial law or ordinance which may be passed respecting copyright, notwithstanding the repugnancy of any such law or ordinance to the copyright law of this country, and containing also the provisions mentioned in your letter in respect to the period at which such colonial law should come into operation.

I am, &c.
B. HAWES.

Thereupon the following circular Despatch was sent by Earl Grey to all the Governors of the North American Colonies :—

EARL GREY to the GOVERNORS of the NORTH AMERICAN COLONIES.

Circular.

SIR, Downing Street, November 5, 1846.

HER Majesty's Government having had under their consideration the representations which have been received from the Governors of some of the British North American provinces, complaining of the effect in those Colonies of the Imperial copyright law, have decided on proposing measures to Parliament in the ensuing session, which, if sanctioned by the Legislature, will, they hope, tend to remove the dissatisfaction which has been expressed on this subject, and place the literature of this country within the reach of the Colonies on easier terms than it is at present. With this view, relying upon the disposition of the Colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent, Her Majesty's Government propose to leave to the local Legislatures the duty and responsibility of passing such enactment as they may deem proper for securing both the rights of authors and the interests of the public. Her Majesty's Government will, accordingly, submit to Parliament a Bill authorising the Queen in Council to confirm and finally enact any colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country ; it being provided by the proposed Act of Parliament that no such law or ordinance shall be of any force or effect until so confirmed and finally enacted by the Queen in Council, but that, from the confirmation and final enactment thereof, the copyright law of this country shall cease to be of any force or effect within the Colony in which any such colonial law or ordinance has been made, in so far as it may be repugnant to, or inconsistent with, the operation of any such colonial law or ordinance.

I have, &c.
GREY.

After a lapse of more than 40 years, I am charged with the duty of reminding your Lordship that the promise contained in that Despatch of Earl Grey has never been fulfilled, and respectfully to ask its fulfilment at the hands of your Government. The

lapse of time which has intervened has strengthened tenfold every one of the reasons which induced it to be made. At the date of that Despatch responsible government had hardly been established in the North American Colonies, now those Colonies have had 40 year's experience of self-government and have a United Parliament, under a most liberal constitution—a Parliament possessing great powers and responsibilities, among which is expressly mentioned the subject of copyright.

The experience which has been gained of Colonial legislation has, I hope, not lessened the confidence of Her Majesty's Government in the disposition of that Parliament to deal justly with the interests which have been entrusted to its care, and to carry out the views of Her Majesty's Goverment in matters of Imperial policy as far as possible.

Again, the inconveniences which were pressed on the consideration of Her Majesty's Government forty-seven years ago by the Colonial Legislatures have increased, notwithstanding the partial measure of relief which was accorded three years after Earl Grey's Despatch, and which permitted the importation of Foreign reprints of British copyright works. The price of British publications still exceeds six or sevenfold that for which reprints are purchased in America. The system of circulating libraries and periodical sales, which gives to the British reader the benefit of British literature, has found no place in the Colonies, while in Canada the means of reprinting British publications is now, though it was not then, entirely adequate to the wants of the reading public, if it be permitted to carry on operations, with a reasonable regard for the interests of British copyright holders.

In part fulfilment of the promise of Her Majesty's Government, made known through Earl Grey in the despatch above quoted, the Imperial statute of 1847 was passed, authorising Her Majesty, by Order in Council to suspend that portion of the Act of 1842 which prohibited the importation of foreign reprints of British copyright works, as to any Colony in which the proper Legislative authority should be disposed to make due provision for securing and protecting the rights of British authors in such possession.

In the years 1848–50 Her Majesty in Council made Orders in Council suspending the prohibition contained in the Act of 1842 against the importation of such foreign reprints, the Legislatures of the North American Colonies having, in the meantime, provided for the collection of an impost on such foreign reprints in favour of the author or copyright holder. This partial measure, although not a fulfilment of the promise of Earl Grey, met the principal grievance felt at that time in the North American Colonies, namely, the grievance of being deprived of British literature, which could practically only be supplied to the Colonies by American reprints, the publishing business of the Colonies being then in its infancy.

For a time, the complaints of the Colonies against the Act of 1842 ceased, in consequence of this remedial measure, but for the last twenty years and upwards, the operation of the Act of 1842 even with the remedial provisions of 1847, has been seriously felt and has formed the subject of almost constant complaint. In the quarter of a century which followed the Act of 1842 new conditions of trade and commerce developed. The people of the North American provinces had not only become used to self-government, by the liberal policy of Her Majesty's Government in giving them free legislative constitutions, but they had become more independent of American industries. The necessity for encouraging native industries, instead of relying on those of the United States, had also become very apparent.

The following are instances of the serious inconvenience experienced by the operation of the Imperial copyright laws in North America.

The reading public of what is now the Dominion of Canada has been principally supplied with British literature by American reprints. The high price of British editions has made this unavoidable. In spite of the pointed and repeated warnings to British publishers, given by the Colonial Office for 40 years, very little has been done to change this state of things by providing cheap editions of British works. Even to this day, the English editions cost from four to tenfold the price of American reprints. The result is that the business of publishing British literature for the Canadian reading public is done almost exclusively in the United States. The American publisher, unrestrained by any international copyright law or treaty, is free to reprint any British work and to supply it, not only to the reading public of the United States, but to the reading public of Canada, while the Canadian publisher is not free to reprint any such work on any terms, unless he can obtain the permission of the holder of the copyright in Great Britain. In some noted instances, this has actually led to the transfer of printing establishments from Canada to the United States.

In other cases, English publishing houses have set up branches in New York, or other American cities, with the view of reprinting for the United States and Canada, the copyright works which they have issued in London.

It has been their interest to establish such branch houses in the United States, because they have obtained thereby the American market; whereas in Canada, even with the permission of the holder of the copyright, they would only have the Canadian public for purchasers; and, without that permission, could not set the type of a single page.

In many other well-known instances, American authors in the United States have availed themselves of the restrictions which fetter the publishing trade in Canada, under the Imperial Copyrights Act, in a manner which is most unjust to British subjects in Canada, and presents in a striking view the arbitrary and oppressive operation of those Acts. They do so in the following manner: the Imperial Copyright Act of 1842, as interpreted by legal decisions, enables any person who resides, even temporarily, in British dominions, to obtain copyright if he publishes his work in the United Kingdom, and such copyright has force throught the Empire. "Publishing" had been held not to mean printing, necessarily, and residence may be of the most temporary character. The American authors above referred to, for the purpose of preventing their works being reprinted in the British dominions, cross the St. Lawrence, reside for a few days within Canadian territory, send to London a few copies of their works ready to be issued there, and thereupon obtain copyright throughout the Empire. They then return to their own country, where their works have been printed and copyrighted, and send into Canada those works, in the shape of foreign reprints of British copyrights, and on these the Canadian Government collects the impost in favour of the American publisher, who thus enjoys copyright in his own country, which is not open to any British subject, and enjoys in the British dominions, a right of reprinting which no colonist can obtain. While this state of the law is being constantly made use of by American authors, the United States decline to enter into any international arrangement with Great Britain, and have no interest in making any, because their people can thus use the British Empire for their market without restriction, while offering no advantages in their own market in return. On the contrary, they refuse copyright to any one who is not a citizen of the United States, or who is not able to show residence, in the sense of domicile.

An American publisher, if he desire to make any arrangement with the British copyright holder for the right to reprint the work of the latter, can easily outbid the Canadian publisher, not only on account of the greater facilities he possesses for the production of the book, and not only on account of the more extended market which he has in the United States, but because he will have the Canadian market of five millions of readers at his command, inasmuch as the Imperial Copyright Acts forbid the reprinting of copyrighted works, but permit the importation of the American reprints. In many modern instances the British copyright holder has preferred to sell his right to an American publisher rather to a Canadian, and has bound himself by the terms of sale to prosecute any Canadian who may reprint his work for sale in Canada, which is the operation which the American sets himself about at once.

The instances in which Canadian publishers have been able to make arrangements with copyright holders in Great Britain have been comparatively few. It is unnecessary to seek for the reason of this. It is not because Canadian publishers are unwilling to make fair terms with the British copyright holder, but because American publishers have greater facilities, and because British authors prefer to deal with publishers in the United States. It is useless to say that it may be made their interest to deal with Canadian publishers, or to issue colonial editions. Pressure, for 40 years, by the people of British North America, and remonstrances from the Colonial Office, have been unavailing to change their practice in regard to a policy, so entirely prudent, as that of providing for the wants of the reading public of British North America.

Having stated these facts, illustrative of the inconvenience imposed on Canada by the Imperial Copyright Acts, your Lordship, I hope, will appreciate the urgent desire of the Canadian Government, that a remedy should be applied as soon as possible. If the principal supply, for the reading public of Canada must, by virtue of Imperial legislation, come from the United States, it follows that the business of publishing for Canada is far more restricted than it ought to be, considering the wants of the people of that country and the means they have of supplying themselves, and it follows that encouragement is continually being given, in an increasing degree, to all those who are engaged in any of the employments which form part of book-making, to seek a home for themselves and their families in the United States, in preference to Canada. Overweighted as we

continually are, by reason of the vast competition of the United States in every branch of trade, industry and commerce, your Lordship will not wonder at our being disposed to complain, when, in regard to so important a matter as the furnishing of literature for our people, we are hindered by a monopoly, nominally in favour of the London publishers, but really and practically in favour of the publishers in the United States, and when we are held in that position by virtue of an Imperial statute passed nearly half a century ago, when the wants and capabilities of the people of British North America were greatly different from what they are now, when the population of British North America was only a fraction of what it is now, and when the powers of its people, as regards self-government, had hardly begun to exist, while they are now fully developed.

I proceed now to show that the request which I am urging upon your Lordship, by direction of the Canadian Government, was pressed on Her Majesty's Government immediately after the Dominion of Canada was established, has been pressed at many times since, and has always been met in a manner which justifies the hope that compliance with our request will not now be longer delayed.

On the 15th May 1868, the Senate of Canada passed an humble address to His Excellency the Governor-General, as follows :—

The Senate, 15th May 1868.

* * * * * * *

1st. To call the attention of Her Majesty's Government to the provisions of the Imperial Act, 10 & 11 Vict. c. 95, by which power is given to Her Majesty to approve of any Act passed by the Legislature of any British possession, admitting into such possession foreign reprints of British copyright works, provided that reasonable protection to the authors is, in Her Majesty's opinion, thereby secured to them.

2nd. To impress upon Her Majesty's Government the justice and expediency of extending the privileges granted by the above cited Act, so that, whenever reasonable provision and protection shall, in Her Majesty's opinion, be secured to the authors, Colonial reprints of British copyright works shall be placed on the same footing as foreign reprints in Canada, by which means British authors will be more effectually protected in their rights, and a material benefit will be conferred on the printing industry of this dominion.

Ordered, that such members of the Privy Council as are members of this House do wait on His Excellency the Governor-General with the said address.

Attest,

F. Taylor,
Clerk, Senate.

In June 1868, Mr. Rose, then Canadian Minister of Finance, being in London, was referred to by the Colonial Office for information on the subject of this address, and in a memorial dated the 30th of that month, he stated briefly, the inconveniences which were felt in Canada, and he declared the desire of Canada to be, in accordance with the address of the Senate, that the Canadian publisher be permitted to reprint English copyrights on taking out a license and paying an excise duty, effectual checks being interposed so that the duty on the number of the copies actually issued from the press, should be paid to the Canadian Government by such publishers for the benefit of the author.

A letter from the Colonial Office to the Board of Trade stated that consideration ought to be given to the course which should be taken with regard to the recommendation of the Senate of Canada that Colonial reprints of copyrighted works be placed on the same footing as foreign reprints in the Dominion, and that the Duke of Buckingham and Chandos, then Her Majesty's Principal Secretary of State for the Colonies, would be glad to be informed whether the memorandum submitted was sufficient to enable their Lordships of the Board of Trade to form an opinion on this question.

On the 21st July 1868, his Grace informed the Governor-General of Canada that he was in communication with the Board of Trade with regard to the recommendation of the Senate, and would apprise his Excellency of the result so soon as he was placed in possession of their Lordships' views.

The reply of the Board of Trade, dated the 22nd July, 1868, was that the question raised was far too important, and involved too many considerations of Imperial policy to render it possible to comply with the desire expressed by the address of the Senate that legislation should be obtained during the then present session of Parliament.

It was further stated to be most desirable that the Canadian question should be considered in connection with any negotiations with the United States with regard to copyright. The letter contained the following paragraph, which stated in substance the disposal of the question at that time :—

" My Lords, however, fully admit that the anomalous position of Canadian publishers with respect to their rivals in the United States of America is a matter which calls for careful inquiry, but they feel that such an enquiry cannot be satisfactorily undertaken without at the same time taking into consideration various other questions connected with the Imperial laws of copyright and the policy of International Copyright Treaties, and they are, therefore, of opinion that the subject should be treated as a whole, and that an endeavour should be made to place the general law of copyright, especially that part of it which concerns the whole continent of North America, on a more satisfactory footing."

The Duke of Buckingham and Chandos on the 31st July 1868, sent the Governor-General of Canada the following formal reply :—

" Your Lordship will perceive that any immediate legislation on the matter was impossible, but that the anomalous position of the question in North America is not denied, and that it is admitted that the law of copyright generally may be a very fit subject for future consideration."

On the 9th April 1869, the Government of Canada again moved in the matter, transmitting to the Colonial Office a memorandum by the Minister of Finance in reply to the communication from the Board of Trade above referred to, and on the 27th of July 1869, the Board of Trade made an extended reply, to which I beg to refer to your Lordship, as showing that the request which had been made from Canada in 1868, and which is still being pressed, was not controverted on its merits, but was deferred in the hope that, presently, some international arrangement might be made with the United States, and under the impression that it would be unwise to deal with the Canadian question while the probability of such an arrangement was in view. The following passage from that communication bears this out, and sets forth a summary of the conclusions at which the Lords of Trade had arrived :—

" Under these circumstances the balance of argument is, in the opinion of the Lords of Trade, against any immediate adoption of the Canadian proposal. The truth is that it is impossible to make any complete or satisfactory arrangement with Canada unless the United States are also parties to it. Whatever protection is to be given to authors on one side the St. Lawrence must, in order to be effectual, be extended to the other ; and it is consequently impossible to consider this question without also considering the prospects of an arrangement between Great Britain and the United States. There are symptoms of the possibility of such an arrangement. In 1853–54 an international copyright convention was signed between the two Governments, but was allowed to drop. In the last session of the United States Congress a bill was introduced providing for international copyright in the United States. It required re-publication and re-printing in the United States as a condition of copyright there, and was in this respect objectionable. But the correspondence showed that there was a considerable interest in the question, and it was evident that the Americans were feeling the want of an international arrangement on the subject.

Accordingly, on the 20th October 1869, Earl Granville informed the Governor-General of Canada that the matter was one of some difficulty, and that Her Majesty's Government felt it necessary to obtain further information before deciding on the proposal of the Canadian Government, but that, in the meantime, action might be taken as to a portion of the Imperial law which was not affected by the difficulties surrounding the present question, namely, that while, by the present law, publication in the United Kingdom gave copyright throughout the Empire, publication in a colony could not give rights outside the limits of the Colony ; and he stated that Her Majesty's Government were prepared to take steps during the next session to amend the law in that particular.

On the 20th December 1869, the Governor-General of Canada transmitted a number of documents, one of which was an address which he had received from the Typographical Union of Montreal, setting out in strong terms the prejudicial effects of the Imperial Copyright Acts in Canada. His Excellency had promised, in reply, that he would not fail to draw the attention of the Privy Council to the point thus raised.

His Excellency also transmitted, at the same time, a report from the Minister of Finance on the first communication from the Board of Trade above mentioned.

The Minister remonstrated against the Canadian request being delayed for the action of the United States. He said : " In reference to the second objection urged against

" the desired change in the law, the undersigned is ready to admit that Canada ought " not to ask for and should not expect to receive any privilege which could reasonably " be held to prejudice, or postpone the satisfactory adjustment of the great question of " international copyright between England and the United States. But he is unable to " see how the change in the law asked for could have any such effect, especially if it " were provided that the privilege accorded to Canadian publishers should be provisional " and temporary, to determine on the conclusion of any international treaty of copy- " right between the two countries.

" Under such limitations, would not the granting of the privilege asked for on behalf " of Canadian publishers operate rather to bring about the conclusion of an International " Copyright Treaty, than to postpone or prevent it? If Canadian publishers were " placed on the same footing as their American rivals, the latter would be, to a very " great extent, deprived of the pecuniary benefits resulting them, in the absence of any " Inter-colonial Copyright Treaty from their piracy of the works of English authors."

On the general question which I have already discussed, the Minister made use of the following expressions, which I cite for the purpose of showing that they are not now advanced for the first time to Her Majesty's Government, and that these are not newly discovered grievances :—

" At present the Canadian public are mainly dependent on the supply, even of foreign " literature for which a copyright may be obtained in England, on the reprints from the " United States.

" It may be argued in answer to these objections, that the Canadian publisher may " make arrangements with the author for permission to publish; but as the law now " stands there is no motive or inducement either for the author to concede, or the " publisher to obtain, this sanction; the author has already made, or can make, his " arrangements with the foreign publisher, who knows that circumstances will give him " a large circulation in the Canadian markets, and that even the slight proportion of duty " collected will be paid by the Canadian reader, because re-publication is there forbidden.

" At present the foreign publisher, having a larger market of his own, and knowing " the advantages of access to the Canadian market, can hold out greater inducements " to the author than the Colonial publisher, and can afford to indemnify the author for " agreeing to forego taking out any copyright and to abstain from printing in Canada."

The Minister concluded his report, which had the approval of his Excellency in Council, as follows :—

" Having considered the arguments advanced against the modification of the copyright " law asked for in the Address of the Senate, the undersigned would recommend that " the attention of the Imperial authorities be once more invited to the subject, and that " they be earnestly requested to accede to the application of the Senate, upon the " understanding, if thought proper, that the change in the law, if made, should be " temporary, to be determined upon the conclusion of any International Copyright " Treaty between England and the United States.

" In conclusion, the undersigned may be permitted to note the fact that, during the " last few months, the present subject has been very largely discussed in the leading " journals of Canada as well as at public meetings. The public sentiment throughout " the country is, that the privilege asked is fair and reasonable in itself, and that the " granting of it would not only promote the interests of English authors but give an " impetus to the publishing and printing trade, and other cognate branches of Canadian " industry, and would be calculated to increase the circulation in Canada of the best British " works, and to foster the literary taste and develop the literary talents of the Canadian " people."

At this stage, the British publishing interest intervened, and pressed upon the Lords of Trade, who in their turn pressed upon the Colonial Office, the propriety of compelling the Colonies to accept the modification of the Imperial copyright laws which had just been offered to them without any demand for concession in return, and which was obviously required by the commonest principles of justice, namely, the concession that publication in the Colony should be equivalent to publication in Great Britain, on condition, only, that the Colonies should give up their right, accorded under the Act of 1847, to import foreign reprints.

When so little was being conceded, in answer to the repeated requests of Canada for the right to supply our people with reprints, it would have been doubtful whether the Canadian Government would have expressed its acquiescence in a measure so comparatively unimportant, but when that concession became coupled with a condition which would have made the Imperial Copyright Acts absolutely unbearable and unenforceable, only one reply was possible, and that reply was the one which was transmitted from

Canada on the 1st of July 1870, stating that while there could be no objection to the proposed Bill, making publication in the Colony equivalent to publication in the United Kingdom, taking into consideration the suggested repeal of the Imperial Copyright Act of 1847, it was highly inexpedient that legislation should take place at that time.

Lord Kimberley requested the Governor-General of Canada on the 29th July 1870 to forward to him a full statement of the views of the Canadian Government on the question, in order that it might be considered before the next Session.

Accordingly, on the 30th November 1870, a joint report of the Ministers of Finance and Agriculture was adopted by his Excellency in Council, the substance of which is contained in what here follows:—

"What the undersigned would venture to suggest is, that the duty on the reprints of books first published either in Great Britain or its dependencies, when imported from foreign countries, should be materially increased; and that it should be levied in all cases for the benefit of the author or owner of the copyright, should such exist; and that to prevent evasion of the law a declaration should be required from importers that any works which they may claim to import free of such duty have never been published either in Great Britain or British dependencies; that foreign reprints of works published in Canada should be wholly prohibited; that any author publishing in Canada should be, as at present, protected in his copyright, but that, unless British copyright works should be published concurrently in Canada, licensed Canadian publishers should be allowed to publish, paying, for the benefit of the author or owner of the English copyright, an excise duty, which could be collected by means of stamps as easily as other duties of a similar kind. The undersigned have no doubt that such a scheme as that which they have suggested could be carried into practical effect with great advantage to the English authors, who, as a rule, would sell their copyrights for Canada to Canadian publishers. It is true that British publishers would not gain that Colonial circulation which they have long tried to obtain without success; but it is vain for them to expect that the expensive editions published in England can meet a sale in any part of the American continent.

"The undersigned, therefore, recommend that your Excellency should acquaint Her Majesty's Principal Secretary of State for the Colonies that there is no probability of the Dominion Parliament consenting to any measure for enforcing British copyright in Canada unless it provides for local publication; and that, while the Canadian Government will be ready to introduce a measure that will be of great advantage to British authors, they must, in reference to foreign reprints, have regard to the interests of Canadian as well as of British publishers."

In 1872, the Government of Canada were still without a definite reply to the request which had been made by the Address of the Senate in 1868, and which had been reserved, as above stated, by Her Majesty's Government until further information could be gathered, and until the result of negotiations with the United States might be known.

On the 14th of May of that year the following report of a Committee of the Privy Council of Canada was approved of by the Governor-General and transmitted:—

"On a Memorandum, dated 10th May 1872, from the Honourable the Ministers of Finance and Agriculture, reporting that much anxiety has been manifested by Houses of the Canadian Parliament on the unsatisfactory state of the Imperial Copyright Act; that, as no reply has yet been received to the approved Report of the Committee of the Privy Council, dated 1st December 1870, they think it desirable that the attention of Her Majesty's Government should again be called to the subject.

"That they have reason to believe that a good deal of discussion has taken place in England among the parties interested in copyright, and that the result of that discussion has been a considerable accession to the ranks of those who are in favour of the proposition submitted by them in the report already referred to.

"That it is apparent that the class which alone has a just claim to protection, viz., authors, have at length been convinced that their interests are not promoted by the maintenance of the present system.

"That it is no doubt true that the principal owners of copyright are the London publishers, but it is, they state, equally true that those publishers have never paid to the authors one single pound more for their copyrights in view of circulation in Canada.

"That it cannot be denied that the Canadian demand for concurrent publication in Canada should alone entitle the author to the benefit of copyright. That under the present system, which is wholly indefensible, and which is objected to, as well by the English publishers as by the Canadian publishers, the latter are treated with the greatest injustice.

"That it has long been the custom for the owners of English copyright to sell to American publishers advance sheets of their works, and when Canadian publishers have offered to acquire copyright in Canada by purchase, they have been told that the arrangements made between English and American publishers were such as to prevent any negotiations with Canadians.

"That Canada has passed a law by which British authors can secure copyright in Canada, and has further expressed a readiness, where authors do not choose to take out copyright, to secure adequate compensation to them by means of an excise tax on all English copyright works for the benefit of the authors.

"They, the Ministers, recommend that a further appeal be made to Her Majesty's Government to legislate upon this subject without further delay.

"The Committee concur in the foregoing report, and submit the same for your Excellency's approval."

In the Session of the Canadian Parliament of 1872 a Copyright Bill was passed, in substance and principle like the Act of 1889. This was reserved by the Governor-General for the signification of Her Majesty's pleasure.

In May 1874, the pleasure of Her Majesty not having been communicated, and in view of the fact that the two years within which the Royal Assent might be given to it would expire on the 14th of June 1874, addresses to his Excellency the Governor-General were presented by the Senate and by the House of Commons respectively, asking him to convey to Her Majesty's Principal Secretary of State for the Colonies the respectful expression of the necessity felt by the Senate and House of Commons that the Bill passed in the Session of 1872 should not be allowed to lapse by the expiry of the two years' limitation, specified in the 57th section of the British North America Act of 1867, and begging to assure his Excellency that important interests in the Dominion were prejudiced by the absence of legislation such as that Bill contemplated.

The answer was communicated on the 15th of June 1874 by Lord Carnarvon, stating that the Imperial Act of 1842 was still in force throughout the British Dominions, in so far as to prohibit the printing of a book on which copyright subsisted under that Act, and that he had been advised that it was not competent for the Parliament of Canada to pass such a measure as the Act of 1872, inasmuch as its provisions would be in conflict with Imperial legislation, and that he had no alternative but to advise Her Majesty that Her Assent could not properly be given to the Bill.

Lord Carnarvon closed his Despatch with the following paragraph, which, I respectfully submit, is a renewal of the promises often made in connexion with this subject:—

"I am aware that the subject of Colonial copyright has long been under consideration, and that attempts were made by Her Majesty's late Government, in connexion with yourself and your Ministers, to arrive at a settlement of this difficult and most important question. I will only now express my readiness to co-operate, and my confident hope that we may without difficulty be able to agree in the provisions of a measure which, while preserving the rights of the owners of copyright works in this country under the Imperial Act, will give effect to the views of the Canadian Government and Parliament.

Pending the fulfilment of the promises thus renewed by Lord Carnarvon, the Parliament of Canada in 1875 passed a Bill on the subject of copyright in Canada, which was carefully drawn, to avoid as far as possible, conflict with Imperial legislation. In order to remove any doubts as to the validity of this Bill an Imperial statute was passed to authorise its being assented to. This latter is known in Great Britain as the "Canadian Copyright Act of 1875." It authorised Her Majesty to assent to the reserved Bill, but forbade the importation into the United Kingdom of Colonial reprints of any work which might be copyrighted in Canada, and for which copyright subsisted in the United Kingdom. It placed, practically, the production of such works in Canada on the same footing as foreign reprints. The Canadian Act of 1875 then received the Royal Assent.

It is unnecessary that I should refer in detail to this Act, but it may be proper to state that it seems most liberal and fair in its provisions. It permits an author at any time, having printed his book in Canada, to obtain copyright there. It permits the original author's edition to be imported at all times, so that superior and revised editions may always be procured.

It established interim copyright, so as to protect a work while passing through the press. It provided for temporary copyright, to cover the case of works published in serial form, and it extended all the privileges of copyright in Canada to any British subject, and to the subjects of any country which has a treaty on this subject with Great Britain, and thus removed one of the objections which had been taken in earlier

times to the effect which Canadian copyright legislation might have on negotiations with the United States, if such legislation should permit the reprinting of works copyrighted in the United States.

It was felt that, pending the question of the Dominion being free to legislate on the subject of copyright generally, it was important to have a Canadian copyright system, inasmuch as, since the Imperial Act of 1842, works published in the United Kingdom had copyright in all the Colonies, while for a work published in any one of the Colonies, it was impossible to obtain copyright in the United Kingdom. Our Act, consequently, gave local copyright, protecting the work printed in Canada, and prevented the importation of re-publications of any such work after it should have obtained the local copyright, as the Imperial Act prevented the importation of works which had obtained a British copyright.

I now beg to refer your Lordship to the proceedings of the Copyright Commission of 1876, of which your Lordship was a very prominent member, and in which Canada was represented by the late Sir John Rose. In the portion of the Report of that Commission which deals with the branch of the subject falling under the head of "Colonial copyright," some most important statements and recommendations are made.

First, at section 184, it is admitted that "it is highly desirable that the literature of "this country should be placed within easy reach of the Colonies, and that, with this "view, the Imperial Act should be modified so as to meet the requirements of colonial "readers."

In sections 186, 187, and 188, the following passages occur, which I now beg to cite as confirmation of the narrative which I have given in the early part of this letter, of the effects which immediately followed the Imperial Act of 1842, and as showing that the Canadian Government is now but reiterating an oft-repeated statement the truth of which has long been established and admitted.

"186. These means are not available, and indeed are impracticable owing to the great distances and scattered population in many of the Colonies, and until the cheaper English editions have been published the colonial reader can only obtain English copyright books by purchasing them at the high publishing prices, increased as those prices necessarily are by the expense of carriage and other charges incidental to the importation of the books from the United Kingdom.

"187. Complaints of the operation of the Copyright Act of 1842 were heard soon after it was passed, and from the North American provinces urgent representations were made in favour of admitting into those provinces the cheap United States reprints of English works. In 1846 the Colonial Office and the Board of Trade admitted the justice and force of the considerations which had been pressed upon the Home Government, 'as tending to show the injurious effects produced upon our more distant 'colonists by the operation of the Imperial law of copyright.' And in 1847 an Act was passed 'to amend the law relating to the protection in the Colonies of works 'entitled to copyright in the United Kingdom.'

"188. The principle of this Act, commonly known as the Foreign Reprints Act, is to enable the Colonies to take advantage of reprints of English copyright books made in foreign States, and at the same time to protect the interests of British authors."

The result of the "Foreign Reprints Act" is thus stated in sections 193 and 194:—

"193. So far as British authors and owners of copyright are concerned, the Act has proved a complete failure. Foreign reprints of copyright works have been largely introduced into the Colonies, and notably American reprints into the Dominion of Canada, but no returns, or returns of an absurdly small amount, have been made to the authors and owners. It appears from official reports that during the 10 years ending in 1876, the amount received from the whole of the 19 Colonies which have taken advantage of the Act was only 1,155*l.* 13*s.* 2*d.*, of which 1,084*l.* 13*s.* 3*d.* was received from Canada, and that of these Colonies seven paid nothing whatever to the authors, while six now and then paid small sums amounting to a few shillings.

"194. These very unsatisfactory results of the Foreign Reprints Act, and the knowledge that the works of British authors, in which there was copyright, not only in the United Kingdom, but also in the Colonies, were openly reprinted in the United States, and imported into Canada without payment of duty, led to complaints from British authors and publishers; and strong efforts were made to obtain the repeal of the Act."

The request which I have been pressing in this letter, and the grievances which the Canadian Copyright Act of 1889 was intended to remove, are thus summarised in section 195:—

"Section 195. A counter-complaint was advanced by the Canadians. They contended that although they might still import and sell American reprints on paying the duty, they were not allowed to re-publish British works, and to have the advantage of the trade, the sole benefit of which was, in effect, secured for the Americans; in defence of themselves against the charge of negligence in collecting the duty, they alleged that, owing to the vast extent of frontier and other causes, and also from the neglect of English owners of copyright to give timely notice of copyright works to the local authorities, they had been unable to prevent the introduction of American reprints into the Dominion.

"196. The Canadians proposed that they should be allowed to re-publish the books themselves under licenses from the Governor-General, and that the publishers so licensed should pay an excise duty of 12 per cent. for the benefit of the authors. It was alleged that by these means the Canadians would be able to undersell the Americans, and so effectually to check smuggling; and further that the British author would be secured his remuneration, as the money would be certain to be collected in the form of an Excise duty, though it could not be collected by means of the Customs. Objections, however, were made to the proposal, and it was not carried out.

"197. These considerations led to the suggestion that re-publication should be allowed in Canada under the authors' sanction, and copyright granted to the authors in the Dominion; and upon this a question arose whether Canadian editions, which would be probably much cheaper than the English, should be allowed to be imported into the United Kingdom and the other Colonies."

The report then proceeded to state the substance of the Canadian Act of 1875, and intimated, what was no doubt correct, that too short a time had elapsed, since its sanction, to ascertain its full effect.

In sections 206, 207, and 208 the following liberal recommendations were made in favour of the Colonies.

"206. We recommend that the difficulty of securing a supply of English literature at cheap prices for colonial readers be met in two ways: 1st. By the introduction of a licensing system in the Colonies; and, 2nd. By continuing, though with alterations, the provisions of the Foreign Reprints Act.

"207 In proposing the introduction of a licensing system, it is not intended to interfere with the power now possessed by the Colonial Legislatures of dealing with the subject of copyright, so far as their own Colonies are concerned. We recommend that in case the owner of a copyright work should not avail himself of the provisions of the copyright law (if any) in a Colony, and in case no adequate provision be made by re-publication in the Colony or otherwise, within a reasonable time after publication elsewhere, for a supply of the work sufficient for general sale and circulation in the Colony, a license may, upon an application, be granted to re-publish the work in the Colony, subject to a royalty in favour of the copyright owner of not less than a specified sum per cent. on the retail price, as may be settled by any local law. Effective provision for the due collection and transmission to the copyright owner of such royalty should be made by such law.

"208. We do not feel that we can be more definite in our recommendation than this, nor indeed do we think that the details of such a law could be settled by the Imperial Legislature. We should prefer to leave the settlement of such details to special legislation in each Colony."

I am unable to find that these recommendations were dissented from by any member of the Commission, even by the gentleman who represented the Copyright Association of Great Britain, and whose letter is annexed to your Lordship's Despatch of the 25th of March last.

The report seems to have been concluded on the 25th May 1878, but the recommendations which I have quoted, like so many others, in favour of the Colonies on the subject of copyright, have, unfortunately, not been carried into execution.

Your Lordship cannot then be surprised that, after Earl Grey's promise of more than 40 years ago, and after more than 22 years' of agitation on the part of Canada, by addresses from both branches of our Parliament, by memoranda from our Ministers of Finance and Agriculture, by Minutes of Council, and by statutes passed unanimously in both Houses, introduced by three successive Governments, representing opposite political opinion, and with encouragements held out at every stage of the agitation to expect a reasonable and favourable consideration of our representations by Her Majesty's Government, the Canadian Parliament believed, in 1889, that the Act then passed, to give effect to what had so often been asked for, to what had never been refused, and to

what had been recommended by the highest authorities in Great Britain, after most mature deliberation, should receive a favourable consideration at the hands of Her Majesty's Government when the Government of Canada asked for the assent of Her Majesty's Government to the issue of a Proclamation to bring it into force.

I respectfully refrain from discussing here the legal difficulties by which your Lordship has been impressed, as to the power of the Parliament of Canada to pass such an Act, because, I understand that I have your Lordship's permission, to discuss that subject separately, and because it in no way relates to the principle under discussion on this occasion.

Hitherto it has always been either assumed on the part of Canada and Great Britain, or distinctly asserted on the part of Great Britain, that Canada had not the power to pass such an Act, but hope has always been held out that Canada should obtain the power, and I therefore submit, that, if your Lordship should continue to be of the opinion that the power does not exist, you will promote legislation to set that question finally at rest, by conferring the power; and that, if you should be of the opinion that the power may exist, you will advise Her Majesty to consent to the issue of a Proclamation to bring the Act of 1889 into force, under the assurances which have been offered, that a most respectful consideration will be given to any suggestion for the improvement of the measure which your Lordship may think proper to make, after hearing all that may be advanced on both sides.

In the Despatch of the 25th March your Lordship suggested that the Government of Canada would doubtless fully consider whether it would not be well, and be desirable, to leave the law as it now stands, until it should be seen what action would be taken in the United States on the subject of copyright. The action of the United States has since been announced. It is the action which has followed every attempt to establish a copyright arrangement with the United States during the last 25 years. The only measure which has ever been offered in the United States Congress, looking to international arrangement, or forming, in any way, the basis for international arrangement, has exacted, as an indispensable condition to American copyright (whether treaty or statutory) reprinting in the United States. Those who are most intimately acquainted with the state of public opinion in that country are confident that that condition will never be dispensed with. We have seen that every measure looking to an international arrangement, even with that condition included, and even the measure which was pending when your Lordship's Despatch was written, has been rejected by Congress.

It is not too much then, I hope, to ask that a final decision of the case of Canada should no longer be postponed to await the action of the United States.

Permit me to add, in this regard, a repetition of two points, which I have already hinted at. First, that the present policy of making Canada a market for American reprints, and closing the Canadian press, for the benefit of the American press, in regard to British copyright works, has a direct tendency to induce the United States to refuse any international arrangement. Second. That, inasmuch as the existing Canadian copyright law affords protection to the copyright holder in every country which may make a treaty with Great Britain, it cannot be suggested, as it once was, that self-government in Canada, on this subject would, in the least, impede negotiations with the United States for an international arrangement.

I am, &c.

JOHN S. D. THOMPSON,
Minister of Justice of Canada.

No. 10.

COLONIAL OFFICE to BOARD OF TRADE.

Sir, Downing Street, July 17, 1890.

In reply to your letter of the 9th of July,* I am directed by Lord Knutsford to transmit to you, to be laid before the Board of Trade, a copy of the Canadian Copyright Act Amendment Act of 1889,† together with copies of the correspondence‡ which has passed with the Governor General of Canada on the subject.

The question is still under the consideration of Her Majesty's Government.

I am, &c.

JOHN BRAMSTON.

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* No. 8. † No. 1. ‡ Nos. 2, 3, 6, and 7.

No. 11.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

[*Answered by Nos.* 12 *and* 14.]

SIR, Downing Street, August 5, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquess of Salisbury, Board of Trade, a copy of a memorandum* by Sir J. S. Thompson, Minister of Justice in Canada, on the subject of the Canadian Copyright Act of 1889.

Lord Knutsford would be glad if the Marquess of Salisbury / Board of Trade would take these papers into consideration in connexion with the papers forwarded in the letter from this Department referred to, and favour him with any observations which he / they may have to offer on the subject.

I am, &c.
JOHN BRAMSTON.

No. 12.

BOARD OF TRADE to COLONIAL OFFICE.

(Received August 18, 1890.)

[*Answered by No.* 17.]

Board of Trade (Railway Department), London, S.W.,
SIR, August 16, 1890.

I AM directed by the Board of Trade to acknowledge the receipt of Mr. Bramston's letter of the 5th instant,† enclosing copy of a memorandum by Sir J. S. Thompson, Minister of Justice in Canada, on the subject of the Canadian Copyright Act, 1889, and asking for the observations of the Board of Trade on the subject.

In reply, I am to state, for the information of Lord Knutsford, that the Board of Trade do not understand that their observations are asked for as to the competency of the Dominion Parliament to pass the Act in question. Upon this point, therefore, they only desire me to say that uniformity of Imperial statute law as regards matters of such Imperial interest as copyright becomes seriously impaired if Colonial Parliaments are enabled to make provisions of special application.

As regards the provisions of the Act under notice, the Board of Trade are of opinion that Clause 1, which makes the printing and publishing or producing in Canada, or the reprinting and republishing or reproducing in Canada, within one month after publication or production elsewhere of a copyrighted work, and also Clause 3, which empowers any person or persons domiciled in Canada to print and publish or to produce the work for which copyright might have been obtained but for the neglect of the person entitled to copyright to take advantage of the provisions of the Act, are both inconsistent with Imperial legislation and with the International Convention.

The Board of Trade freely admit the disadvantages under which publishers in the Dominion suffer in consequence of the action of publishers in the United States. The latter are untrammelled by any international copyright law or treaty, while the Canadian publisher is not free to reprint except with the permission of the holder of the copyright. But it appears to the Board of Trade that the effect of the Canadian Act would be to enable Canadian publishers to take the very course of which strong complaints are made in the case of American publishers, and that it would deter, rather than encourage, the efforts of all those interested in bringing United States law into conformity with Imperial legislation, and in moving the United States Government to join the International Convention.

The Board of Trade cannot anticipate that the ultimate effect of the Act will be for the advantage of Canadian publishers; but, however that may be, they are clearly of opinion that the proposed Act is against the interests of British authors. They believe that the true method of removing the disadvantages of which the Canadian publishers complain is to be sought rather in the amendment of legislation and procedure in the United States than the adoption of such retaliatory action as the proposed Act seems to seek to establish.

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* No. 9. † No. 11.

Under these circumstances, the Board of Trade direct me to state that there do not appear to be any special reasons why the Secretary of State for the Colonies should take an exceptionally favourable view of the application of the Dominion Government.

I am, however, to add that the Board of Trade have given great consideration to the complaint referred to in Sir John Thompson's memorandum as to the effect of the Act of 1842, by which copyright is given to any person publishing a literary work in the United Kingdom, if he is a subject of Her Majesty, or resident in any part of Her Majesty's dominions. It is very doubtful whether an alien belonging to a country not party to the Union should have the privilege of obtaining copyright in Her Majesty's dominions for a work published in that country by mere residence in Her Majesty's dominions; and the Board of Trade will be very glad to consider in consultation with the Colonial Office and the Foreign Office, whether it might not be possible, without interference with the Convention or the International and Colonial Copyright Act, to amend the Act of 1842 by withdrawing such a privilege from citizens of States not parties to the Convention.

I am, &c.
HENRY G. CALCRAFT.

No. 13.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.

(Received September 1st, 1890.)

Stanley House, New Richmond, P.Q.,
August 18, 1890.

My Lord,

I have the honour to transmit to your Lordship a copy of an approved Minute of the Privy Council of Canada concurring in the views expressed in the letter appended, dated London 14th July,* from Sir John Thompson to your Lordship with respect to the Copyright Act of Canada.

I have, &c.
STANLEY OF PRESTON.

Enclosure in No. 13.

Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 7th August 1890.

The Committee of the Privy Council have had under consideration the annexed letter, dated London, 14th July 1890,* from Sir John Thompson, Minister of Justice, to the Right Honourable the Secretary of State for the Colonies, with respect to the Copyright Act of Canada.

The Committee concur in the views therein expressed, and they advise that your Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies, and that a copy be also sent to the High Commissioner for Canada.

All which is respectfully submitted.

John J. McGee,
Clerk, Privy Council.

No. 14.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 3, 1890.)

[*Answered by No.* 15.]

(Extract.)

Foreign Office, September 1, 1890.

I am directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 5th August,† enclosing a copy of a memorandum by Sir J. S. D. Thompson on the subject of the Canadian Copyright Act, 1889.

In reply, I am to request you to state to Lord Knutsford that there appear to be very serious objections to this Act.

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* No. 9. † No. 11.

Lord Salisbury would suggest that the Board of Trade, the Incorporated Society of Authors, and the Copyright Association should be consulted before any decision is come to as to the course to be pursued; and his Lordship would be glad to be placed in possession of any observations which may be made on the subject by the Board of Trade or by the societies in question.

In view of the importance of the subject in regard to international copyright, his Lordship would be glad that no final decision should be taken without the concurrence of this Office.

No. 15.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, September 17, 1890.

WITH reference to your letter of the 1st instant,* and to previous correspondence respecting copyright in Canada, I am directed by Lord Knutsford to transmit to you, for communication to the Marquess of Salisbury, a copy of a letter† from the Board of Trade, and to state that the Copyright Association and the Incorporated Society of Authors have been invited to express their opinions on the subject.

I am to observe that the report of the Royal Commission on Copyright of 1878 and the unanimous recommendation of the Commissioners (p. xxxiii. of C.—2036, 1878), in favour of the introduction of a licensing system in the Colonies appear to have been overlooked. It is true that Mr. Daldy, one of the Commissioners, now takes a different view to that which he then apparently entertained, but Lord Knutsford sees no reason to withdraw his concurrence in that part of the Report which relates to Colonial copyright. The licensing system was recommended as a means of securing a supply of English literature at cheap prices for Colonial readers, and the International Copyright Act of 1886, although it removed one grievance, caused by the Copyright Act of 1842 (5 & 6 Vict. c. 45), by giving to a person who publishes a book in a colony the same privileges that he would have been entitled to by publication in this country, does not affect the question of supply of English works in the Colonies.

It was with a view to enabling the Colonies to obtain a cheap supply of such literature that the Imperial Act of 1842 was amended by that of 1847, as complaints of the operation of the former Act, the justice and force of which were admitted (*vide* paragraph 187 of the Copyright Commissioners' Report) were pressed upon Her Majesty's Government. The latter Act has, however, been confessedly a failure, and the question to be considered seems to be whether Imperial legislation should be resorted to to enable the Canadians to adopt a system recommended by the Royal Commission.

No doubt the condition attached by the Royal Commission to that recommendation, that a license should only be granted after a reasonable time after publication in England, is very important, and this point was pressed upon the Canadian Government in Lord Knutsford's Despatch of the 25th of March last.‡ But this is a matter for subsequent settlement, and does not interfere with the main principle; and Sir J. Thompson in his letter of the 14th of July last,§ remarks, with especial reference to this point, that "any details which are felt to be unfair or inadequate, in view of all the interests "involved, will, I am sure, be reconsidered by the Parliament of Canada."

You will observe that the letter from the Board of Trade now communicated to you does not refer to the report of the Royal Commission.

I am, &c.

ROBERT G. W. HERBERT.

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* No. 14. † No. 12. ‡ No. 6. § No. 9.

No. 16.

COLONIAL OFFICE to THE COPYRIGHT ASSOCIATION and the SOCIETY OF AUTHORS.

[*Answered by Nos.* 18 *and* 21.]

SIR, Downing Street, September 17, 1890.

I AM directed by Lord Knutsford to transmit to you a copy of a letter from Sir J. Thompson,* Minister of Justice of Canada, respecting copyright in the Dominion.

I am also to enclose copies of the Canadian Copyright Act of 1889† with Sir J. Thompson's report‡ upon it and of Lord Knutsford's Despatch of the 25th of March last,§ to which Sir J. Thompson refers in his letter to this Department.

These papers show the questions which are at issue, and his Lordship would be glad to be favoured with any observations which the $\frac{\text{Copyright Association}}{\text{Inc. Socy. of Authors}}$ may desire to make upon them.

I am, &c.

ROBERT G. W. HERBERT.

No. 17.

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, September 17, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 16th ultimo,‖ respecting the Canadian Copyright Act, 1889.

I am to observe that the licensing system, under which an English book may be republished in a colony under certain conditions, was suggested and approved of unanimously by the Royal Commission on Copyright of 1878, and although Mr. Daldy, one of the Commissioners, now dissents from that view, his Lordship sees no reason to withdraw the opinion which he then arrived at in conjunction with the other Commissioners. The recommendation of that body, as will be seen by reference to their Report (C.—2036) under the head of "Colonial Copyright" was made with a view to removing complaints which arose from the operation of the Imperial Act of 1842, and which were only partly and imperfectly dealt with by the Act of 1847 and the Orders in Council passed under it.

His Lordship is in communication with the Foreign Office, the Copyright Association, and the Incorporated Society of Authors on the subject.

I am, &c.

ROBERT G. W. HERBERT.

No. 18.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.

(Received November 4, 1890.)

4, Portugal Street, Lincoln's Inn Fields, W.C.,

MY LORD, November 3, 1890.

IN answer to the letter from Mr. Robert Herbert of the 17th September 1890,¶ I have the honour to inform your Lordship that a meeting of the general committee of the Incorporated Society of Authors, including the sub-committee on copyright, has been held to consider the questions raised by Sir T. Thompson in his report to your Lordship of July 14th, 1890. I am directed by the committee to inform your Lordship as follows:

(1.) They can express no opinion on the question of the general policy which Her Majesty's Government may think fit to adopt towards Canada with regard to the question of copyright.

(2.) They hope, however, that if Her Majesty's Government think fit to undertake legislation in order to give effect to the principles of the Canadian Copyright Act such legislation will embody due precautions for making the collection of royalty charges really efficient.

(3.) They submit that the clauses relating to the collection of royalty charges as drafted in the Canadian Copyright Act 52 Vict. c. 29 are not sufficient for the proper collection thereof, and,

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* No. 9. † No. 1. ‡ Enclosure in No. 3. § No. 6.
‖ No. 12. ¶ No. 16.

(4.) It appears to the Committee to be doubtful whether the Canadian Copyright Act 52 Vict. c. 29 does not purport to abolish copyright altogether unless the person entitled thereto reprints or republishes in Canada within one month after printing or publishing elsewhere. At best the language of the Act is ambiguous on this point.

I am, &c.
W. OLIVER HODGES.

No. 19.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

[*Answered by No.* 22.]

My Lord, Downing Street, November 8, 1890.

With reference to your Despatch of the 18th of August,* I have the honour to transmit to you, to be laid before your Ministers for any observations which they may wish to offer, a copy of a letter† from the Incorporated Society of Authors respecting the proposed Canadian Copyright legislation.

I have, &c.
KNUTSFORD.

No. 20.

COLONIAL OFFICE to FOREIGN OFFICE.

Sir, Downing Street, November 8, 1890.

With reference to your letter of the 1st of September last,‡ I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter† from the Incorporated Society of Authors on the subject of the Canadian Copyright Act of 1889.

I am, &c.
JOHN BRAMSTON.

No. 21.

F. R. DALDY, Esq., to COLONIAL OFFICE.
(Received December 15, 1890.)

[*Answered by No.* 23.]

Aldine House, Belvedere, Kent,
My Lord, December 13, 1890.

I have the honour of sending to your Lordship, herewith, four copies each of Sir John Thompson's Report on Copyright,§ Sir John Thompson's Memorandum on Copyright,‖ and the Copyright Association's remarks on the above documents. I avail myself of the opportunity to thank your Lordship again for submitting them to the consideration of the association, and venture to express a hope that the points to which they have drawn attention will prevent further action being taken on the subject; especially now that the American Bill on the subject is nearly sure to be passed.

I have, &c.
F. R. DALDY.

Enclosure in No. 21.

To the Right Hon. Lord Knutsford, G.C.M.G., Her Majesty's Principal Secretary of State for the Colonies.

My Lord, London, November 1890.

On behalf the Copyright Association I beg to acknowledge the receipt of a copy of—

Your Lordship's Despatch to the Governor-General of Canada dated 25th March 1890;

Sir John Thompson's Report to the Canadian Privy Council, August 3, 1889; and

His Memorandum on the Canadian Copyright Bill of 1889, addressed to your Lordship under date 14th July 1890.

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* No. 13. † No. 18. ‡ No. 14.
§ Enclosure in No. 3. ‖ No. 9.

I am desired by the Association to thank your Lordship for your courtesy in submitting these documents to their consideration, and to offer to your Lordship on their behalf the following observations respecting them.

Noting their sequence, with reference to the subject under consideration, I would first draw your Lordship's attention to the observation in paragraph 3 of Sir J. Thompson's Report to the Canadian Privy Council, that " important interests are involved," to enable me to ask what are those interests which are so important to Canada ?

It cannot be the interests of the Canadian public and readers, for they are amply provided for by the Act of 10 & 11 Vict. cap. 95, and consequent Canadian legislation, and no complaint whatever is made that the Canadian public is debarred from getting cheap editions of English books, and if the Canadians are anxious to cheapen books to the Canadian public why do they impose a 15 per cent. customs duty on all imported copies.

Neither can it be the interests of Canadian authors, for the proposed Bill would effectually restrict these interests by limiting Canadian Copyright to the Canadian Dominion, whereas it now extends to Great Britain and all the rest of the British Dominions, and also throughout the countries in the International Copyright Union.

These important interests can, therefore, only be the printing and publishing interests in Canada.

I think it very desirable to draw your Lordship's close attention to this point, because it demonstrates that the whole demand for injuring British authors' interests is made for the commercial benefit of Canadian printers and publishers. It enables me also to remind you that the only object of copyright legislation throughout the civilised world has hitherto been the protection of the authors' rights, untrammelled by commercial considerations. Even in the protective legislation of the United States of America no provision is made for compelling an American author to *print* his work in his own country.

I feel, therefore, that I am justified in earnestly requesting your Lordship not to take any steps to derogate from the present rights of all British authors, merely for the problematical advantage of Canadian printers.

I say problematical advantage because their legitimate commercial aspirations can be fairly satisfied by other means—to wit, by the Canadian Government carrying out their Act of 1850. The royalty levied by that Act is 12½ per cent., and the customs duty on imported books is 15 per cent., making together a protective duty of 27½ per cent. in favour of the Canadian printer and publisher. I cannot realise that any printer or publisher has a right to expect, for his own benefit, more protection than this; and in connexion with this request from Canada I may observe, that it was in deference to her wishes that the Act of 1847 was passed, and that it removed her complaint that her people could not get their literature at a sufficiently cheap rate.

In paragraph 7 Sir John Thompson charges British authors and publishers with greatly abusing their rights by the sale of their copyright privileges to the United States. He must be aware that English authors have not any copyright privileges in the United States, and that the privilege of selling their editions in Canada is only resorted to by bargain with the American publisher, because no effort worth notice has been made by the Canadian publisher to buy the right to issue them. In the instances in which Canadian publishers have offered satisfactory arrangements, before the American publisher intervened, he has generally succeeded. Messrs. Lovell, of Montreal, and Mr. Bryce, of Toronto, have made such arrangements, but *direct with the author* or his representative, not by forcibly depriving him by Act of Parliament of all control over the fruit of his own labour. The difficulty of the Canadian publisher, which he hopes to overcome by the Bill under consideration, is mainly of his own creation. The present law enables him to publish any author's work if he will, as all other publishers do, make it to the author's interest to do so; and even if authors became blind to their own interests, it is hardly the function of a hostile Act of Parliament to insist on their accepting the views of the Canadian publisher as to what their interests are. He has the right to sell his property to what he considers his best advantage without being charged with abusing the law.

Paragraph 6 undoubtedly refers to a blot in our copyright laws of 1842 which ought to be remedied, and I should be glad to see this complaint met by Her Majesty's Government enacting that the citizens of any country not belonging to the International Copyright Union can only acquire copyright within the British Empire on the terms on which the said country grants copyright to authors belonging thereto.

Paragraph 17 to the end deals with a subject which I think it is rather beyond our province to go into with your Lordship. It has had the attention of the Copyright Association, as is evident by their procuring the opinion of Lord Selborne and Lord

Herschell (which have in times past been sent to your Lordship). They consider these opinions sound and trustworthy, and they are strengthened in that view by the recent opinion of the Law Officers of the Crown, referred to in the second paragraph of your Lordship's Despatch of March 25th, 1890.

I venture now to make some references to Sir John Thompson's Memorandum on Copyright, dated July 14, 1890. My references are to the printed copy which I herewith enclose.

On page 7 I am said to be "hostile to any measure by which the right of any colony "to self-government on this subject may be asserted or conceded." I certainly think that on such a subject as copyright, the author's rights, both by common law and by statute, should remain in their essential features uniform throughout the whole British dominions. They are so in every other country, and for very good reasons. It has been felt that the principle of protecting an un-earmarked property is peculiar, but thoroughly consonant with the due necessity for protecting the fruit of a man's brain; that grievous wrongs have resulted from the non-recognition of this principle, and that separate and multiplied legislation in each Colony would irrevocably undermine those common rights which are recognised in every civilised country. Especially do I feel that it is unwise to break that uniformity in such a case as the present, in which the whole of the British dominions are treated by the Imperial Parliament exactly alike.

If any new principle required discussing and incorporating in our copyright legislation, I would suggest that a Commission, including some representatives of the Colonies, should meet to consider it, but no principle of copyright is involved, but only that local printers should, under certain circumstances, have a right conferred on them by Act of Parliament to print and publish an author's works without his consent; and on terms dictated therein. I regard this as an unwarrantable and un-called for interference with the right of freedom of contract. Nothing is to be gained by it, but, as I have said before, the problematical advantage of the printer and publisher, who will not take the trouble to buy and sell in the open market, as every other trader does.

I need not refer to what has taken place in correspondence with Canada (*see* page 8), beyond repeating that the Act 10 & 11 Vict. satisfied, and I have reason to believe still satisfies, Canadian readers, and was a fulfilment of the promises made by the Imperial Government to Canada, but I must add that the printer's grievances have to a great extent arisen from the neglect of Canada in carrying it out.

I do not underrate the difficulty of the Canadian frontier, but as I pointed out to Sir John Thompson in the letter to which he refers on page 7, if the Canadians adopt the plan used in most of the other Colonies they can easily overcome them and do more justice to British authors, who look askance at Canadian legislation when they find its government so continuously neglecting an Act it has already passed, and they naturally shrink from placing themselves at the mercy of further similar legislation. Notwithstanding the surrounding difficulties Canada could by reasonable exertion have made arrangements to prevent the pecuniary injuries inflicted by studious neglect of their own agreement. Nearly all the Colonies to which the Act is applied stamp each imported book, and if Canada did so, and rendered each unstamped copy liable to seizure by any person when exposed or offered for sale, and would give that person the book seized on his getting it stamped, the result would be a more honourable carrying out of the Act, and the Canadian publisher who wished to issue an edition by arrangement with the author would have more encouragement to do so. Sir John Thompson writes (on page 16) as if we legislated for the United States, and complains that United States editions are introduced into Canada; but we cannot control the municipal legislation of the United States, and it was at the express request of Canada that the Act admitting United States editions under certain conditions was passed.

As to the American publisher outbidding the Canadian publisher (*see* page 18), it must be borne in mind that this arises from the difference in population. Canada has less than 3,000,000 of English-speaking inhabitants (not 5,000,000, as Sir John Thompson says), and the United States 40,000,000 to 50,000,000. Yet, if the Canadian publisher exerted himself as the American publisher does, he could, and Messrs. Lovell & Co. and Mr. Bryce do, often issue a Canadian edition for the author, and exclude thereby the United States edition. He need not go to Parliament for powers to do this.

I do not think I need answer Sir John Thompson in further detail, because nearly all the Canadian complaints arise from their not carrying out the Act of 1847 (10 & 11 Vict. c. 95). If they now suffer from this cause, at least I think we may call on them to carry it out fully, and ascertain the result before asking the Imperial Government to help them in disintegrating the law as it now stands.

The Copyright Association is emphatically of opinion that the law ought not to be altered as required by Canada, and consider it their duty to do all in their power to oppose the present scheme.

The suggestion of issuing licensed editions, made by the Royal Commission on Copyright, was limited to cases in which "no adequate provision was made, within a "reasonable time after publication elsewhere, for a sufficient supply of the work for "general sale and circulation in the Colony," and cannot apply to Canada, for her complaint is that foreign reprints are circulated too freely, and that she is not allowed to afford trade protection to her manufactures by making them herself, without buying the right to do so from the author. She admits that she can do so by buying that right, but shrinks from making the arrangement.

The difficulties which would arise from the issuing of licensed editions, as proposed by the Canadian Act, appear to me so great that they practically destroy the very principle of copyright. Licensed editions would, under any circumstances, rob the author of the control of the fruit of his own brain and labour, and interfere with his property to the extent of compelling him to sell it at a fixed price. They would prevent his having any oversight of his writings, and this is not unimportant, for I have heard of cases in which a publisher employed another writer to finish a novel because the author did not issue it fast enough to suit his purposes. The author would be unable to bring out any revised or improved editions; a point to which the late Lord Lytton attached great importance. He could not choose his own publisher. He could not control the accuracy of his writings, which in many cases is of vital importance, not only to his popularity, but to his reputation. Indeed, it has been realised that these editions would lead to inextricable confusion.

As a case in point, I may refer to a theological work which some English publishers have been preparing. "An author is bringing out a few copies of an abstract of a "theological work, for which he expects some circulation in Canada (because he is well "known there), with a view to learn whether the public will give him sufficient "encouragement to treat the subject more fully." If a licensed edition be issued he would be barred from bringing out his complete work, because it would necessarily include the smaller, and for this he would have lost his copyright in Canada, and could not even reprint it himself without a license.

Again, take the novel, the class of work most likely to circulate largely there. Mr. Blackmore's popular novel, "Lorna Doone," did not attract sufficient attention for the first six months to justify his reprinting it in Canada, but afterwards it sold there very largely. Yet by this Act he would have lost his copyright there. Again, how is he to get adequate remuneration? Take the case of a novel by Edna Lyall passing through "Good Words." What it to prevent a local newspaper reprinting each portion as it appears; and is the royalty to be paid on the whole of each number of the paper, or only in proportion to the space it occupies in it? Or if Farjeon's last novel, issued complete, were republished in a Canadian periodical, extending perhaps over 12 numbers, how is he to be paid? Again, if the novel is issued as a supplement to a newspaper or periodical and given gratis, how is the author to be paid?

Remember an author is barred from supplying very cheap editions direct now, because the law cannot prevent their being returned to England or sent to other Colonies to compete with his home editions. This objection would also apply to the above Canadian cheap edition, and therefore he is bound, for his own protection, to be able to put his works into the hands of a publisher he can trust, and also to bind him, under written agreement, not to send them to England or the other Colonies.

Your Lordship, in concluding your Despatch, says that "It is your desire to assist as "far as possible any well-considered measure which, while substantially preserving the "rights of copyright proprietors under the Imperial Act, will meet the wishes of the "Canadian people."

In this desire I am requested to assure you that the Copyright Association participate, but they feel very strongly that no author ought to be deprived of the control of the product of his own brain and labour, and that no plea for the protection of a Canadian industry would justify the sanctioning of such a step.

I am, &c.

F. R. Daldy,

H. Sec. to the Copyright Association.

No. 22.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.

(Received January 6, 1891.)

[*See No.* 24.]

Government House, Ottawa,
December 20, 1890.

My Lord,

With reference to previous correspondence on the subject of the Act passed by the Parliament of Canada in 1889, entitled "An Act to amend the Copyright Act,"* and to your Lordship's Despatch of the 8th ultimo,† forwarding copy of a letter from the Society of Authors on the copyright question, I have the honour to enclose a copy of an approved minute of the Privy Council concurring in a Report by the Minister of Justice, who suggests the passing of Imperial legislation which shall authorise the Canadian Parliament to deal with the question of copyright notwithstanding any such legislation heretofore passed in relation to this subject. Your Lordship will observe also that the Minister in his Report deals fully with the points raised in the letter enclosed in your Lordship's Despatch above mentioned.

I have, &c.
STANLEY OF PRESTON.

Enclosure in No. 22.

Certified Copy of a Report of a Committee of the Honourable the Privy Council approved by His Excellency the Governor General in Council, on the 18th December 1890.

The Committee of the Privy Council have had under consideration a Report dated 15th December 1890, from the Minister of Justice calling attention to a Minute of Council approved by your Excellency under date the 17th August 1889, on the subject of an Act passed by the Parliament of Canada in the session of that year entitled "An Act to amend the Copyright Act."

The Committee concurring in the said report advise that your Excellency be moved to forward a copy to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

John J. McGee,
Clerk, Privy Council.

To His Excellency the Governor General in Council.

Department of Justice, Canada, Ottawa,
December 15, 1890.

The undersigned has the honour to call your Excellency's attention to the Report which he made to your Excellency on the 3rd August 1889, on the subject of an Act passed by the Parliament of Canada in the session of that year entitled "An Act to amend the Copyright Act."

The Act referred to has not yet been brought into operation as it awaits the signification of the pleasure of Her Majesty's Government that a proclamation should be issued by your Excellency to bring it into force.

In the same connection, the undersigned begs to call your attention to the Despatch from Lord Knutsford to your Excellency, dated 25th March 1890, in which his Lordship is pleased to signify a desire that the matter should be further considered by your Ministers, and in which his Lordship concluded by expressing every desire to assist as far as possible in any well-considered measure which would substantially preserve the rights of copyright holders under the Imperial Act and would at the same time meet the wishes of the Canadian people.

In the month of July 1890, the undersigned had the honour personally to press upon the attention of Lord Knutsford the arguments in favour of the position assumed in the report of the undersigned of the 3rd August 1889, both as to the powers of the Parliament of Canada and as to the reasons why such an Act as the Copyright Act of 1889, should be adopted and be allowed to go into operation.

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* No. 1. † No. 19.

By permission of his Lordship the views which were then pressed upon this consideration were expressed in writing in a letter from the undersigned to his Lordship, dated 14th July 1890, and the views set forth in that letter were approved by your Excellency in Council on the 7th August last.

The undersigned has had referred to him, in this connection, a despatch from Her Majesty's Principal Secretary of State for the Colonies, dated 8th November last, transmitting a letter to his Lordship from Mr. W. Oliver Hodges, Honorary Secretary of the Copyright Committee of the Society of Authors, in answer to a letter from Sir Robert Herbert of the 17th September 1890.

Mr. Hodges informs Lord Knutsford that a meeting of the General Committee of the Incorporated Society of Authors, including the Sub-Committee on Copyright, had been held to consider the questions raised by the undersigned in his letter to Lord Knutsford of the 14th July 1890, and he states that he was directed by the Committee to inform his Lordship that, while they could express no opinion on the question of the general policy which Her Majesty's Government might think fit to adopt towards Canada with regard to the question of copyright, they hoped that if Her Majesty's Government should think fit to undertake legislation in order to give effect to the principles of the Canadian Copyright Act, such legislation would embody due precautions for making the collection of royalty charges really efficient. They submitted that the clauses relating to the collection of such charges contained in the Canadian Copyright Act of 1889, were not sufficient for the proper collection thereof, and that it appeared to the Committee doubtful whether the Act did not propose to abolish copyright altogether, unless the person entitled thereto should reprint or republish in Canada under its provisions.

The undersigned has now the honour to recommend that an earnest request be made to Her Majesty's Principal Secretary of State for the Colonies that such legislation be brought before the Parliament of the United Kingdom at its present session as may set at rest the questions which have arisen as to copyright in Canada. In making this request your Excellency's Government do not recede from the position which was taken in the report of the undersigned, dated 3rd August 1889, which report was duly approved by your Excellency in Council, but, inasmuch as doubts have been raised as to the power of the Parliament of Canada to pass the Act, it is most desirable and necessary that such doubts should be removed by Imperial legislation. The most satisfactory form, to Canada, in which such legislation should be presented would be by an Act declaring the full authority of Canada to legislate with regard to copyright in this country, notwithstanding Imperial legislation heretofore passed in relation to that subject. Such an Act would only be following the lines of the British North America Act and would only be in accordance with the promises made by Her Majesty's Ministers from time to time, as set forth in the letter of the undersigned to Lord Knutsford of the 14th July.

It would, in the opinion of the undersigned, in view of the doubts which have been expressed, be most desirable that the Canadian Copyright Act of 1889 should also be ratified and confirmed by Imperial legislation.

As regards the objections to the Copyright Act of 1889, stated by Mr. Hodges, the undersigned concurs that great care should be taken to make the collection of royalty charges really efficient. The opinion indicated in the letter of Mr. Hodges, that the clauses relating to such collection which are contained in the Act referred to are not sufficient does not probably make due allowance for the fact that regulations are to be made on that subject by your Excellency in Council, so soon as the Act shall come into force, under the powers conferred by the fourth section. In the approved report of the undersigned, dated the 3rd day of August 1889, it was stated that " the Government of " Canada would be prepared to submit to Her Majesty's Government the Regulations " which might be adopted under the Act for securing the collection of the royalty and " the payment thereof to the proper parties." The undersigned is unable to agree with Mr. Hodges that the effect of the Act of 1889, may be to " abolish Copyright altogether " unless the person entitled thereto reprints or republishes in Canada." The Act merely deals with the subject of the reprinting of copyrighted works, under license, and will not be found, on careful perusal, the undersigned believes, to affect the rights of the holders of copyright in any other particular. Besides this, section 6 preserves the rights of those who may have a copyright, when the Act shall came into force, from being affected even to this extent.

On the points mentioned in the letters of Mr. Hodges, there can be no disagreement between your Excellency's Government and the Society which that gentleman represents as to the recognition of the rights of the holders of Copyright and as to the necessity for making the Act effective.

The undersigned recommends that a copy of this report, if approved, be transmitted to Her Majesty's Principal Secretary of State for the Colonies.

Respectfully submitted,

JNO. S. D. THOMPSON,
Minister of Justice.

No. 23.

COLONIAL OFFICE to F. R. DALDY, ESQ.

SIR, Downing Street, January 16, 1891.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 13th of December,* on the subject of the Canadian Copyright Bill.

The matter is receiving Lord Knutsford's attention, and a further communication will be addressed to you when it has been fully considered.

I am, &c.
R. H. MEADE.

No. 24.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

MY LORD, Downing Street, March 18, 1891.

WITH reference to your Despatch of the 20th December 1890,† I have to acquaint you that the whole subject of Canadian copyright has been under consideration, but that Her Majesty's Government thought that it would, on the whole, be desirable to delay replying to that Despatch until it was seen how the copyright question would be finally dealt with in the United States.

Your Ministers will doubtless also wish to consider the probable effects in Canada of that legislation.

I have, &c.
KNUTSFORD.

No. 25.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received November 5, 1891.)

[*Answered by No.* 34.]

Government House, Ottawa,
MY LORD, October 19, 1891.

I HAVE the honour to transmit to your Lordship, with a request that it may be laid at the foot of the Throne, an address to Her Most Gracious Majesty the Queen, from the Senate and House of Commons of Canada praying for Imperial legislation conferring upon the Parliament of Canada power to legislate in the interests of the people of the Dominion on all matters relating to the subject of copyright ; and praying that notice may be given by Her Majesty's Government of the withdrawal of Canada from the Berne Copyright Convention.

I have, &c.
STANLEY OF PRESTON.

Enclosure in No. 25.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada in Parliament assembled, humbly beg leave to approach Your Majesty for the purpose of representing :

That by the Statute of Your Majesty's Parliament (5 & 6 Vict. c. 45) the privilege of copyright was given to any person who should publish a literary work in the United Kingdom if he should be a subject of Your Majesty or a resident of any part of Your Majesty's dominions and the republication within the Empire and the importation into the Empire of any copyrighted work was prohibited.

The operation of the above-mentioned Act was attended with great inconvenience to the people of the North American Colonies and formed the subject of formal remonstrances from several of their Legislatures.

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* No. 21. † No. 22.

These remonstrances were replied to by a Circular despatch from Earl Grey (then Your Majesty's Principal Secretary of State for the Colonies) directed to all the Governors of the North American Colonies. The Circular was in the words following :—

SIR, Downing Street, November 1846.

HER Majesty's Government, having had under their consideration the representations which have been received from the Governors of some of the British North American Provinces complaining of the effect in those Colonies of the Imperial Copyright Law, have decided on proposing measures to Parliament in the ensuing session which, if sanctioned by the Legislature, will, they hope, tend to remove the dissatisfaction which has been expressed on this subject, and place the literature of this country within the reach of the Colonies on easier terms than it is at present. With this view, relying upon the disposition of the Colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent, Her Majesty's Government propose to leave to the local legislatures the duty and responsibility of passing such enactment as they may deem proper for securing both the rights of authors and the interests of the public. Her Majesty's Government will accordingly submit to Parliament a Bill authorising the Queen in Council to confirm, and finally enact any colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country; it being provided by the proposed Act of Parliament that no such law or ordinance shall be of any force or effect until so confirmed and finally enacted by the Queen in Council, but that from the confirmation and final enactment thereof the copyright law of this country shall cease to be of any force or effect within the Colony in which any such colonial law or ordinance has been made in so far as it may be repugnant to, or inconsistent with, the operation of any such colonial law or ordinance.

I have, &c.

GREY.

The intention of Your Majesty's Government, as expressed in this Circular, has never been carried into effect. The importation from foreign countries of works copyrighted in the United Kingdom was permitted under certain conditions, but the republication of such works in the Colonies, even under any conditions as regards the holders of copyright, has never been permitted, nor has the right of the Legislatures of the provinces or of the Dominion of Canada to make enactments to regulate the law of copyright been recognised by Your Majesty's Government, unless such enactments could be shown to be consistent with and subordinate to the Act of the United Kingdom before mentioned.

Your Majesty's Parliament, in the year 1867, in establishing the Dominion of Canada, gave to its Parliament very extensive powers of government, including the right to legislate on this important subject. The Parliament of Canada has enacted several statutes regulating the law of copyright for Canada. These statutes adopted the provisions which the interests and welfare of the people of this country, as connected with this matter, seemed to require, and at the same time gave liberal protection to the interests of all such persons as had acquired, or might acquire, copyright in the United Kingdom. These statutes have always been regarded by Your Majesty's Government, however, as requiring sanction by the Parliament of the United Kingdom and the most recent of them —passed in Canada in the year 1889—remains inoperative for want of the assent of Your Majesty's Government to a proclamation which will bring it into force.

The provision of the Act of 1889 just mentioned are such as are required in the interests of the people of Canada, and its provisions have not been shown to be in any respect unfair as regards any portion of Your Majesty's subjects. The Act was passed unanimously by both Houses of the Parliament of Canada, and has been earnestly pressed by the Government of Canada upon the favourable consideration of Your Majesty's Government.

While your Memorialists hold the view that such a statute is within the competence of the Parliament of Canada, under the British North America Act, they have been informed that doubts upon that subject has been raised, and they humbly submit that such doubts should be removed by statute of Your Majesty's Parliament giving effect to the Canadian Copyright Act of 1889 at once, and confirming the right of the Parliament of Canada, according to the promise made by Your Majesty's Government in 1846, to make laws on the subject of copyright as may from time to time be required for the country, notwithstanding that such laws may be inconsistent with the provisions of Imperial Statutes passed before adoption of the British North America Act of 1867.

Your Memorialists beg to call attention to the fact that Your Majesty's Royal Commissioners on Copyright, in the year 1876, recommended that the Colonial Legislatures

should be given the right to pass statutes embodying principles precisely the same as those which form the basis of the Canadian Act of 1889 before referred to.

We, therefore, humbly pray, that Your Majesty will be graciously pleased to invite such legislation in the Parliament of the United Kingdom as will remove the doubts herein-before referred to, and explicitly confer upon the Parliament of Canada the power to legislate in the interests of the people of the Dominion on all matters relating to the subject of copyright, without regard to the statutes which may have been in force when the Parliament of Canada was established.

We further pray that, in order to give effect to the Act of the Parliament of Canada of 1889 aforesaid, notice may be given by Your Majesty's Government of the withdrawal of Canada from the Berne Copyright Convention.

JOHN ROSS,
Speaker of the Senate.

The Senate,
Wednesday, 30th September 1891.

P. WHITE,
Speaker of the Commons.

House of Commons,
Tuesday, 29th September 1891.

No. 26.

COLONIAL OFFICE to BOARD OF TRADE and FOREIGN OFFICE.

[*Answered by No.* 27 and 28.]

SIR, Downing Street, December 7, 1891.

THE Board of Trade are / THE Marquis of Salisbury is aware from previous correspondence, that in 1889, a Copyright Act Amendment Act was passed in Canada which was only to come into force upon proclamation by the Governor-General.

This Act was referred to the Board of Trade / Foreign Office in the letter from this Department of the 17th of July 1890‖ / 11th of March 1890¶ and, after full consideration, Her Majesty's Government decided to refuse to instruct the Governor-General to bring it into operation.

This decision was conveyed to the Dominion Government in a Despatch dated the 25th of March 1890,* in which two points were stated for the further consideration of the Dominion Legislature.

(*a.*) That one month only was allowed for the republication of an Imperial Copyright work so as to secure copyright in Canada, and that in the great majority of cases it would be practically impossible within that time to make the necessary arrangements;

(*b.*) That the system of licensing was to be allowed without the condition attached to it by the Royal Commission of 1878.

The Dominion Minister of Justice, Sir J. Thompson, replied to these points in his memorandum of 14th of July 1890,† a copy of which was communicated to you in the letter from this Department of the 5th of the following month, and after giving an historical review of the copyright question in Canada since 1842, he asked that power should be given to Canada by Imperial legislation to deal with copyright questions, and that consent should be given to the bringing into operation of the Canadian Act of 1889.

This memorandum was also referred to the Foreign Office / Board of Trade and to the Society of Authors and the Copyright Association, copies of whose replies‡ are enclosed.

In despatches§ since received from Canada, of which copies are enclosed, Her Majesty's Government are again asked to introduce legislation declaring the full authority of Canada to legislate with regard to Copyright in the Dominion, and to ratify and confirm the Canadian Act of 1889 by Imperial legislation.

I am to draw particular attention to the Despatch from the Governor-General No. 274 of the 19th of October, enclosing an address to the Queen from the Senate and House of Commons of Canada containing a prayer to the above effect, and further praying that notice may be given by Her Majesty's Government of the withdrawal of Canada from the Berne Copyright Convention.

Lord Knutsford desires me to state that, as at present advised, he thinks the first request of the Dominion Government should not be acceded to, and that for the reasons stated

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* No. 6. † No. 9. ‡ Nos. 12, 14, 21. and 18. ‖ No. 10.
§ Nos. 13, 22, and 25. ¶ Not printed.

in his Despatch of the 25th of March 1890, he questions whether it would be right to ratify by Imperial legislation the Act of 1889 in its present shape.

His Lordship is, however, anxious to meet the wishes of the Dominion Government as far as possible, and would propose to inform them that, if the Canadian Legislature will amend the Act by extending the period of one month allowed for republication and adding the condition referred to in his Despatch of 25th March 1890, before the issue of licenses, and submit for approval of Her Majesty's Government satisfactory regulations for making effective the collection of royalties, Her Majesty's Government would be prepared to introduce an Imperial Act for its ratification.

His Lordship would be glad to be informed whether, on further consideration, and having in view the recent legislation upon this subject in the United States, the Board of Trade concur / Marquess of Salisbury concurs. in this view.

As to the request of Canada to withdraw from the Berne Convention, I am to direct attention to the "Proces-Verbal of signature" which will be found printed at pages 16 and 17 of the Parliamentary Paper noted in the margin, and I am to request that Lord Knutsford may be favoured with the opinion of the Board of Trade / Lord Salisbury on this point. (C.—5167, 1887.)

I am, &c.
JOHN BRAMSTON.

No. 27.

BOARD OF TRADE to COLONIAL OFFICE.

(Received December 31, 1891.)

Board of Trade (Railway Department), London, S.W.,
December 30, 1891.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 7th instant,* with its enclosures, on the subject of Canadian copyright; and, in reply, to state that they have forwarded your communication to the Secretary of State for Foreign Affairs, with a suggestion that a meeting of representatives of the Departments interested should, in the first place, be held for the purpose of considering the questions raised.

I am, &c.
COURTENAY BOYLE.

No. 28.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received January 8, 1892.)

(Extract.) [*Answered by No.* 30.]

Foreign Office, January 5, 1892.

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 7th ultimo,* on the subject of Canadian Copyright; and I am now to inclose, to be laid before Lord Knutsford, a copy of a letter from the Board of Trade suggesting that a Departmental Committee should be appointed to discuss the questions raised, in the first instance.

I am to say, that Lord Salisbury concurs in this suggestion, and will be prepared to appoint a representative of this Department on hearing that Lord Knutsford approves of this course.

Enclosure in No. 28.

Board of Trade (Railway Department), London, S.W.,
December 30, 1891.

SIR,

REFERRING to previous correspondence on the subject of Canadian copyright, I am directed by the Board of Trade to transmit to you, herewith, for the information of the Secretary of State for Foreign Affairs, a letter, in original (with its enclosures), that has been addressed to this Board by the Colonial Office in the matter.

I am at the same time to state that the Board of Trade would suggest, for the consideration of Lord Salisbury, whether it might not be desirable that the questions raised should, in the first instance, be discussed at a meeting of representatives of the several Departments interested.

I have, &c.
COURTENAY BOYLE.

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* No. 26.

No. 29.

BOARD OF TRADE to COLONIAL OFFICE.
(Received January 12, 1892.)

[*Answered by No.* 30.]

Board of Trade (Railway Department), London, S.W.,
January 11, 1892.

SIR,

REFERRING to the letter from this Department of the 30th ultimo,* on the subject of Canadian copyright, I am directed by the Board of Trade to enclose, herewith, to be laid before Lord Knutsford, copy of a communication that has been addressed to this Department by the Foreign Office in this matter.

The Board of Trade would be glad to learn in due course whether Lord Knutsford concurs in the proposal that the questions now raised should, in the first instance, be discussed by a departmental committee.

I am, &c.
COURTENAY BOYLE.

Enclosure in No. 29.

Foreign Office, January 7, 1892.

SIR,

IN reply to your letter of the 30th ultimo, I am directed by the Marquess of Salisbury to state, for the information of the Board of Trade, that his Lordship concurs in the suggestion that the questions now raised as to Canadian copyright should, in the first instance, be discussed by a Departmental Committee; and that, on learning that Lord Knutsford approves of this course, his Lordship will be prepared to direct a gentleman to represent this Department.

I am to suggest that it would be well that the Committee should be attended by the Parliamentary Counsel, who is understood to be at present engaged in drafting a Bill to consolidate and amend the copyright statutes.

I am, &c.
T. V. LISTER.

The Secretary to the
Board of Trade.

No. 30.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

(Extract.) Downing Street, February 19, 1892.

IN reply to your letter of the $\frac{\text{5th ultimo,}\dagger}{\text{11th ultimo}}$ I am directed by Lord Knutsford to acquaint you, for the information of the $\frac{\text{Marquess of Salisbury,}}{\text{Board of Trade,}}$ that he concurs in the proposal that the Canadian copyright question should be considered by an interdepartmental committee, and that he has appointed Mr. John Bramston, C.B., Assistant Under Secretary of State, to represent this Department.

Lord Knutsford would be glad to be informed of the names of the gentlemen appointed to represent the $\frac{\text{Foreign Office,}}{\text{Board of Trade,}}$ and it will probably be convenient that the Committee should hold its meetings in Mr. Bramston's room in this office.

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* No. 27.

† Nos. 28 and 29.

No. 31.

BOARD OF TRADE to COLONIAL OFFICE.

(Received May 24, 1892.)

[*Answered by No.* 32.]

Board of Trade (Railway Department), London, S.W.,
May 21, 1892.

SIR,

REFERRING to previous correspondence on the question of Canadian copyright and the provisions of the Canadian Act of 1889, I am directed by the Board of Trade to transmit to you, to be laid before Lord Knutsford, the enclosed copy of the Report to this Department of the Departmental Representatives and Parliamentary Counsel appointed to consider the subject.

I have, &c.
HENRY G. CALCRAFT.

Enclosure in No. 31.

CANADIAN COPYRIGHT.

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CANADIAN COPYRIGHT.

REPORT OF THE DEPARTMENTAL REPRESENTATIVES (OF THE COLONIAL OFFICE, FOREIGN OFFICE, BOARD OF TRADE, AND PARLIAMENTARY COUNSEL'S OFFICE) APPOINTED TO CONSIDER THE CANADIAN COPYRIGHT ACT OF 1889.

To the Right Hon. Sir MICHAEL HICKS BEACH, Bart., M.P., &c., &c.

SIR,

THE Departmental Representatives appointed to consider the Canadian Copyright Act of 1889 have agreed to the following report:—

Question to be considered.

1. The question which the representatives have to consider is what action should be taken with respect to the recent Canadian Copyright Act. For the sake of simplicity, the question is here considered with reference only to books.

Copyright Act of 1842, 5 & 6 Vict. c. 45.

2. The Copyright Act of 1842 gives copyright in a book first published in the United Kingdom for a term of 42 years from first publication, or seven years from the author's death, whichever is longer. The copyright extends to the whole of the Queen's dominions. It is not necessary that the book should be printed in the United Kingdom, and in the opinion of the Law Officers of the Crown it is not necessary that the author should be a British subject or domiciled or resident in the Queen's dominions. First publication in the United Kingdom is consistent with concurrent publication elsewhere.

Objections to the Act of 1842.

3. The Act of 1842 was satisfactory from the point of view of the British author and publisher, because it secured copyright throughout the Queen's dominions. But it was disadvantageous from the point of view of the colonial author and publisher, because it gave no protection to works first published in his own Colony. Within his own Colony he might obtain protection by a Colonial Copyright Act, but that Act could not operate elsewhere. It was also disadvantageous from the point of view of the colonial reader, because it tended to raise the price of copyright books. In the United Kingdom this disadvantage is lessened by the facilities for reading afforded by clubs, book societies, and circulating libraries. But in a sparsely populated country such facilities do not exist, and those who want to read have to buy.

Canadian complaints.

4. Complaints of the operation of the Act of 1842 were urged soon after it was passed, and from the North American provinces urgent representations were made in favour of admitting into those provinces cheap United States reprints of English works. In 1846 the Colonial Office and the Board of Trade admitted the justice and force of the considerations which had been pressed upon the home Government "as tending to show the "injurious effects produced upon our more distant Colonies by the operation of the "imperial law of copyright."*

* Report of Copyright Commission, par. 187.

5. On November 5, 1846, Earl Grey, then Secretary of State for the Colonies, sent the followlng circular Despatch to all the Governors of the North American Colonies :— Lord Grey's circular Despatch of 1846.

"Sir, Downing Street, Nov. 5, 1846.

"Her Majesty's Government, having had under their consideration the representations which have been received from the Governors of some of the British North American provinces, complaining of the effect in those Colonies of the Imperial copyright law, have decided on proposing measures to Parliament in the ensuing session, which, if sanctioned by the Legislature, will, they hope, tend to remove the dissatisfaction which has been expressed on this subject, and place the literature of this country within the reach of the Colonies on easier terms than it is at present. With this view, relying upon the disposition of the Colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent, Her Majesty's Government propose to leave to the local Legislatures the duty and responsibility of passing such enactment as they may deem proper for securing both the rights of authors and the interests of the public. Her Majesty's Government will accordingly submit to Parliament a Bill authorising the Queen in Council to confirm and finally enact any colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country, it being provided by the proposed Act of Parliament that no such law or ordinance shall be of any force or effect until so confirmed and finally enacted by the Queen in Council; but that, from the confirmation and final enactment thereof, the copyright law of this country shall cease to be of any force or effect within the Colony in which any such colonial law or ordinance has been made, in so far as it may be repugnant to, or inconsistent with, the operation of any such colonial law or ordinance.

"I have, &c.
"Grey."

6. It was, however, eventually determined not to legislate in accordance with the terms of Lord Grey's Despatch, but instead to pass the Imperial Act which bears the short title of the Colonial Copyright Act, 1847, but is commonly known as the Foreign Reprints Act. This Act provided that if Her Majesty was satisfied that a Colonial Act made sufficient provision for securing to British authors reasonable protection within the Colony, she might by Order in Council declare that, so long as the provisions of the Colonial Act were in force, the prohibitions contained in the Copyright Act of 1842 and in the Customs Acts, or in any other Imperial Act, against importing, selling, or otherwise dealing in books copyrighted in the United Kingdom, should be suspended as to that Colony. Colonial Copyright Act, 1847, 10 & 11 Vict. c. 95.

7. The Act of 1847, though general in its terms, was intended specially for the benefit of Canada. At that time British copyright was not in any way recognised in the United States, and it was the practice of the United States publishers to reprint in their own country British copyright books at very cheap rates. These cheap copies, owing to various difficulties in giving practical effect to the provisions of the law prohibiting their importation, were largely introduced into Canada.* Object of Act of 1847.

8. Canada (amongst other Colonies) made what was at the time accepted by the Queen in Council as sufficient provision for securing the rights of British authors, and thus brought herself under the Act of 1847. The provision made by the Canadian Legislature was that American reprints of British copyright works might be imported into the Colony on payment of a Customs duty of 12½ per cent., which was to be collected by the Canadian Government and paid to the British Government for the benefit of the authors interested.† Canadian action under the Act of 1847.

9. The Act of 1847 was satisfactory from the point of view of the Canadian reader, because it enabled him to obtain cheap reprints of British copyright books. Effect of Act of 1847 on Canadian readers.

10. But from the point of view of British copyright owners the Act of 1847 was very unsatisfactory, and strong efforts were made to procure its repeal. In March 1870, at a meeting of the leading authors and publishers over which the late Earl Stanhope presided, the following resolution was passed, "that a representation be made to the Right "Honourable the First Lord of the Treasury, pointing out the great hardships sustained "by British authors and publishers from the operation of the Imperial Copyright Act of "1847, and stating the earnest desire they feel that Her Majesty's Government may "deem it right to propose its prompt repeal." Effect of Act of 1847 on British Copyright owners.

* Report, par. 190. † Report, pars. 191, 192.

"Foreign reprints," say the Copyright Commission of 1876, "have been largely introduced into the Colonies and notably American reprints into the Dominion of Canada, but no returns, or returns of an absurdly small amount, have been made to the authors and owners. It appears from official reports that during the 10 years ending 1876, the amount received from the whole of the 19 Colonies which have taken advantage of the Act was only 1,155*l.* 13*s.* 2½*d.*, of which 1,084*l.* 13*s.* 3½*d.* was received from Canada, and that of those Colonies seven paid nothing whatever to the authors, whilst six, now and then, paid small sums amounting to a few shillings.*

Effect of Act of 1847 on Canadian publishers

11. The Canadian publishers also had their grievance. They complained that the effect of the Act of 1847 was to throw the whole of the cheap re-printing business into the hands of United States publishers and printers.

Colonial Laws Validity Act, 1865. (28 & 29 Vict. c. 63.)

12. In the meantime Imperial legislation took place which bears on the power of Canada to legislate for herself on the subject of copyright. In 1865 was passed the Colonial Laws Validity Act of that year, which declared by s. 2 that—

"Any colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the Colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the Colony the force and effect of such Act, shall be read subject to such Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative."

This enactment merely declared the previous law.

British North America Act, 1867. (30 & 31 Vict.)

13. In 1867 was passed the British North America Act of that year, which provided for the union of Canada, Nova Scotia, and New Brunswick, and the Government thereof. Section 91 of this Act specifies copyright among the subjects which are to be within the exclusive legislative authority of the Parliament of Canada as distinguished from the Legislatures of the several provinces.

Canadian resolution of 1868.

14. To return to the complaints of the Canadian publishers. On the 15th of May 1868 the Senate of Canada passed a resolution urging "the justice and expediency of "extending the privileges granted by the Act of 1847, so that, whenever reasonable "provision and protection shall, in Her Majesty's opinion, be secured to the authors, "colonial reprints of British copyright works shall be placed on the same footing as "foreign reprints in Canada, by which means British authors will be more effectually "protected in their rights, and a material benefit will be conferred on the printing "industry of the Dominion." This address was supported by the Finance Minister, the late Sir John Rose, in a memorandum addressed to the Secretary of State on the 1st of July 1868, in which he pointed out that the Canadian public was entirely dependent for its supply of reprints on the United States, to the serious injury of the British author, as not one-tenth part of the reprints entering Canada paid duty; that if Canadian publishers were allowed to reprint, they would supply not on their own market, but part of the United States market, to the great advantage of the author, as the royalty could be more easily and effectually collected than the import duty.

Canadian proposals of 1889.

15. In 1869 the Canadian Government proposed that Canadian publishers should be allowed to reprint the books of English authors without their consent on paying them a royalty of 12½ per cent. on the published price.

It was alleged that by this means the Canadians would be able to undersell the Americans, and so effectually to check smuggling; and further that the British author would be secured his remuneration, as the money would be certain to be collected in the form of an Excise duty, though it could not be collected by means of the Customs. Objections, however, were made to the proposal and it was not carried out.†

Lord Kimberley's circular letter of 1873.

16. On July 29, 1873, Lord Kimberley sent a circular Despatch to the Governors of the Colonies, together with a copy of a Despatch which he had addressed to the Governor-General of Canada on the question of copyright and the draft of a Bill to amend the Copyright Act of 1842, and asked for suggestions on the Bill. Clause 7 of this Bill contained provisions for republication of copyright books in a colony under a license. The clause is set out in full in Appendix A.

Canadian comments on circular letter of 1873.

17. In January 1874, the late Mr. Mackenzie, then Premier of Canada, submitted, with the concurrence of the Canadian Privy Council, the following report on the draft Bill accompanying Lord Kimberley's circular letter:—

"1. As regards the extending to Colonial authors the privileges enjoyed by authors under the Imperial Copyright Act, there seems to be no difficulty in the way. The

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* Report, par. 193.

† Report, par. 196.

Canadian Copyright Act of 1868, now in force, gives to English authors all the privileges granted to Canadian authors upon the simple condition of publishing in Canada; and an alteration in the English Copyright Act in the same sense would be accepted as a boon.

"2 As to the question of reprints of copyrights, there ought to be four different interests at stake which are somewhat in conflict, namely, the author's interest, the public interest, the publisher's interest, and the book trade interest.

"3. The authors contend that they have an undeniable and inalienable right to dispose of their property as they please; the public seems to be satisfied with the supply of books which it now gets; and the book trade also appears disposed to be in favour of things as they are.

"4. These three interests are not advocating, at least for the present, any material change beyond extending to Canadian authors the privileges of the Imperial Copyright Act as before stated.

"5. The publishers, however, although not unanimous in their opinions, are advocating the changes which were embodied in the Canadian Act of 1872, intituled 'An Act to amend the Act respecting copyrights,' which Act has been disallowed in England.

"6. As to the draft submitted of a Bill to amend the law of copyright, the undersigned is of opinion that, owing to the intricacy of proceedings therein provided, the operation of such a measure would be attended by difficulties likely to lead to litigation."

"The undersigned, therefore, is of opinion that any change beyond the extending of the privileges of copyright to Canadian authors is not urgent, and that a postponement of the final solution of this complicated question would not be likely to cause detriment to the public interest."

Copyright Act of 1875 of Canadian Legislature.

18. In 1875 the Canadian Legislature passed a Copyright Act giving power to any person domiciled either in Canada or in any part of the British dominions, or in any country having a copyright treaty with the United Kingdom, to obtain copyright in Canada for 28 years, with a second term of 14 years. The condition for obtaining such a copyright was to be that the book should be printed and published, or reprinted and* republished, in Canada. There is a saving (s. 6) for the importation of books lawfully printed in the United Kingdom. The Canadian copyright thus secured was, so far as it related to books first published in the United Kingdom, in addition to and concurrent, though not conterminous, with the copyright throughout the Queen's dominions existing by virtue of the Imperial Copyright Act of 1842. The practical effect of the Canadian Act was to exclude, during the term of Canadian copyright, foreign reprints of such books if they obtained the benefit of the special Canadian copyright by being published and printed in Canada. Under this Act certain works of British authors were published with their consent in Canada at a price not only far lower than that of the British copyright edition, but also lower than that of the competing reprints from the United States, which were thus practically, as well as legally, excluded from Canada.†

Imperial Canadian Copyright Act of 1875, 38 & 39 Vict. c. 53.

19. Doubts arose whether the Canadian Act was not repugnant to the Order in Council of 1868 for admitting foreign reprints into Canada, and in order to remove these doubts an Imperial Act (38 & 39 Vict. c. 53.) was passed to confirm the Canadian Act. In this Imperial Act a section was inserted, at the instance of British copyright owners, prohibiting the importation into the United Kingdom of cheap Canadian reprints having Canadian copyright under the Canadian Act, and thus placing such reprints in the same position as the familiar Tauchnitz editions.

Re-enactment of Canadian Act of 1875.

20 The Canadian Copyright Act of 1875 is still in force. It now appears in the Canadian Statute Book as c. 62. of the Acts of 1886, but seems to have been re-enacted in that year as part of a scheme of statute law revision, in a form which was intended not to affect the validity given to the previous Canadian Act of 1875 by the Imperial Act of the same year.

Copyright Commission of 1876.

21. The discussions connected with the passing of the Canadian Act of 1875, and the Imperial Confirming Act of the same year, were the principal grounds for the appointment of the Copyright Commission of 1876. The Copyright Commission, by their report of 1879, dealt at great length with the question of colonial, and especially Canadian, copyright.

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* In the copy scheduled to the Imperial Act of 1875 this runs "reprinted *or* republished."

† Report, par. 201.

Proposals of Commission as to colonial copyright.

22. They admitted that it was highly desirable that the literature of this country should be placed within easy reach of the Colonies, and that, with this view, the Imperial Act should be modified so as to meet the requirements of colonial readers.* They did not propose to interfere with the Canadian Copyright Act of 1875, or with the principle of that law. They recommended that the difficulty of securing a supply of English literature at cheap prices for colonial readers should be met in two ways, first, by the introduction of a licensing system in the Colonies, and secondly, by continuing, though with alterations, the provisions of the Foreign Reprints Act.†

Proposals as to licensing system.

23. In proposing the introduction of a licensing system they did not intend to interfere with the power possessed by the colonial Legislatures of dealing with the subject of copyright so far as their own Colonies are concerned. They recommended that, in case the owner of a copyright work should not avail himself of the provisions of the copyright law (if any) in a colony, and in case no adequate provision should be made, by a republication in the Colony or otherwise within a reasonable time after publication elsewhere, for a supply of the work sufficient for general sale and circulation in the Colony, a license might, on application, be granted to republish the work in the Colony, subject to a royalty in favour of the copyright owner of not less than a specified sum per cent. on the retail price, as might be settled by any local law. Effective provision for the due collection and transmission to the copyright owner of such royalty should, they said, be made by such law. They did not feel that they could be more definite in their recommendation than this, nor indeed did they think that the details of such a law could be settled by the Imperial Legislature. They would prefer to leave the settlement of such details to special legislation in each Colony.‡

Prosposals as to foreign reprints.

24. As to the Foreign Reprints Act, on careful consideration of the subject, and of the peculiar position of many of the Colonies, and after reference to the answers returned by the Colonies to Lord Kimberley's circular Despatch of the 29th of July 1873, they were not prepared to recommend the simple repeal of the Act of 1847, and the consequent determination of the power now vested in the Queen of allowing the introduction of foreign reprints into Colonies which have made due provision for securing the rights of British authors. They believed that, though the system of republication under a license might be well adapted to some of the larger Colonies which have printing and publishing firms of their own, and which could reprint and republish for themselves with every prospect of fair remuneration, it would be practically inapplicable in the case of many of the smaller Colonies. These latter, they remarked, now depend almost wholly on foreign reprints for a supply of literature, and to sweep away the Foreign Reprints Act, without establishing some other system of supply, would be to deprive them in a great measure of English books. They, however, thought that it had been proved necessary to amend the existing law, and as the provisions theretofore made in different colonies to which the Foreign Reprints Act had been applied by Orders in Council had failed to secure remuneration to copyright owners, they recommended that there should be power to repeal these Orders, and that no future Order in Council should be made under the Act of 1847 till sufficient provision had been made by local law for better securing payment of the duty on foreign reprints to the owners of copyright works. As to what should be considered sufficient security for this purpose they did not go into detail, but merely threw out general suggestions. They recommended that, where an Order in Council had been made for the admission of foreign reprints into a colony, such reprints should not, unless with the consent of the copyright owner, be imported into the Colony—

(1.) where the owner has availed himself of the local copyright law (if any); or

(2.) where an adequate provision has been made for his remuneration by royalty; or

(3.) after there had been a republication under the licensing system.

Recommendations as to colonial reprints.

25. As to the admission of colonial reprints into the United Kingdom, after stating the arguments for and against, they were not prepared to recommend the repeal of the section of the Act of 1875 prohibiting that admission. They thought that colonial reprints of copyright works first published in the United Kingdom should not be admitted into the United Kingdom without the consent of the copyright owners, and conversely that reprints in the United Kingdom of copyright works first published in any colony should not be admitted into that colony without the consent of the copyright owners.

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* Report, par. 184. † Report, pars. 205, 206. ‡ Report, pars. 207, 208.

26. A Consolidation Bill to give effect to the recommendations of the Copyright Commission was introduced in 1881, but did not become law, and has not since been reintroduced by the Government, although Consolidation Bills have been introduced from time to time by private members. Copyright Bill of 1881.

27. At various times Her Majesty's Government have negotiated treaties with continental States for giving copyright in Her Majesty's dominions to books published in those States, and a series of Acts, known as the International Copyright Acts, and Orders in Council under them, have been passed and made for giving effect to those Treaties. International copyright.

28. In 1885 Her Majesty's Government were engaged in negotiations for the Convention of Berne, the object of which was to create an international union for the protection of literary and artistic works. Negotiations for Berne Convention.

29. In the following year was passed the International Copyright Act, 1886, of which the main object was to authorise Her Majesty to accede to the Berne Convention, and to give effect to the Convention by passing the requisite Orders in Council. But the Act also made important amendments of the law with respect to colonial copyright. By s. 8 it provided that the British Copyright Acts should, subject to certain exceptions as to registration and delivery of copies, apply to a literary work first produced in a British possession in like manner as they apply to a work first produced in the United Kingdom. By virtue of this section the author of a book first published in a colony, such as Canada, has copyright throughout the whole of the Queen's dominions. The same section contains a saving (subs. (4)) for the power to pass in any British possession any Act or Ordinance respecting the copyright within that possession of books first published in that possession. Under s. 9 the Queen has power by Order in Council to declare that the Act of 1886, and any Order in Council made under it, shall cease to apply to any British possession. International Copyright Act, 1886, 49 & 50 Vict. c. 33.

On the 5th January 1889 the Law Officers advised that in their opinion the then existing powers of colonial Legislatures to pass local laws on the subject of copyright in books were probably limited to enactments for registration and for the imposition of penalties with a view to the more effectual prevention of piracy, and to enactments within sub-section (4) of s. 8 of the International Copyright Act, 1886, with reference to works first produced in a colony.

30. The Berne Convention was signed at Berne on the 9th of September 1886. Under this Convention, the States who were parties to it were constituted into a union for the protection of the rights of authors over their literary works, and authors in any of the countries of the union or their lawful representatives were to enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws of those countries granted or might thereafter grant to natives. The enjoyment of these rights was to be subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and was not to exceed in the other countries the term of protection granted in the country of origin. Signing of Berne Convention.

31. By a protocol attached to the Convention Her Majesty's Plenipotentiaries stated that the accession of Great Britain comprised the United Kingdom and also the Colonies and foreign possessions of Her Majesty. At the same time, they reserve to Her Majesty the power of announcing at any time the separate denunciation of the Convention by India or Canada or any of the other self-governing Colonies. Under Article XX. of the Convention a denunciation does not take effect until after the expiration of 12 months from its date. Accession of British Colonies to Convention.

32. On the 28th of November 1887 an Order in Council was made adopting the Berne Convention, with respect to the foreign countries parties to the Convention. These foreign countries are in the order referred to as the foreign countries of the Copyright Union, and are, with Her Majesty's dominions, referred to as the countries of the Copyright Union. The Order came into force on the 6th of December 1887. Order in Council of 1887.

33. Canada expressly assented to the passing of the Imperial Act of 1886, and to the Order in Council of 1887 adopting the Berne Convention. Assent of Canada to Act of 1886 and Berne Convention.

34. The Imperial Act of 1886 and the Order in Council of 1887 embodied two important principles, the principle of Imperial copyright, namely, that the author of a book first published in any part of the Queen's dominions thereby obtains copyright throughout the Queen's dominions; and the principle of international copyright, namely, Principles embodied in legislation 1886-87.

that the author of a book first published in any country of the Copyright Union thereby obtains copyright in all the countries of the Copyright Union.

Legal effects of Imperial Act of 1886.

35. By virtue of the British law, as completed by the International Copyright Act, 1886, and by the Order in Council of 1887—

(*a.*) the author of a book first published in any part of the Queen's dominions, say at London or at Quebec, whether the author is an Englishman, Canadian, Frenchman, or American, has copyright in the book throughout the Queen's dominions, for the term allowed by English law, that is to say, for 42 years from first publication, or seven years from the death of the author whichever is longer;

(*b.*) the author of a book first published in any foreign country belonging to the Copyright Union, say at Paris, has copyright throughout the Queen's dominions for the same term, or any less term allowed by the law of the foreign country for copyright under that law.

Legal effects of Berne Convention and of foreign copyright laws.

36. By virtue of the Berne Convention, and of the foreign laws made in accordance with it, the author of a book first published in any part of the Queen's dominions, say at London or at Quebec, has copyright in every country belonging to the Copyright Union for the term allowed by English law, or any less term allowed by the law of the foreign country for copyright under that law. No further registration or formality is required in the foreign country; there is no obligation to reprint or republish; but the mere fact that the work has copyright in Her Majesty's dominions gives it copyright throughout the Union. Copyright includes the exclusive right of translation, if exercised within ten years from publication. The obligation and advantage under the Convention are strictly reciprocal, and it consequently follows that any country which imposes an obligation to print or reprint locally as a condition of obtaining copyright in a book first published in any country of the Copyright Union must withdraw from the union, such a condition being inconsistent with the terms of the Convention.

Canadian Act of 1889.

37. In 1889 Canada passed an Act repealing ss. 4 and 5 of the previous Canadian Copyright Act (which sections embodied the conditions for obtaining the especial Canadian copyright), and providing that—

(*a.*) Any person domiciled in Canada or in any part of the British possessions (an expression which presumably includes the United Kingdom); or

(*b.*) Any citizen of any country which has an international copyright Treaty with the United Kingdom, in which Canada is included (an expression which would, under existing circumstances, include France, but not the United States, and would cease to include France or any other foreign country if Canada ceased to be a party to the Berne Convention);

may obtain exclusive copyright for his book in Canada for 28 years subject to the following conditions:—

(1.) That the book is before, or simultaneously with, first publication registered in Canada; and

(2.) That it is printed and published, or reprinted and republished, in Canada, within one month after first publication elsewhere.

The Act goes on to provide that, if a person entitled to obtain copyright in a book under these provisions does not avail himself of them, any person domiciled in Canada may obtain from the Minister of Agriculture a license (which is not to be exclusive) to publish the book in Canada on paying the author a royalty of 10 per cent. on the retail price of each book, published under the license.

Where a license is so issued for a book, and the Governor in Council is satisfied that the book is being published under the license in such a manner as to meet the Canadian demand for it, the Governor-General may by proclamation prohibit the importation of copies of the book while the author's copyright is in force.

But the Act—

(*a.*) is not to prohibit the importation from the United Kingdom of books copyrighted there, or lawfully printed and published there; and

(*b.*) is not to apply to any book in which before the date at which the Act comes into force, copyright has been obtained in the United Kingdom, or in any country of the Copyright Union.

The object of saving (*a*) is apparently to let in books published in England, whilst keeping out books published in the United States. The object of saving (*b*) is to protect existing rights.

The Canadian Act of 1889 was to come into force on a day to be named by a proclamation of the Governor-General. Such a proclamation has not yet been made.

The Act relates to other subjects of copyright besides books.

38. On August 3rd, 1889, Sir John Thompson, Minister of Justice to the Dominion of Canada, submitted to the Privy Council of Canada a report containing arguments in support of the Canadian Act on its merits, and in support of the competency of the Canadian Legislature to pass the Act. He referred to the provision that the Act was not to come into force until proclaimed by the Governor-General, and stated that there was not any intention on the part of the Canadian Government to advise the issue of a proclamation bringing it into force until it had been submitted to Her Majesty's Government with the explanations which the Governor-General's advisers can present, and until Her Majesty's Government should concur in the issue of the proclamation. As to the merits, he argued that the copyright system previously in force under Imperial and Canadian legislation had been found to be most unsuitable to Canada, and that the Berne Convention was found to increase the causes of complaint which existed under the previous law. Under that law, he observed, every work copyrighted in Great Britain has copyright protection without the requirement of publication in Canada. Under the protection of this law United States' authors secure copyright in Great Britian and her possessions by publishing in England (sometimes by publishing a limited edition not intended to supply the market, and not sufficient therefor) and thus secure control of the Canadian market, while a Canadian cannot obtain such copyright privileges in the United States.

Sir John Thompson's Report to the Canadian Committee of Privy Council.

"The rights which British authors and publishers have in British possessions under this condition of the law have been greatly abused by the sale of their copyright privileges to American publishers, and their refusal to sell to Canadian publishers on like terms. By this means United States publishers have been enabled to command the Canadian market under the provisions of legislation which were not intended for their benefit, but for the benefit of the British author and publisher. The prices of American reprints are so low that the British publications have no chance of competing with them in Canada, and, Canadian reprints being prohibited by the copyright law, the business of reprinting for Canadian readers is thus to a great extent thrown into the hands of American publishing houses, to the very great detriment of the publishing interests of Canada.

"These evils," he went on to say, "would be augumented by the provisions of the "Berne Convention, which extends the copyright privileges without publication in British "possessions to authors of any country which has joined, or may join, the Copyright "Union formed by that Convention.

"For the benefit conferred on Canadian authors (who are comparatively a very limited "class) of copyright in the countries comprised in the Berne Convention Union, the "business of publishing in Canada will be repressed as to works published in all "these countries, and the United States' publishers will be free from any restrictions of "that kind, not only as to the vast markets of their own country but to Canada as "well."

He submitted that the royalty provision of the Act in favour of the holder of British copyright was reasonable and afforded ample facilities for collection. The Government of Canada would, he said, be prepared to submit to Her Majesty's Government the regulations which might be adopted under the Act for securing the collection of the royalty and the payment thereof to the proper parties.

He observed, as regards the policy of permitting republication in Canada in consideration of such a royalty in favour of the holders of the copyright out of Canada, that, under existing legislation, the importation of foreign reprints into Canada is permitted on the imposition of a customs duty in favour of the copyright holder.

The Act of last session, he said, would make the same provision in favour of the Canadian publisher, but under regulations which will restrain the influx of foreign reprints and afford a better means of collecting the compensation to the copyright holder.

On the question of the competency of the Dominion Parliament to pass the Act he argued at some length that such a power existed under the British North America Act, 1867.

He did not contend that the Canadian legislation would be consistent with the Berne Convention, and he admitted that before the proclamation bringing the Act into operation could be issued Her Majesty's Government must be asked to give the requisite notice of denunciation on behalf of Canada, and that a year's delay must elapse after that notice, and that an order of the Queen in Council must be obtained for releasing Canada from the operation of the statute which makes the Berne Convention operative throughout the Empire.

39. Sir John Thompson's report received the concurrence of the Committee of the Canadian Privy Council, and was forwarded, with the Act of 1889, to the Colonial Office by a Despatch dated 26th August 1889.

Canadian Despatch 1889 to Colonial Office.

Opinion of Law Officers as to competency of Canadian Parliament to pass Act of 1889.

40. On the question of the competency of the Canadian Parliament to pass the Act of 1889, Lord Knutsford took the opinion of the Law Officers of the Crown, who reported on December 31, 1889, that in their opinion the powers of legislation conferred on the Dominion Parliament by the British North America Act, 1867, do not authorise that Parliament to amend or repeal, so far as relates to Canada, an Imperial Act conferring privileges within Canada, and that in their opinion Her Majesty should withhold her assent to the Canadian Act of 1889.

Despatch of 1890 from Colonial Office to Canada.

41. On the 25th of March 1890, Lord Knutsford sent a Despatch to Lord Stanley of Preston, the Governor-General of Canada, in which he expressed his regret that he was unable to authorise the Governor-General to issue a proclamation to bring the Canadian Act of 1889 into force. Lord Knutsford referred to the advice of the Law Officers as to the competency of the Dominion Parliament to pass the Act. With respect to the merits of the Act, he called attention to two provisions to which special objection was felt by British copyright owners. These two provisions were the limitation of one month for reprinting and republication, and the power to print and publish under colonial licenses.

Newfoundland legislation.

42. Meanwhile Newfoundland had been legislating on somewhat similar lines to Canada. In 1888 Newfoundland passed a Copyright Act which was held to exceed its legislative powers, and was on that ground disallowed. In 1890 it passed a similar Act more limited in its terms, giving Newfoundland copyright for 28 years to an author domiciled in Newfoundland on condition that his book is printed or published in Newfoundland. This Act was referred to the Law Officers for their opinion, and they reported on March 4th, 1891, that they had examined the Act, and being of opinion that its provisions ought to be construed as relating to works first published in Newfoundland they thought Her Majesty's assent need not be withheld, but that the Act might be permitted to come into operation. They suggested, however, that it should be pointed out to the Newfoundland authorities that if s. 5 (which contained the printing condition) should be judicially interpreted to include works other than those first printed and published in Newfoundland the Act would be inconsistent with the Imperial statutes, and further legislation would be necessary.

Sir John Thompson's letter of 1890 to Lord Knutsford.

43. On July 14th, 1890, Sir John Thompson, being then in London, wrote a long letter to Lord Knutsford, in which he recapitulated the history of copyright legislation with respect to Canada, and the arguments in support of the Canadian proposals, expressed little hope of any satisfactory copyright arrangement being made with the United States, and concluded by asking that a final decision on the case of Canada should no longer be postponed to await the action of the United States. In connexion with this point he urged—

"(1.) That the present policy of making Canada a market for American reprints, and closing the Canadian press for the benefit of the American press in regard to British copyright works, has a direct tendency to induce the United States to refuse any international arrangement;

"(2.) That, inasmuch as the existing Canadian copyright law affords protection to the copyright holder in every country which may make a treaty with Great Britain, it cannot it suggested, as it once was, that self-government in Canada on this subject would in the least impede negotiations with the United States for an international arrangement."

American Copyright Act of 1891.

44. In March 1891 the Legislature of the United States passed an Act which gave American copyright in a book to an author being a citizen or subject of a foreign State or nation on condition that two printed copies of the book printed from type set within the limits of the United States must be delivered or deposited in accordance with the requirements of the Act on or before the publication of the book. Section 13 provides that the Act is only to apply to a citizen or subject of a foreign State or nation—

(*a.*) If such foreign State or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to its own citizens; or

(*b.*) When such foreign state or nation is party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party to the agreement.

The existence of either of these conditions was to be determined by the President of the United States, by a proclamation issued from time to time as the purposes of the Act might require.

The Act was to come into force on the 1st of July 1892.

45. In reply to an inquiry from the United States Minister, Mr. Lincoln, the Marquess of Salisbury on June 16th, 1891, wrote as follows :— Report as to state of British law.

" Her Majesty's Government are advised that, under existing English law, an alien by first publication in any part of Her Majesty's dominions can obtain the benefit of English copyright, and that contemporaneous publication in a foreign country does not prevent the author from obtaining English copyright;

" That residence in some part of Her Majesty's dominions is not a necessary condition to an alien obtaining copyright under the English copyright law; and

" That the law of copyright in force in all British possessions permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects."

46. On the 1st of July 1891 the President of the United States proclaimed that the first of the conditions specified in s. 13 of the Act of Congress was fulfilled in respect to the citizens or subjects of (amongst other countries) Great Britain. Proclamation by President of United States.

47. Accordingly, by virtue of the American Copyright Act, and of the President's proclamation, which, however, is revocable, the author of a book first published in any part of the Queen's dominions, say at London or Quebec, *and printed in the United States*, has, on compliance with the requirements of the Act as to delivery or deposit, copyright in the United States for the term recognised by the law of the United States. Effect of American Copyright Act.

48. On December 19th, 1891, Mr. Blaine wrote to Sir Julian Pauncefote stating that the Government of the Dominion of Canada refuses to admit citizens of the United States to the privilege of registration of copyright in Canada on their complying with the conditions of printing and publishing in Canada under the assurance given by Her Majesty's Government and under the proclamation of the President, the ground of refusal appearing from the letter of the Registrar of the Department of Agriculture at Ottawa to be that the United States' Act and the President's proclamation do not constitute an international copyright treaty, and that therefore citizens of the United States cannot register under the Canadian Act. Mr. Blaine asks for " an explanation of " this important discrepancy between the assurances given by Her Majesty's Government " and the course of the Dominion Government in the matter of the copyright privilege " of citizens of the United States. The declaration of Lord Salisbury," he observes, " and its acceptance by the United States Government constituted an international " arrangement which this Government desires to observe and maintain in its entirety, " and I should much regret if any untoward circumstance should constrain its " abandonment or essential qualification." Refusal of Canada to admit United States books to Canadian copyright.

49. We are now in a position to consider how far the Canadian Act of 1889 is consistent— Questions raised by existing state of facts.

(*a.*) with the Berne Convention;

(*b.*) with the arrangement with the United States; and

(*c.*) with Imperial legislation;

and how far the grievances which it proposes to meet are substantial, and the proposals which it embodies are satisfactorily on their merits.

50. Sir John Thompson admits, as has been seen, that the Canadian Act is inconsistent with the Berne Convention, and that, consequently, a necessary condition precedent of its obtaining the force of law is the withdrawal of Canada from that Convention. Inconsistency of Canadian Act with Berne Convention.

Under s. 9 of the Act of 1886 the Queen has power, by Order in Council, to declare that the Act of 1886 and the Order of 1887 shall cease to apply to any British possession.

The Queen can, therefore, on the application of Canada, make an Order directing that the Act of 1886 and the Order of 1887 shall cease to apply to Canada. But the Act and Order stand or fall together, and if Canada excepts herself from the Act she must except herself from the Order also, and vice-versâ.

If, therefore, such an excepting Order is made for Canada the effect will be as follows :—

The author of a book first published in London will still, by virtue of the Imperial Acts before 1886, have copyright in Canada.

But the author of a book first published in Canada will cease to have copyright in the United Kingdom or in Australia, or in any country belonging to the Copyright Union.

And the author of a book first published in Australia, or in any other British possession except Canada, or in France, or in any other foreign country belonging to the Copyright Union, will cease to have copyright in Canada.

If Canada presses for withdrawal from the Berne Convention, her request cannot well be refused. But her withdrawal would be a matter for much regret, since it would strike a serious blow at the policy of Imperial and international copyright embodied in the legislation of 1886. It would be a retrograde measure which would commit Canada to a policy of isolation and of antagonism to the community of civilized States who have become parties to the Treaty of Berne.

Deprivation of Canadian copyright might be seriously detrimental to the interests of Australian authors, say, for instance, of a Melbourne novelist whose works are likely to obtain extensive circulation in Canada. If, however, the interests of publishers or printers were allowed to prevail over those of authors, the lead given by Canada would not improbably be followed by other Colonies, and thus the whole system of Imperial copyright would be broken up.

As has been seen,* even if Canada were to denounce the Berne Convention, a year must elapse before any Canadian legislation inconsistent with the Convention could take effect.

Inconsistency with arrangement with United States.

51. The grounds of the Canadian contention that United States authors and publishers are not entitled to the benefit of the Canadian copyright under the Canadian Act of 1875† are not fully before us, but the contention seems to be technically correct. Moreover the inconsistency between the Canadian action and the assurance given by Her Majesty's Government to the President of the United States, is perhaps more apparent than real, for refusal to register under Canadian Act apparently does not deprive a book first published in any part of Her Majesty's dominions (including Canada) of the copyright to which it is entitled in Canada as well as in the United Kingdom under the Imperial Acts of 1842 and 1886. Under the Act of 1842 a book first published in the United Kingdom has copyright in Canada, and Canadian legislation is not needed to give, and cannot take away, that copyright. But under that Act a book first published in Canada had no copyright, and colonial legislation was required to give such copyright. Consequently for the protection of such books the Canadian Copyright Act was necessary, though it could not operate beyond the the limits of the Colony. But since the passing of the Act of 1886, which gives copyright to books first published in any part of the Queen's dominions, a Canadian Copyright Act is no longer necessary, and the only effect of the Canadian Act of 1875 appears to be to prevent the importation of unauthorised reprints under the Foreign Reprints Act,‡ The Canadian Act of 1875 is so worded as to give rise to misconception on this point, and the Act of 1889, if confirmed by Her Majesty's Government after the assurance given to the Government of the United States in 1891, would give rise to similar misconception and misunderstanding. Of course if Canada were to withdraw from the operation of the Act of 1886, and still more if she were allowed to withdraw from the operation of the Act of 1842, there would be not merely a formal but a substantial inconsistency between her legislation and Lord Salisbury's declaration.

Inconsistency with Imperial legislation.

52. The Canadian Act of 1889 is, as has been seen,§ inconsistent with Imperial legislation, apart from the effect of the Imperial Act of 1886, and therefore could not obtain the force of law without an Imperial confirming Act.

Objections to confirmation of Canadian Act.

53. To the passing of an Imperial Act confirming the Canadian Act, in its present form, there are obvious objections.

It would involve abandonment of the policy of international and Imperial copyright which Her Majesty's Government adopted, and to which Canada assented only six years ago.

It would be at least open to the charge of being inconsistent with the declaration as to the law of the United Kingdom and the British possessions which was made to the United States last year, and on the faith of which the United States admitted British authors to the benefit of their copyright law.

It would be inconsistent with the policy of making copyright independent of the place of printing which Her Majesty's Government have for many years been urging the United States to adopt.

It would impair the rights in Canada of British authors by whom the Canadian market is principally supplied.

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* Pars. 31, 38. † Par. 18.

‡ If registration is required before proceedings can be taken for infringement of this right, and if the Canadian Act does not provide for registration by a United States author he can entitle himself to the remedy by registering at Stationers Hall in London (see 49 & 50 Vict. c. 33. s. 8).

§ Par. 40.

On these grounds, amongst others, a Bill for such an Act, if introduced into the British Parliament, would, we apprehend, be vehemently opposed, and would have very little chance of becoming law.

Nature of Canadian grievances.

54. The Canadian case may be looked at from the point of view of the Canadian reader, of the Canadian author, and of the Canadian publisher and printer.

It is doubtful whether the Canadian reader has under existing circumstances any ground of complaint at all. Under the operation of the Foreign Reprints Act he is abundantly supplied with cheap reprints, and it cannot matter to him, as a reader, whether these reprints are produced in Canada or in the United States. It is the British author and publisher who have to complain of the Foreign Reprints Act, and the reality of their grievances was admitted by the Copyright Commission of 1876.

The Canadian author may perhaps be treated as belonging rather to the future than to the present. But nothing can be more detrimental to his interests than legislation which, like the Canadian Act of 1888, would isolate Canada from civilized communities which have adopted the principles of the Berne Convention, and would deprive their authors of copyright in every country outside their own borders.

The present demand for legislation on the lines of the Canadian Act of 1889 appears to come, not from the Canadian reader or author, but from the Canadian publisher and printer, who feel severely the competition of their rivals over the United States border, and wish to protect themselves by excluding their rivals' wares. The arguments in their behalf are to be found in Sir John Thompson's report of 1889 and letter of 1890.*

It may be doubted whether there is any foundation for his suggestion that the grievances of the Canadian publishers have been augmented by the Berne Convention. Before that Convention countries like France, which had copyright treaties with the United Kingdom, were entitled, under those treaties and the International Copyright Acts, to copyright in Canada.

Nor does it appear that the effect of the recent American Act will be to increase the inducement to American publishers to reprint British books. Before the Act they could reprint any such book freely; since the Act they must make arrangements with such authors as take advantage of the provisions of United States legislation. What the Act really does is to increase the inducements to British authors to enter into such arrangements.

And the real grievance of the Canadian publishers is that they are undersold by competitors who have the advantage of larger capital and a larger market, and in whose favour protective legislation is enforced against their weaker rivals.

The restrictive conditions attached to United States copyright by United States Legislation make the demand for the imposition of corresponding restrictions on Canadian copyright, and the grant of countervailing facilities for Canadian reprints at least intelligible.

It must, however, be remembered that there is the same difficulty here as in other cases in reconciling the rival policies of cheapening wares to the consumer and protecting the producer. What the Canadian reader wants is to get cheap books wherever printed. What the Canadian publisher and printer want is to keep out books, cheap or otherwise, not printed or published at their own establishments. The legislation for which they ask could hardly lower, and might possible raise, the price of books to the Canadian reader. The simplest and most effectual mode of lowering the price of Canadian books would be to remove or reduce the Canadian import duty of 15 per cent. on books.

Suggestion for legislation.

55. Is it not, however, possible to devise some form of legislation which would meet Canadian grievances without running counter to the policy affirmed in 1886, or imperilling the arrangement with the United States? Admitting, as we must, that the present state of the Canadian law is unsatisfactory, and that Her Majesty's Government may fairly be asked to consider whether any means can be found for meeting the Canadian demands, the course which seems open to the least objection would be that which would follow most closely the lines indicated by the report of the Copyright Commission.

Licenses for republication.

56. It might be conceded that on proof of a book first published in the United Kingdom, and by reason of such publication having copyright in Canada, not being produced within a reasonable time either in the United Kingdom or in Canada, at such a price as to meet the Canadian demand, there should be power to grant a license for its publication in Canada on the terms of paying a royalty to the copyright owner. But this power should be checked by more effective safeguards than are provided by the

* Pars. 38 and 43.

Canadian Act of 1889, and should be made subject to the conditions corresponding as closely as practicable to the suggestions of the Copyright Commission.* Twelve months might be allowed as as a reasonable time for cheap reproduction, and during that time the imperial copyright should remain unimpaired. The amount of the royalty might perhaps be 15 per cent., so as to correspond with the amount of the existing import duty on books. The royalty might be levied by means of a stamp on each copy, and if unstamped books are offered for sale they should be liable to seizure. These provisions should be embodied in the Act itself, and not in regulations made under it.

Provisions to this effect would require Imperial legislation to confirm them. They would be open to objection from the point of view of the copyright owner. They would possibly be inconsistent with the views of the signatories of the Berne Convention as to the rights which copyright should involve. But they would apparently not be in conflict with the terms of the Convention itself, for the Convention merely stipulates that foreign copyright owners are to be entitled to the same rights and privileges as British copyright owners, and, if the rights of British copyright owners are cut down by such licenses, foreign copyright owners are not entitled to complain of their rights being cut down to a similar extent. Nor would they conflict with the arrangement with the United States.

Copyright in works other than books.

57. It is suggested that such Canadian legislation as is required should be confined to books. Copyright in musical, dramatic, and artistic works raises other and very difficult questions.

Possibility of further restrictions.

58. If any further legislation is required for the benefit of Canadian publishers and printers perhaps Canadian statesmen may suggest it. Several suggestions made to us are open to objection on the ground of conflicting either with the treaty of Berne or with the declaration made to the United States. But possibly something might be done by an amendment of the Canadian Customs Acts following the lines of section 42 of the Customs Law Consolidation Act, 1876 (39 & 40 Vict. c. 36.†) The policy of that section has been much criticised‡ and is open to serious objection, but so long as it is maintained in the United Kingdom, it is a ground for defending an enactment of similar principle in a colony.

Repeal or modification of Orders under Foreign Reprints Act.

59. If Canada is allowed to grant licenses for the reprinting of British copyright books either the Foreign Reprints Act should cease to apply to Canada, or at least she ought, in accordance with the recommendations of the Copyright Commission,§ to make better provision by law for securing to the owners of copyright works the payment of the duty upon such foreign reprints as would be still admitted into the colony, and there should be power, in the event of such provision not being made, to revoke the existing Orders in Council under which foreign reprints are so admitted.

We have the honour to be,
Sir,
Your obedient servants,
BALFOUR OF BURLEIGH.
H. G. BERGNE.
JOHN BRAMSTON.
C. P. ILBERT.

20th May 1892.

APPENDIX A.

EXTRACT from Draft Bill accompanying Circular Letter of 1873.

Publication in a British possession of books first published out of such British possession.

"7. Where it appears to Her Majesty in Council that in any British possession effectual and reasonable provision has been made by an Act of such British possession for all the following objects, namely,—

"(*a.*) For the registration and protection in such British possession of books first published out of such British possession, and entitled to copyright therein;

"(*b.*) For collecting and remitting the percentage payable under this Act upon reprints of such books sold in pursuance of a license under this Act in such British possession;

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* See Appendix B. † Extended by 52 & 53 Vict. c. 42. s. 1.
‡ See Report of Copyright Commission, pars. 217–226 § Report, par. 213.

" (*c.*) For making to one of Her Majesty's Principal Secretaries of State, to be laid before Parliament, returns of the numbers and prices of reprints of the said books sold in such British possession, and such other particulars with repect to those reprints as the Secretary of State may require;

" (*d.*) For preventing the importation into such British possession of foreign reprints except according to this Act;

" (*e.*) For imposing, collecting, and remitting a reasonable per-centage upon all foreign reprints imported into such British possession according to this Act;

" (*f.*) For the periods directed by this section to be provided by an Act of the British possession, and the otherwise carrying into effect of this section; and

" (*g.*) For any other objects for which, in the opinion of Her Majesty in Council, provision ought for the purposes of this Act to be made;

" Her Majesty may, by Order in Council, direct that, from and after the day of the date of the Order, or such later day as may be specified in the Order (which day is in this Act referred to as the commencement of the Order), this section shall apply to such British possession, and thereupon, so long as the said Order remains in force, the following provisions of this section shall apply in such British possession to every book first published out of such British possession after the commencement of the Order and entitled to copyright therein, (that is to say):—

"(1.) If within such reasonable period after the first publication of the book as may be provided by the said Act of the British possession the book is not published in such British possession in such number and manner as are suitable for general circulation therein, any person may apply to such court in the British possession as may be fixed by the last-mentioned Act, for a license to publish such book, and the court may, if it seems just, grant such license, subject to the provisions of this Act, upon such terms and subject to such conditions as the court thinks just;

"(2.) The application shall be made, and the proceedings upon such application shall be conducted, in such a manner as may be from time to time directed by the law of such British possession, or, if there is no such law, as the court by general orders or rules from time to time directs;

" (3.) An appeal to Her Majesty in Council shall be from any order made by the court in pursuance of this section;

" (4.) Every such appeal shall be referred to the Judicial Committee of the Privy Council, and shall be dealt with by them as other appeals from courts in such British possession;

" (5.) An order granting a license shall not be suspended by such appeal, but the person in whose favour the order is made shall be liable to account for profits, or to pay damages as may be directed by Her Majesty in Council when the appeal is decided;

" (6.) After the expiration of such reasonable period, not being less than six months, from the first publication of the book, as may be provided by the said Act of the British possession, if the book is not then published in such British possession in such number and manner as are suitable for general circulation therein, any person may, notwithstanding anything in this Act, import into such British possession foreign reprints of such book, subject to the provisions of this Act and of the said Act of the British possession.

" Where the last-mentioned Act is altered by any subsequent Act of the said British possession the Order in Council shall not be affected by such alteration, unless it seem fit to Her Majesty in Council to revoke or alter such order."

APPENDIX B.

Extracts from Report of Copyright Commission.

206. We recommend that the difficulty of securing a supply of English literature at at cheap prices for Colonial readers be met in two ways: 1st, By the introduction of a licensing system in the Colonies; and, 2nd, By continuing, though with alterations, the provisions of the Foreign Reprints Act.

207. In proposing the introduction of the licensing system it is not intended to interfere with the power now possessed by the Colonial Legislatures of dealing with the subject of copyright, so far as their own Colonies are concerned. We recommend that in case the owner of a copyright work should not avail himself of the provisions of the copyright law (if any) in a Colony, and in case no adequate provision be made by republication in the colony or otherwise within a reasonable time after publication elsewhere for a supply of

the work sufficient for general sale or circulation in the Colony, a license may, upon an application, be granted to republish the work in the Colony, subject to a royalty in favour of the copyright owner of not less than a specified sum per cent. on the retail price, as may be settled by any local law. Effective provision for the due collection and transmission to the copyright owner of such royalty should be made by such law.

208. We do not feel that we can be more definite in our recommendation than this, nor indeed do we think that the details of such a law could be settled by the Imperial Legislature. We should prefer to leave the settlement of such details to special legislation in each Colony.

10 & 11 Vict. c. 95.

209. With regard to the continuance of the Foreign Reprints Act, we have already stated that strong efforts have been made to procure its repeal. In March 1870, at a meeting of the leading authors and publishers, over which the late Earl Stanhope presided, the following resolution was passed : "That a representation be made to the Right "Honourable the First Lord of the Treasury, pointing out the great hardships sustained "by British authors and publishers from the operation of the Imperial Copyright Act of "1847, and stating the earnest desire they feel that Her Majesty's Government may "deem it right to propose its prompt repeal."

Parl. Papers Colonial copyright C., 1067, July 1874 and 144, 13 April, 1875.

210. We are fully sensible of the weight that must attach to the opinions of persons so qualified to form a judgment on this matter, but upon careful consideration of the subject and of the peculiar position of many of Your Majesty's Colonies, and upon this point we would refer to the answers returned by the Colonies to Lord Kimberley's circular Despatch of the 29th July 1873, we are not prepared to recommend the simple repeal of the Act of 1847, and the consequent determination of the power now vested in Your Majesty, of allowing the introduction of foreign reprints into Colonies which have made due provision for securing the rights of British authors.

211. We believe that although the system of republication under a license may be well adapted to some of the larger Colonies which have printing and publishing firms of their own and which could reprint and republish for themselves with every prospect of fair remuneration, it would be practically inapplicable in the case of many of the smaller Colonies. These latter now depend almost wholly on foreign reprints for a supply of literature ; and to sweep away the Foreign Reprints Act without establishing some other system of supply would be to deprive them in a great measure of English books.

212. But we are of opinion that it has been proved necessary to amend the existing law, for the purpose of more effectually protecting the rights of owners of copyright whilst affording to colonial readers the means of making themselves acquainted with the literature of the day.

213. As the provisions hitherto made in the different Colonies to which Orders in Council have been applied, have failed to secure remuneration to proprietors of copyright, we recommend that power should be given to your Majesty to repeal the existing Orders in Council and that no future Order in Council should be made under that Act until sufficient provision has been made by local law for better securing the payment of the duty upon foreign reprints to the owners of copyright works.

214. Probably it would be desirable to grant a certain period to the Colonies, for the purpose of enabling them to propose further and better provisions, before such revocation actually takes place. In that case, however, it should be clearly understood that Your Majesty is in no way pledged, by the grant of such delay, to issue any fresh Order in Council; and power should be given to Your Majesty in Council to revoke, at any time, any future Order in Council, should the provisions of the Colonial law prove practically insufficient.

215. It is perhaps hardly within the scope of this Commission to suggest what provisions Your Majesty should be advised to consider sufficient, within the meaning of the Act, to secure the rights of the proprietors of copyright. But it appears to us that possibly some arrangement might be effected by which all foreign reprints should be sent to certain specified places in the Colony and should be there stamped with date of admission upon payment of the duty, which could then be transmitted here to the Treasury or Board of Trade for the author. All copies of foreign reprints not so stamped should be liable to seizure, and it is worthy of consideration whether some penalty might not also be affixed to the dealing with unstamped copies.

216. And having regard to the power which we have contemplated for authors to obtain colonial copyright by republication in the Colonies and to the licensing system

which we have suggested, we recommend that where an Order in Council for the admission of foreign reprints has been made, such reprints should not, unless with the consent of the owner of the copyright, be imported into the Colony :—

1. Where the owner has availed himself of the local copyright law, if any ;
2. Where an adequate provision, as pointed out in paragraph 207, has been made ; or
3. After there has been a republication under the licensing system.

No. 32.

COLONIAL OFFICE to BOARD OF TRADE.

[*Answered by No.* 33.]

Sir, Downing Street, June 4, 1892.

In reply to your letter of the 21st ultimo*, enclosing a copy of the report of the Departmental Committee on the Canadian copyright question, I am directed by Lord Knutsford to acquaint you, for the information of the Board of Trade, that his Lordship proposes, if the Board of Trade concur, to send a copy of the report to the Governor-General of Canada, and to invite the views of his Ministers on the subject.

I am, &c.

EDWARD WINGFIELD.

No. 33.

BOARD OF TRADE to COLONIAL OFFICE.

(Received June 20, 1892.)

Board of Trade (Railway Department) London, S.W.,

Sir, June 15, 1892.

I am desired by the Board of Trade to say that they have had under their consideration the correspondence which has taken place on the subject of the Canadian Copyright Act, and your letter of the 4th instant,† with regard to the report thereon of the recent Inter-Departmental Committee.

The Board of Trade note the suggestions made in paragraphs 55 and 56 of that report with reference to Imperial legislation in the direction therein suggested. It would be obviously useless to introduce legislation on such a subject during the present session, there being no possibility of passing a measure during the short period which remains before the dissolution of Parliament.

With regard to the introduction of such a measure in an ensuing session, I am to state that the Board of Trade share the apprehension of the Inter-Departmental Committee that the provisions suggested would be open to objection from the point of view of the copyright owner, and "would possibly be inconsistent with the views of the "signatories of the Berne Convention as to the rights which copyright should involve ;" and they are of opinion that the introduction of the measure would lead to difficulties having their origin in Great Britain, and arising in States parties to the Convention.

Notwithstanding those difficulties, the Board of Trade are of opinion that such legislation as is contemplated might properly be introduced if it could be regarded as a settlement of the question which has arisen with Canada, and on this ground it seems to the Board of Trade, that it would be desirable to ascertain the views of the Ministers of the Governor-General of Canada with regard to the report.

It is, moreover, not clear to the Board of Trade that Canadians have sufficiently considered and fully appreciate the results which would follow either the approval by the Queen of the Canadian Bill or the withdrawal of Canada from the Berne Convention. For this reason, therefore, as well as on the ground referred to above, the Board of Trade concur in the proposal of Lord Knutsford that a copy of the report should be sent to the Governor-General of Canada and the views of his Ministers invited on the subject.

The Board of Trade are also of opinion that the report should, at the proper time, be presented to Parliament.

I am, &c.

HENRY G. CALCRAFT.

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* No. 31. † No. 32.

No. 34.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

[*Answered by No.* 42.]

My Lord, Downing Street, June 30, 1892.

I have to express my regret that it has not been possible for me to reply at an earlier date to your Despatch of the 19th of October 1891,* in which you transmitted the address to Her Majesty from the Senate and Commons of Canada in Parliament assembled praying in effect for Imperial legislation which should explicitly confer upon the Parliament of Canada, the power to legislate on all matters relating to copyright, without regard to the statutes in force when the Parliament of Canada was established, and further, that notice might be given of the withdrawal of Canada from the Berne Copyright Convention.

2. I duly laid this petition before Her Majesty who was pleased to receive it very graciously, and to command that it should be taken into consideration by those of her Ministers whose Departments were more immediately concerned in the subject.

3. I communicated copies of the petition to the Secretary of State for Foreign Affairs and to the President of the Board of Trade, and after some discussion it was agreed to appoint a committee of leading officials of the three Departments, who should, with the assistance of one of the Parliamentary Counsel, consider the whole subject of Canadian copyright and report thereupon to Her Majesty's Government. The report of this Committee was unfortunately delayed by the illness of one of the members, but by the end of May it was in the hands of myself and my colleagues.

4. This paper will satisfy your Lordship and the Parliament of Canada that, though Her Majesty's Government have not as yet tendered advice to Her Majesty in respect of this petition, they have not failed to submit the question to a complete and exhaustive examination. It appears to them desirable, before any action is taken upon this report, that an opportunity should be given to the Dominion of Canada of once more considering the whole subject in the light thrown upon it by the researches of the Committee.

5. I therefore have the honour to transmit to you a copy of the Committee's report,† and to request you to communicate it to your Ministers and invite them to favour me with their views upon it.

6. I have also to request that you will lay this Despatch and its enclosures before the Parliament of Canada.

I have, &c.
KNUTSFORD.

No. 35.

The SOCIETY OF AUTHORS to COLONIAL OFFICE.

(Received December 10, 1892.)

[*Answered by No.* 39.]

13, Old Square, Lincoln's Inn,
December 9, 1892.

Dear Mr. Wingfield,

As Chairman of the Executive Committee of the Society of Authors I am desired to forward the enclosed opinion, lately taken by the Society, on the state of copyright in Canada, and to submit the same for the consideration of the Secretary of State.

The Committee has adopted, and is to be taken as making, on behalf of the Society, the representations set forth on the last two folios of the copy opinion.

Yours, &c.
F. POLLOCK.

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* No. 25. † Enclosure in No. 31.

Enclosure in No. 35.

Re Canadian Copyright.

At present copyright in Canada, so far as concerns British authors, is governed by the Imperial Act (5 & 6 Vict. c. 44.) as modified by the Modern Reprints Act (10 & 11 Vict. c. 95) and the Canadian Copyright Act, 1875 (38 & 39 Vict. c. 53).

The effect of these Acts may shortly be stated as follows:—Under the Foreign Reprints Act and the Order in Council issued thereunder pirated copies of copyright works are admitted into Canada upon paying an *ad valorem* duty, but, as is well known, the duties are practically never collected, and the compensation supposed to be given to authors is wholly illusory. Under the Canadian Copyright Act, however, authors can, by republishing their works in Canada (whether simultaneously with or at any time after publication elsewhere) and registering the same, obtain Canadian copyright and exclude the operation of the Foreign Reprints Act.

The Act of 1875 is, I think, on the whole as favourable a one as can be expected having regard to the claims made on behalf of the Canadian public and publishers. It has not, however, as I believe yet been taken advantage of to any great extent by English authors, but the difficulty has, I believe, been, so to speak, a geographical one, that is to say, it has been impossible, owing to the position of Canada, either to make the pirated American editions pay duty under the Foreign Reprints Act or keep them out under the Act of 1875. It appears to me, however, that the recent United States Copyright Act should, to a great extent, remove this difficulty, and that English authors should now be able to obtain the benefit of the circulation of their books in Canada if the provisions of the Act 1875 can be maintained. At all events it is not, I imagine, likely that they will be able to obtain any more favourable terms. It remains to be considered how far the position of British authors will be predjudiced by the proposed Canadian statute if it is allowed to come into force.

The first question is whether the statute would operate as a repeal of the Imperial Act so far as regards Canada. In the absence of any provision to that effect in the Act authorising its proclamation, I do not think it would have that effect, but if a British author did not comply with the provisions of the Canadian Act his copyright under 5 & 6 Vict. c. 45 would be subject to the licensing provisions of the Canadian Act. The point should, however, be definitely settled by some express provision.

The next question is as to the terms upon which Canadian copyright is to be secured. These are (1) registration either before or simultaneously with first publication, whether in Canada or elsewhere, and (2) reprinting and republishing in Canada within one month. Both of these conditions appear to be opposed to the principles adopted by the Berne Convention and approved by the English Government. As to the registration it is to be observed that under the Act of 1886 registration in a Colony is recognised as sufficient to secure copyright throughout the British dominions, and it is hard to see why British authors should be required to register in Canada. At all events the same period should be allowed for registration as for republication, especially if copies of the work are to be deposited. As to reprinting and republishing it would probably be useless to attempt to do away with this condition altogether, but I think that an endeavour should be made to extend the period within which reprinting and republishing must take place, though, no doubt, the Canadians will justify themselves by reference to the provisions of the United States Copyright Act.

With regard to the licensing provisions of sections 3 and 4 it appears to me that if exclusive, instead of non-exclusive, licenses were to be granted many of the present objections to these provisions would be removed. The collection of the royalties would, I think, be much easier, whilst the publisher would be free from the danger of being undersold directly a work which had been brought out at considerable expense began to sell and he would, therefore, be more ready to bring out valuable and expensive works, which would be to the advantage of the public.

In any case, I think that the author should be able to take proceedings against the licensees if he is dissatisfied with the Government returns of royalties, but I am unable to suggest any means by which the due collection of royalties can be easily secured under a non-exclusive licensing system. Of course it should be seen that a provision similar to section 4 of 38 & 39 Vict. c. 53. prohibiting the importation of Canadian reprints into the United Kingdom is inserted in any Imperial Act authorising the proclamation of the Canadian statute. I can hardly imagine that the statute is intended to be retrospective,

but if it is not I do not understand to what sub-sections 3 and 4 of section 5 of the Act 1875, as amended by the proposed statute are intended to apply, and I think it would be as well that it should be made clear that the statute is not, in fact, retrospective. Another point I think which should if possible be made clear is that the author should be entitled, in the event of licenses being issued under section 3, to take proceedings against unlicensed reprints, I think he probably would be able to so as the matter stands, but the point is not free from doubt.

The above are the principal points which occur to me in connexion with the proposed statute, and if, as I understand is the case, the matter is still before Government the Society might I think properly make representations with regard to them. They may be summarised as follows:—

1. The proposed statute is entirely contrary to the provisions of the Berne Convention and the Imperial Act of 1886. If it is allowed to come into force it would seem that Canada must be excluded from the Convention. On principle, therefore, the statute should not be allowed, but if, for any reason, it is considered that exceptional legislation is required for Canada the following points arise in the interest of British authors;
2. Copyright under 5 & 6 Vict. c. 45 should be expressly reserved subject only to the licensing provisions of the statute;
3. Either registration in the United Kingdom should be sufficient, or the same period should be allowed, for registering in Canada as for republication;
4. That one month is not a sufficient period to allow for the republication of works first published in the United Kingdom;
5. That if a licensing system is to be introduced the licenses granted should be exclusive;
6. That, in any case, authors should be entitled to take proceedings against licensees for royalties if dissatisfied with Government returns;
7. That Canadian reprints should not be allowed to be imported into the United Kingdom;
8. That it should be made clear that the statute is not retrospective, and;
9. That authors should be expressly empowered to take proceedings in respect of unlicensed reprints.

J. Rolt,
3, New Square, Lincoln's Inn, W.C.,
22.11.92.

No. 36.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

[*Answered by Nos.* 37 and 38.]

Sir, Downing Street, December 19, 1892.

With reference to previous correspondence respecting the question of Canadian copyright, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Rosebery, Board of Trade, a copy of a letter* from the Society of Authors enclosing an opinion from Mr. Rolt on the Act of 1889.

Lord Ripon proposes if Lord Rosebery see the Board of Trade sees no objection to inform the Dominion Government of the representations of the Society as summarised at the end of Mr. Rolt's opinion.

I am, &c.
JOHN BRAMSTON.

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* No. 35.

No. 37.

BOARD OF TRADE to COLONIAL OFFICE.
(Received December 23, 1892.)

Board of Trade (Railway Department), London, S.W.,
SIR, December 21, 1892.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 19th instant,* transmitting copy of a letter from the Society of Authors, enclosing an opinion from Mr. Rolt on the Canadian Copyright Act of 1889, and, in reply, to state, for the information of Lord Ripon, that there would appear to be no objection to a copy of this communication from the Society of Authors being forwarded for the information of the Canadian Government.

I am, &c.
COURTENAY BOYLE.

No. 38.

FOREIGN OFFICE to COLONIAL OFFICE.
(Received December 28, 1892.)

SIR, Foreign Office, December 27, 1892.

I AM directed by the Earl of Rosebery to acknowledge the receipt of your letter of the 19th instant,* enclosing a copy of a communication from the Society of Authors relative to the Canadian Copyright Act of 1889.

Mr. Rolt's opinion therein enclosed does not seem to have been based upon all of the considerations in regard to the operation of the Imperial Act of 1886 which are alluded to in the report of the Departmental Committee upon this subject, and his Lordship fears that if the representation of the Society of Authors were now communicated officially to the Canadian Government it might give rise to difficulty and misapprehension, not only as respects the legal issues involved, but also as to the exact position of Her Majesty's Government in the matter.

Lord Rosebery would therefore suggest, for the consideration of the Marquess of Ripon, that a copy of the report of the Departmental Committee might be communicated confidentially to the Society of Authors, with an intimation that it has been referred to the Dominion Government for their observations; that the representations of the Society shall be borne in mind in connection with future action; but that, before making any further communication on the subject to the Canadian Government, Her Majesty's Government desire to await their observations upon the report of the Departmental Committee.

I am, &c.
T. H. SANDERSON.

No. 39.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

[*Answered by No.* 40.]

SIR, Downing Street, January 3, 1893.

WITH reference to your letter of the 9th ultimo,† respecting the Canadian Copyright Act of 1889, I am directed by the Marquess of Ripon to transmit to you, for confidential communication to the Society of Authors, a copy of the Report‡ of an Inter-departmental Committee on the subject of the law in question which has been referred to the Canadian Government for consideration.

Lord Ripon would be glad to be informed whether, after perusing this report, the Society of Authors wish to add anything to the representation contained in your letter under reference.

I am, &c.
EDWARD WINGFIELD.

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* No. 36. † No. 35 ‡ Enclosure in No. 31.

No. 40.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.
(Received February 9, 1893.)

[*Answered by No.* 41.]

4, Portugal Street, Lincoln's Inn Fields, W.C.,
February 8, 1893.

MY LORD,

I BEG to thank your Lordship for forwarding, for the consideration of the Executive Committee of the Society, the Inter-Departmental Report on the question of Canadian Copyright, which has been placed in the hands of the Society's advisers and fully considered. I now, on behalf of the Committee of the Society, beg to inform your Lordship that as the matter at present stands the Committee do not desire to make any further suggestions.

On behalf of the Committee I beg to tender you our sincere thanks for the courtesy you have shown the Society in the matter in consulting them, and to express the hope that it may be consistent with the interests of the public service to acquaint the Society with the answer of the Canadian Government when it is received.

I am, &c.
FREDERICK POLLOCK,
Chairman.

No. 41.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

SIR,

Downing Street, February 17, 1893.

I AM directed by the Marquess of Ripon to acknowledge the enclosure of your letter of the 8th instant,* on behalf of the Society of Authors, relative to the question of Canadian copyright, and to state that the desire of the Society to be informed of the answer of the Dominion Government will be borne in mind.

I am, &c.
EDWARD WINGFIELD.

No. 42.

THE EARL OF ABERDEEN to the MARQUESS OF RIPON.
(Received February 28, 1894.)

Government House, Ottawa,
February 10, 1894.

MY LORD,

MY Ministers have had under consideration your Lordship's Despatch of the 30th June 1892,† transmitting the report of the Committee appointed to consider the petition of the Canadian Parliament praying that it might be granted wider powers of legislation as regards copyright, and that notice might be given of the withdrawal of Canada from the Berne Copyright Convention, and the approved Minute of Council of which I have the honour to enclose a copy, received by me to-day, contains an expression of their views upon this Despatch.

Your Lordship will observe that Ministers consider that nothing contained in the report is likely to change their opinion as to the propriety of notice being given, with the least possible delay, of the withdrawal of Canada from the Berne Convention, and further press their request that such notice be given.

With regard, however, to the question of the enactment of Imperial legislation to give greater freedom to the Canadian Parliament in dealing with questions of copyright, a further report is promised by the Government.

I have, &c.
ABERDEEN.

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* No. 40. † No. 34.

Enclosure in No. 42.

CERTIFIED COPY of a REPORT OF A COMMITTEE of the Honourable the PRIVY COUNCIL, approved by his Excellency the GOVERNOR-GENERAL IN COUNCIL, on the 23rd January 1894.

The Committee of the Privy Council have had under consideration, a Despatch, hereto attached, dated 30th June 1892,* from the Right Honourable the Principal Secretary of State for the Colonies, relating to the address to Her Majesty from the Senate and Commons of Canada praying for Imperial legislation which should explicitly confer upon the Parliament of Canada the power to legislate on all matters relating to Copyright, without regard to statutes in force when the Parliament of Canada was established ; and praying further that notice might be given of the withdrawal of Canada from the Berne Copyright Convention.

The Minister of Justice, to whom the matter was referred, observes that the Despatch now under consideration states that the petition was ordered by Her Majesty to be taken into consideration by those of Her Majesty's Ministers whose Departments were more immediately concerned in the subject, and that a committee had been appointed, of leading officials of the Department of Foreign Affairs, of the Department of the Colonial Office, and of the Board of Trade, to consider, with the assistance of one of the Parliamentary Counsel, the whole question of Canadian Copyright and to report thereon.

The Minister also observes that the Despatch further stated that, in the view of Her Majesty's Government, it appeared to be desirable, before any action should be taken upon this report, that an opportunity should be given to the Dominion of Canada once more to consider the whole subject in the light thrown upon it by the researches of the Committee, and the report was transmitted to his Excellency along with the Despatch.

The Minister further observes that, having carefully perused the report of the Committee referred to, he is of opinion that nothing contained therein is likely to change the opinion of your Excellency's advisers as to the propriety of the request which they have pressed on several occasions, and which the Parliament of Canada has, on more than one occasion, unanimously endorsed, namely the request that notice should be given, with the least possible delay, of the withdrawal of Canada from the Berne Convention.

The Minister deems it unnecessary to remind your Excellency that Canada has been repeatedly assured that her continuance in any treaty arrangement of this kind would be subject to her desire to withdraw at any time on giving the prescribed notice, and, now that the policy of Canada has been so firmly established and repeatedly pressed upon Her Majesty's Government, both by Parliament and by your Excellency's advisers, he (the Minister) recommends that your Excellency be requested to remove Her Majesty's Secretary of State for the Colonies to cause such notice to be given without further delay.

The Minister states that he will respectfully submit some observations upon the report of the Committee before referred to on the other subject embodied in the address of the Canadian Parliament to Her Majesty, namely the adoption of legislation in the Parliament of the United Kingdom giving greater freedom to the Parliament of Canada in dealing with the subject of copyright, but he submits that, in the meantime, the notice of withdrawal from the Berne Convention should in any case be given.

The Committee advise that your Excellency be moved to forward a certified copy of this minute, if approved to the Right Honourable the Principal Secretary of State for the Colonies.

All of which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

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* No. 34.

No. 43.

THE EARL OF ABERDEEN to the MARQUESS OF RIPON.
(Received March 9, 1894.)

Government House, Ottawa,
February 20, 1894.

MY LORD,

WITH reference to previous correspondence relative to the question of copyright in Canada, I have the honour to forward herewith copy of an approved Minute of the Privy Council, which I have this day received, submitting a report by the Minister of Justice in which he recapitulates the history of the question and again urges that steps be taken by Her Majesty's Government to remove the restrictions which prevent the Canadian Parliament dealing freely with matters relating to copyright.

I have, &c.
ABERDEEN.

Enclosure in No. 43.

CERTIFIED COPY of a REPORT OF A COMMITTEE of the HONOURABLE THE PRIVY COUNCIL approved by His Excellency the GOVERNOR-GENERAL IN COUNCIL, on the 7th February 1894.

The Committee of the Privy Council have had under consideration the annexed report of the Minister of Justice, relating to copyright in Canada.

The Committee, concurring therein, advise that your Excellency be moved to forward a certified copy of this Minute, if approved, and the appended report and annex to the Right Honourable the Principal Secretary of State for the Colonies.

All of which is respectfully submitted for your Excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

TO HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL,

*1. THE undersigned, having had under consideration a Despatch from Lord Knutsford to your Excellency's predecessor, dated 30th June 1892, in reply to a Despatch of his Excellency Lord Stanley of Preston of the 19th October, 1891, in which his Excellency transmitted an address to Her Majesty from the Senate and Commons of Canada, praying for Imperial Legislation which should explicitly confer upon the Parliament of Canada the power to legislate on all matters relating to copyright in Canada without regard to statutes in force when the Parliament of Canada was established, etc., etc., has the honour to submit the following observations upon the report which accompanied the Despatch of Lord Knutsford, and which had been made by departmental representatives of the Colonial Office, Foreign Office, Board of Trade and Parliamentary Counsel's Office to the Right Honourable Sir Michael Hicks Beach on the subject of Canadian copyright.

2. It is, no doubt, true, as stated in the third paragraph of the report of the Committee, that from the point of view of British authors and publishers, the Imperial statute of 1842 was satisfactory to those authors and publishers; because it gave the British author and publisher a monopoly, by copyright, extending over the Sovereign's dominions for 42 years from the first publication, or seven years from the author's death. It may be regarded, indeed, as a continuance, for their benefit, of the system which was based on the idea that the Colonies were to be preserved only for the benefit of the producers in the British Islands, and that the inhabitants of those Colonies had no rights of self-government or otherwise which were inconsistent with the interests of British producers.

3. The Colonial publisher and the Colonial reader, however, had every reason to be dissatisfied with the enactment of 1842, and it is not to be wondered at that their representatives made very emphatic protests. Those protests are enumerated and referred to in the letter of the undersigned to Lord Knutsford, dated 14th July 1890, which forms an appendix to this report.

4. The protests and the agitation for redress continued until 1846, when Mr. Gladstone gave warning to the publishing trade in England that they must be induced "to modify

* The paragraphs have been numbered to facilitate reference to the comments of the Copyright Association.
See *post* No. 82.

" any exclusive view which might still prevail in regard to this important subject;" and shortly afterwards a report was made from the Colonial Office to the Board of Trade intimating the decision of the Secretary of State for the Colonies, Earl Grey, that " after the repeated remonstrances which had been received from the North American " Colonies on the subject of the circulation there of literary works of the United " Kingdom, he proposed to leave to Colonial legislatures the duty and responsibility of " enacting laws which they should deem proper for securing the rights of authors and " the interests of the public."

5. Earl Grey requested that the Board of Trade thould be moved to take " such " measures as might be expedient for submitting to Parliament, at the ensuing session, " a Bill authorising the Queen to extend the Royal sanction to any Colonial law or " ordinance which might be passed respecting copyright, notwithstanding the repugnancy " of any such law or ordinance to the copyright law of the United Kingdom."

6. The circular of Earl Grey to the Governors of the North American Colonies, which followed, dated November 1846, announced that this was settled as the policy of Her Majesty's Government. and the Governors were informed that a measure to carry out that suggestion would be introduced at the ensuing session. The full text of this circular will be found in the appendix, and it is remarkable that the assurance thus given, of the policy of Her Majesty's Government towards the North American Colonies, remains unfulfilled to this day, in consequence, it must be assumed, of the influence which two classes—the authors and the publishers in the United Kingdom—were and have been able to exercise with regard to the legislation which had been promised, in relation to a matter so important to Her Majesty's Colonies.

7. In paragraph 6 of the report, the Committee thus refer to the pledge given by Her Majesty's Government to the Colonies:

" It was, however, eventually determined not to legislate in accordance with the terms of Lord Grey's Despatch, but, instead, to pass the Imperial Act which bears the short title of the 'Colonial Copyright Act of 1847' but is commonly known as 'The Foreign Reprints Act.'"

8. It might be supposed, from this mode of stating the case, that the " determination " not to legislate in accordance with the terms of Lord Grey's Despatch " was a determination arrived at as the result of an understanding with the Colonies, that this measure should be accepted as a substitute for the concession which Lord Grey had promised. This, however, does not appear to have been the case. It was a measure of temporary and partial relief and it can hardly be supposed that a determination was arrived at by Her Majesty's Government, to abandon or repudiate the pledge which had been so formally given, or even to substitute for what had been promised a measure which, while it might satisfy present wants, fell vastly short of what had been promised. The " Foreign Reprints Act " was, no doubt, adopted merely as a measure of temporary relief and until the wider measure could be obtained.

9. Paragraph 6 of the Committee's report states that the Act " was satisfactory from " the point of view of the Canadian reader, because it enabled him to obtain cheap " reprints of British copyright books." It is true that the " Foreign Reprints Act " was, as stated above, a measure of relief to the Canadian reader, for the reason given in the paragraph quoted. The legislatures of the Colonies were willing to wait a reasonable time for the fulfilment of Earl Grey's promise, and in the meantime to accept the temporary expedient by which the monoply which excluded British literature from the borders of the Colonies, was relaxed in favour of an impost for the benefit of those who had a (statutory) right to that monopoly. In short the Imperial Parliament, finding the monopoly so great a grievance, obliged the holders of it to compound for money compensation which the Colonist would pay without much expression of discontent, even if it involved the denial to his country, for a time, of the rights of self-government which should have been considered at least as important as the (statutory) rights of copyright holders, and which had been promised in the plainest terms.

10. It was quite obvious, however, that the Colonies would not long rest satisfied with such a system. The growth and development of their publishing interest would have put an end to acquiescence in the scheme, even if the legislatures had been willing to continue to be denied their proper powers and to be tax-gatherers for a privileged class outside the country.

11. In March, 1870, the British copyright owners, not being satisfied with the proceeds of the taxation on foreign reprints, and desiring their monopoly restored to its full vigour, demanded the repeal of the Foreign Reprints Act.

12. The Copyright Commission of 1876 followed, and in their report of 1879 it was stated that copyright holders had only received, as the result of their taxing scheme, from

nineteen Colonies which had taken advantage of the Act, 1,155*l.* 13*s.* 2½*d.*; but it is to be observed that of this sum 1,084*l.* 13*s.* 3½*d.* was received from Canada, leaving about 71*l.* as the contribution from the other eighteen Colonies. Probably the same proportion has been continued since. Great pains have been taken to collect the tax for the benefit of copyright holders, notwithstanding the belief has been growing, from year to year, that the present state of the law is odious and unjust. The copyright holders of the United Kingdom have made suggestions from time to time for improvements of the method of collecting this tax, in order that the proceeds may be augmented, and the Government of the Dominion has always made the collections vigilantly and in good faith. They are willing even to adopt improved methods of collection, but they can only offer to do so as part of an improved scheme of copyright, such as that embodied in the Canadian Act of 1889 and by way of an amendment to some such enactment as that, to come into force concurrently with such Act.

13. While, as has been stated, the "Foreign Reprints Act" gave a measure of relief to the Canadian reading public, it had the effect of creating a monopoly for the publishers of the United States and of preventing the publishing business of Canada from attaining dimensions such as might reasonably have been expected in a country where the whole population is a reading population, and where the practice has always been, with few exceptions, compared with European countries, for the people to buy the books which they read. In spite of this disadvantage the publishing interest has grown very considerably. It has been represented in some former discussions on this question as being small and unimportant. All that seems necessary to be said upon that subject, for the present, is that it is small in comparison with what it should be, and in comparison with what it would be under a proper adjustment of the copyright laws.

14. It is noted in paragraph 14 of the Committee's report that the Senate of Canada adopted an address to Her Majesty in 1868, urging the change which Lord Grey had promised, that the answer thereto, on the 22nd of July 1868, was merely that the question was too important, and involved too many questions of imperial policy for legislation at that session of Parliament, and it was then intimated that negotiations with the United States on the subject of copyright required some delay in dealing with the Colonies with regard to that interest.

15. The part which negotiations with the United States have played in this discussion with Canada will be referred to hereafter, but it is apparent that for more than twenty years these negotiations have been made use of as a reason for postponing the requests, admitted to have been reasonable, which were presented by the Dominion of Canada and that when an arrangement was eventually made with the United States, the publishers of that country received the benefit of the British copyright monopoly of the Colonies, with rights reserved in their favour which were refused to Canada, and the conclusion of that arrangement with the United States is now suggested by the Committee, whose report is under review, as a new reason why the demands of Canada should not prevail, because it would interfere with the United States copyright holders who have been presented with the monopoly of Canada for the sale of their publications.

16. Pursuing the narrative, however, it is important to note that the assurances which have been received by Canada from time to time express sympathy with the Colonial interests; and that after more than twenty years of inquiry, consideration, discussion, sympathy and promises, it was stated by the Lords of Trade, with reference to that address of the Senate, that the subject was "a matter that called for inquiry" and that "an endeavour should be made to place the general law on copyright, especially "that part of it which concerned the whole continent of America, on a more satisfactory "footing."

17. It may be observed here that by the arrangement with the United States "the "general law of copyright, in so far as it concerned * * * * continent of America," was indeed put on a footing more satisfactory as regards the British author and publisher and the United States publisher, but that that part of the continent of North America which bears allegiance to Her Majesty has received no consideration in the improvement of the law.

18. The Duke of Buckingham and Chandos on the 31st July 1868, sending his formal reply to the Despatch accompanying the address of the Senate, made the admission, which was not very remarkable at that stage of the discussion, that "the law of "copyright generally might be a very fit subject for future consideration."

19. The Canadian Government were of the same opinion, and on 9th April, 1869, they transmitted another representation on the subject, but the Board of Trade considered that the Canadian proposal should not be adopted immediately, because nothing could be done for Canada unless the United States were a party to the arrangement, and that

" whatever protection should be given to authors on one side the St. Lawrence must, in " order to be effectual, be extended to the other." The equivalent proposition would seem also to be implied, viz., that whatever protection might be given to publishers on one side the St. Lawrence must be extended to the other. Her Majesty's Government, however, have not yet carried out those propositions because they have agreed to an arrangement by which the British author or publisher, in order to get the benefit of copyright protection in the United States, is obliged to print his book from type set in the United States, and it yet withholds from Canada the concession of allowing a Canadian publisher to reprint at all, even from plates imported from Great Britain, and on payment of a tax levied in favour of the copyright holder on every copy of the publication.

20. Canada was assured, however, by Earl Granville's Despatch of the 20th October 1869, that at the ensuing session of Parliament copyright would be permitted on publication in the Colonies, a concession of very slight and doubtful importance. When, under the Berne Convention, a concession in that direction was given, the Colonial author or publisher received his slight privilege only in common with the authors and publishers of all the other countries included in that convention.

21. Attention is again called to the report of the Minister of Finance of Canada in 1870, followed by the request of Lord Kimberley on the 29th of July 1870, that the views of the Canadian Government might be again forwarded in order that Her Majesty's Government might give them consideration before the ensuing session—and to the report from the Ministers of Finance and of Agriculture, dated 30th November 1870. in which those views were once more set forth. Consideration seems not to have been given to the information thus asked for and obtained, and on the 14th of May 1872, the views of the Canadian Government were again set forth in a report of the same Ministers which was adopted and transmitted on the 14th of the same month.

22. After thirty years of reiterated complaints the Canadian Government felt called upon to declare the existing system " wholly indefensible," and to state that the Canadian publishers were being " treated with the greatest injustice." The report of the Ministers stated that it had " long been the custom of owners of British copyright to sell to " American publishers advance sheets of their works, and when Canadian publishers " had " offered to acquire copyright in Canada by purchase, they had been told that the " arrangements made between the British and American publishers were such as to " prevent negotiations with Canadians."

23. In the same year a Copyright Act was passed by the Canadian Parliament and forwarded for Her Majesty's assent. It was based on the same principles as the Canadian Copyright Act of 1889. The assent was withheld.

24. The undersigned does not propose, in the course of these observations, to detail at length the various negotiations which have taken place. They will be found more fully stated in the appendix hereto. Attention is called to them in this place chiefly because many which seemed to the undersigned to be of importance are not mentioned in the report of the Committee, and because it seems important to notice that from the commencement of the agitation in 1842 down to the present year, the representations from the North American Colonies have met with the same response from Her Majesty's Government, namely, an admission that grievances existed as stated, promise of redress—followed by expressions of determination to consider the subject and a declaration that the measure proposed by the Parliament of Canada to lessen the grievances was beyond the powers of that Parliament and must be authorised by an Act of the Imperial Parliament in order to be effectual.

25. The Despatch of Lord Carnarvon, dated 15th June 1874, is an illustration of the progress which the agitation had made since Her Majesty's Government, in 1846, with a full knowledge of the whole subject, had promised to confer full legislative powers at the ensuing session. His Lordship stated then (twenty-eight years after Lord Grey's circular Despatch) that he was aware " that the subject of Colonial copyright had long " been under consideration," that he was ready " to co-operate " and that he had " a " confident hope " that Her Majesty's Government might, " without difficulty be able to " agree on the provisions of a measure which, while preserving the rights of owners of " copyright works " in the United Kingdom " under the Imperial Act, would give effect " to the views of the Canadian Government and Parliament."

26. One of the most important points in the narrative is that mentioned in paragraph 21 of the Committee's report, namely, the appointment of a Royal Commission on Copyright in 1876, and also the report of that Commission in 1879. It appears necessary to point out that the report of that Commission recommends the adoption of the principle on which is based the Canadian Copyright Act of 1889, namely, the establishment of a

licensing system for republications of copyright works in the Colonies and the collection of a tax in favour of the copyright holder as a compensation.

27. In pursuing the course of discussion followed by the Committee, whose report is under review, it seems proper to make some reference to that branch of the subject which refers to copyright arrangement with other countries; and first to notice the position of your Excellency's Government on the subject of the Berne Copyright Convention.

28. At the outset, however, it may be well to state the ground upon which the Canadian Government base their request for the withdrawal of Canada from that convention. When assent was given, on the part of the Canadian Government, to be included in that convention, one of the considerations which prevailed was the confidence in the assurances given by Her Majesty's Government with regard to the amelioration of the law of copyright as it affected Canada, notwithstanding the great delay which had occurred. But the principal consideration was the fact that Canada could withdraw from the convention on a year's notice to that effect being given to the countries included in the convention.

29. The Canadian Government afterwards formally requested Her Majesty's Government to give notice of the withdrawal of Canada. That request not having been complied with, an address of both Houses of Parliament to Her Majesty was unanimously passed in the session of 1891, requesting that the notice be given. Recently your Excellency's Government has forwarded a renewed request that the notice be given without further delay. The undersigned respectfully submits that the reasons which induce persistence in this determination to withdraw from the convention are in the judgment of the Parliament and Government of Canada.

30. Parliament has complete cognizance of Canadian interests in such matters and has unanimously endorsed the request of your Excellency's advisers that notice should be given.

31. The statement was made by the undersigned, in a previous report, that the condition of the publishing interest in Canada was made worse by the Berne Convention. That statement is adhered to. The monopoly which was in former years complained of in regard to British copyright holders is now to be complained of, not only as regards British copyright holders, but as to the same class in all countries included in the Berne Copyright Union. Canada is made a close market for their benefit, and the single compensation given by the convention for a market of five millions of reading people is the possible benefit to the Canadian author, whose interests seem not to have been thus cared for on account of a very high estimate of their value, because the Committee whose report is under review describe the Canadian author as "belonging rather to the future than to the present." Without accepting this estimate as quite accurate it may at least be said that the Canadian Parliament may be trusted to care for the interests of Canadian authors. The Berne Convention had in view considerations of society which are widely different from those prevailing in Canada. In Europe the reading population in the various countries is comparatively dense; in Canada a population considerably less than that of London is dispersed over an area nearly as large as that of Europe. In the cities of Europe, especially in Great Britain, the reading public is largely supplied from the libraries, while, in Canada, as a general rule, he who reads must buy. In European countries the reading class forms but a fraction of the whole population, while in Canada it comprises nearly the whole population.

32. If reasons against the continuance of Canada in the convention were called for, many would suggest themselves, but the undersigned does not understand that your Excellency's Government is called upon to give those reasons or to present an argument to justify the determination of Canada to withdraw from the convention.

33. No enactment in Canada to give effect to the Berne Convention has ever been passed, although some enactment would be necessary in order to make the system operative and effectual here.

34. As regards what is called the "arrangement" made between Her Majesty's Government and the United States, some observations seem specially called for, in view of the position taken by the Committee whose report is being considered. In March 1891, Congress passed the present copyright law. That law gives copyright in the United States to any author, whether a citizen of the United States or a subject of a foreign State, on condition that two printed copies of the book, printed from type set within the limits of the United States, be deposited (in accordance with regulations prescribed), on or before the publication of the book. It is necessary, however, in the case of the subject of a foreign state, to show that his State permits citizens of the United States

to have the benefit of copyright on the same terms as her own citizens. That requirement, of course, is easy of fulfilment in the case of Great Britain, for the Copyright Act of 1842 permitted foreigners to obtain copyright, running not only in the United Kingdom but throughout Her Majesty's dominions, on mere publication in Great Britain, without any condition as to the type being set within the Queen's dominions.

35. It seems, from the Committee's report, to be considered that Lord Salisbury, on the 15th June 1891, made an agreement with the United States which is an obstacle in the way of the Canadian request for improved copyright legislation being granted. If such could be supposed to be the case the contention of Canada in this respect would present a far more serious ground of complaint than has been yet stated. The contention would be, that after promises of redress had for many years remained unfulfilled and at last fulfilment postponed on the explanation that such redress would be considered in negotiations for an international arrangement with the United States, Canada would now have to be informed that her request cannot be entertained or considered any longer, because the international arrangement with the United States precludes any consideration of her interests.

36. The undersigned submits, however, that such is not a correct statement of the facts, or a reasonable conclusion from them. Mr. Lincoln, the United States Minister at London, appears to have asked information from Lord Salisbury as to the state of the copyright law in the United Kingdom. The reply of Lord Salisbury was that an alien, by first publication in any part of Her Majesty's dominions, could obtain the benefit of British copyright and that contemporaneous publication in a foreign country did not prevent the author from obtaining copyright in Great Britain, that residence in Her Majesty's dominions was not a necessary condition, and that the law of copyright in force in all British possessions permits citizens of the United States of America to have the benefit of copyright on the same basis as British subjects.

37. It is submitted that in making this statement Lord Salisbury was merely stating what he believed to be the condition of the law of copyright at that time. He was not making any treaty nor any arrangement with regard to copyright, although, probably, for convenience of expression the term, " arrangement with the United States " has been used in the report of Committee, and also in course of these observations. The Committee in their report seem to treat Lord Salisbury's answer (as to the condition of the existing law), as an agreement and almost as equivalent to an undertaking that the law should never be changed. Otherwise it is difficult to understand such expressions as are contained in paragraph 51 : " The Act of 1889 " (meaning the Canadian Act), " if confirmed by Her Majesty's Government, after the assurance given to the Govern- " ment of the United States in 1891, would give rise to misconception and misunder- " standing." " Of course if Canada were to withdraw from the operation of the Act " of 1886, and still more if she were allowed to withdraw from the Act of 1842, there " would be not merely a formal, but a substantial inconsistency between her legislation " and Lord Salisbury's declaration."

38. It is not suggested that Lord Salisbury's declaration was that the law should not be changed, but that seems to be implied. If such is indeed to be inferred from Lord Salisbury's reply to Mr. Lincoln it would be well to inquire how long his declaration was intended to continue in force or is to be construed as being in force ? Is it possible that the Convention of Berne, which was to endure until a year after denunciation, in so far as Canada was concerned, was intended by Lord Salisbury to be made perpetual in its application to Canada, by his making a statement of the law of the United Kingdom to Mr. Lincoln ?

39. It seems perfectly obvious, notwithstanding the contrary view suggested by the report of the Committee, that Lord Salisbury merely informed Mr. Lincoln that on the 16th of June 1891, the first condition above set forth, in the United States Copyright law, was complied with by the state of British law at the time. Lord Salisbury's object was to show Mr. Lincoln that Great Britain permitted citizens of the United States the benefits of copyright on substantially the same basis as to her own citizens. The Canadian Government and Parliament ask for no other condition of affairs ; and Lord Salisbury's statement to Mr. Lincoln will still be good, and the reasonable requirements of the United States Government will still be satisfied if the Canadian Act of 1889 be ratified, because American holders of copyright in Great Britain will still be on the same footing as British copyright holders.

40. Before the so-called " arrangement with the United States " was made, in a letter which the undersigned had the honour to write to Lord Knutsford, on the 14th of July 1890, it was suggested, as is quoted in paragraph 43 of the Committee's report :

"(1.) That the present policy of making Canada a market for American reprints, and closing the Canadian press for the benefit of the American press, in regard to British copyright works, has a direct tendency to induce the United States to refuse any international arrangement."

"(2.) That inasmuch as the existing Canadian copyright law affords protection to the copyright holder in every country which may make a treaty with Great Britain, it cannot be suggested, as it once was, that self-government in Canada on this subject would in the least impede negotiations with the United States for an international arrangement."

41. This prediction has been abundantly fulfilled since the passage of the United States Copyright Act. The United States publishers now insist in making their arrangements with British authors and publishers, on a condition that Canada be included in the territory disposed of. Furthermore, the American purchasers of British rights refuse to Canadian publishers any arrangement for the publication of reprints in Canada. In this way the copyright holder outside of Canada not only enjoys in Canada a monopoly which the Copyright Act of 1842 gave him, but can, and does, sell to foreigners that monopoly in Canada, and the foreign purchaser thus acquires the right, under the Statute of 1842 and the Berne Convention Act of 1866, to lock the Canadian presses in order that his own may be kept in operation to supply Canadian readers.

42. It should be observed that by the Canadian Copyright Act of 1889, Canada asks less than the United States has obtained. The Congress of the United States has demanded that, before a British subject can obtain copyright in the United States, his book shall be printed from type set within the limits of the United States. Great Britain not only accedes to this demand, but permits a citizen of the United States to obtain copyright of his work in England, on production of his work there, printed on the type set in the United States, and thus the United States publisher at the same time secures copyright in both countries for a book produced from American type. The Canadian Act would permit type to be set in England and the plates imported, and on printing therefrom, copyright would be granted in Canada, if the printing were done within one month of the original publication elsewhere; but failing such publication, the British copyright holder would be secure in his ten per cent. royalty if the book should be republished (under license) in Canada.

43. In view of this state of affairs it is not accurate to say, as seems to be suggested in paragraph 54, section 4 of the report under review, that "The present demand for "legislation on the lines of the Canadian Act of 1889, appears to come, not from the "Canadian reader or author, but from the Canadian publisher and printer, who feel "severely the competition of rivals in the United States, and wish to protect themselves "by excluding their rivals' wares."

44. What the Canadian publishers principally complain of, under the present state of affairs, is that they are not allowed to compete with publishers of the United States, inasmuch as the British copyright holders dispose of their rights to American publishers on condition that the latter shall have a monopoly of the Canadian market.

45. Another statement contained in the same paragraph of the report (section 6), indicates a want of information as to the facts, viz., the statement "That the effect of the "recent American Act would not be to increase the inducement to American publishers "to reprint British books. Before the Act they could reprint any such books freely; "since the Act they must make arrangements with such authors as take advantage of "the provisions of United States legislation." The fact is that English books are eagerly sought for by United States publishers. They can afford to pay high prices in view of the fact that the market of Canada is included in their purchases. The English authors are induced, also, to seek purchasers in the United States, in order to obtain copyright there and to get their books printed from United States type, which is a condition imposed there, although not imposed in Britain on the United States author when he seeks copyright protection throughout the British Empire.

46. It is this enormous disadvantage, and not the competition of publishers in the United States, that Canada complains of, and it cannot correctly be alleged that the Canadian publishers "are undersold by competitors who have the advantage of larger capital and "a larger market."

47. The Committee have devoted a considerable portion of their report to a statement of the objections to the confirmation of the Canadian Act of 1889. The undersigned forbears, at the present time, from entering into a discussion of the legal views on which the necessity for an Imperial statute to confirm the Canadian Act depends. They have been fully set out in a report which he made in August, 1889. To the arguments therein stated he still adheres, but when it was made apparent, in the reply which was

received to that report, that the Colonial Office had adopted a different opinion and held that an Imperial statute was necessary, the attention of the Canadian Government and Parliament were immediately applied to the task of showing Her Majesty's Government that, for every reason which could be drawn from the assurances of the past, such an enactment should be speedily given. It was this branch of the subject that the undersigned had the honour to present, in his letter of the 14th July 1890, written at Lord Knutsford's suggestion, and it is to this branch of the case that the present observations are intended principally to be applied.

48. It is proposed, therefore, to consider the various objections which are stated by the Committee in their report.

The first objection is this : "It would involve abandonment of the policy of "international and imperial copyright which Her Majesty's Government adopted and "to which Canada assented only six years ago."

49. It is denied that the provisions of the Canadan Act would involve the abandonment of that policy, even in so far as Canada is concerned, because the copyright holder would still be compensated by the royalty instead of the customs duty. As regards the assent of Canada of six years ago to the Berne Convention, Canada's right to withdraw from the convention on a year's notice, was placed on the face of the treaty and she would not have consented to enter without that condition. The right has never been questioned and a request that Her Majesty's Government should give notice of Canada's withdrawal has been most distinctly and emphatically made. With a knowledge of these facts the Committee's report, in paragraph 50, uses these words : "If Canada presses for withdrawal from the Berne Convention her request cannot well "be refused."

50. The undersigned ventures to express the hope that no doubt will be entertained on this point. By an Order in Council, Canada, years ago, asked for the notice to be given. By an address of both Houses of Parliament she repeated that request in the most formal manner to Her Majesty. By a Despatch of recent date your Excellency's Government urged that the notice be given without any further delay ; and, in case there should be any uncertainty on the subject, it is now asserted that "Canada presses "for withdrawal from the Berne Convention."

51. The next objection stated is that "It would be at least open to the charge of being "inconsistent with the declaration as to the law of the United Kingdom and the British "possessions which was made to the United States by Lord Salisbury, on the faith "of which the United States admitted British authors to the benefit of their copyright "law." This seems so fallacious as to call for no further comment than has been made upon it in an earlier portion of this report. It is impossible, in the view of the undersigned, that Lord Salisbury's statement of the law should be construed as a promise for all time, or for any time. But if, by this statement, it is intended to be inferred that the United States will hold at such high value the market of Canada, which they are now able to control, as to refuse copyright to British authors if that market be not continued to them, the demand for redress on the part of Canada will be more emphatic than ever, because the inquiry will arise whether it is proposed to place an important commercial interest of Canada at the disposal of a privileged class in Great Britain to be bartered for privileges to that class in a foreign country. It will be necessary to consider at once how long the market of Canada is to be thus controlled, and whether it is to be finally settled that Canada is to be placed at a disadvantage as compared with other countries in her neighbourhood because her people have retained connexion with the Empire, which they have so long done from very different motives than those of self interest.

52. The next objection is that the confirmation of the Canadian Act "would be "inconsistent with the policy of making copyright independent of the place of printing" "—a policy—which Her Majesty's Government have for many years been urging the "United States to adopt."

53. It is well known that the United States have never shown a disposition to adopt any such policy. It is difficult to suppose that any well-informed person entertains any expectation that they will do so. Her Majesty's Government evidently had no such view when, by Lord Salisbury's "arrangement" with Mr. Lincoln, they conceded to United States citizens copyright privileges throughout the British Empire, without that policy being adopted on the part of the United States, but when, on the contrary, the United States emphatically refused to adopt it. After that arrangement, it is difficult to understand what reason could be suggested to Congress for abrogating a condition (printing in that country) which protects the labour of the United States, to the manifest disadvantage of British labour of the same kind, and yet results in no denial to United

States citizens of the privileges which British subjects have. Surely it would not now be urged that Canada should any longer have the granting of her request postponed for the imaginary reason that some better arrangement may be made with the United States, of which there is not the slightest probability, and which would be of very doubtful value, even if obtained, as far as Canada is concerned.

54. A further objection alleged against the Canadian Act of 1889 is that "it would "impair the right in Canada, of British authors," (meaning, of course, British copyright holders), "by whom the Canadian market is principally supplied."

55. This is a statement of the most doubtful accuracy. The Canadian Act would secure to British copyright holders revenues which would be a hundred-fold that now received from Canada, by reason of the collection of the stamp duties on Canadian reprints being substituted for customs collections on foreign reprints. If the British author would sell his copyright in Canada (which he rarely does now, because the purchaser in the United States demands of him that Canada shall be thrown into the bargain) he would find the product of his copyright greatly enhanced under the Act of 1889. It is doubtful, at the present time, whether the United States purchaser pays anything additional to the British author in consideration of the market of Canada, but, certainly, if the market of Canada were purchased by those understanding the trade of this country, the price which the author would receive for the Canadian market would be greater than it now is. If the holder of copyright did not sell the Canadian market he would receive the price prom the United States purchaser plus the additional revenue collected under the license in Canada.

56. One widely-read author is known to have sold his right to a great publishing house in the United States. He refused to sell, at that time, the Canadian market to a Canadian purchaser. That condition was exacted of him by the publishing house in the United States which became his purchaser. Subsequently an arrangement was made with the author by a Canadian publisher, by which the latter secured the Canadian market by paying a larger sum for the Canadian right than the United States publishing house had paid for the same privilege in the United States and Canada together.

57. In any event Her Majesty's Government should be asked to consider whether the rights of British copyright holders, created under the Statute of 1842, are to continue to be set up as a bar to the rights of the Canadian Parliament and Canadian people, after so repeated a recognition of the fact that the creation of these privileges had become a grievance in Canada, and so long after promises and assurances had been given that that grievance would be redressed. If so it is exceedingly difficult to understand many of the expressions which have been continually made use of in Imperial Despatches for the last fifty years.

58. The report of the Committee goes on to state an opinion that "It is doubtful "whether the Canadian reader has, under existing circumstances, any ground of complaint "at all." That opinion the undersigned cannot concur in. Even when foreign reprints were abundantly produced, that is to say before the passage of the American copyright law, the Canadian reader was obliged to pay a tax for the benefit of the copyright holder which was collected by the customs officers in Canada. That tax was not very burdensome, because the reprints were published at a very low price and the duty was an *ad valorem* impost on the wholesale importation. The Canadian reader is not now in so good a position, because of the generosity of Her Majesty's Government towards the United States citizens which has given the citizens of that country a monopoly of the Canadian market not only for reprints of the British works which they continually acquire the copyright of, and which the Canadian publisher cannot acquire, but for all United States publications as well. The result of this is that new books have doubled in price in Canada within the last three or four years, and there is a prospect of further advance.

59. The report of the Committee goes on to say that "It is the British author "and publisher who have a right to complain of the Foreign Reprints Act." On behalf of Canada it is denied that the British author and publisher have reason to complain because they are not permitted, besides locking the Canadian press, to banish British literature from Canada by seizing it in the customs houses, unless it shall come in the form of a British edition which could not be sold in Canada, save in very small numbers. The British author would have no right to complain of the Canadian Act of 1889, for, as has been shown, his position would be materially improved thereby.

60. The Committee go on to state that the reality of the grievances of the British author and publisher "was admitted by the Copyright Commission of 1876." The reality of those grievances is not admitted in Canada, but if such grievances ever really existed they are less now, because the effect of the legislation of the United States is to curtail

very largely the publication of foreign reprints, and they would be less still under the Canadian Act of 1889, because the trade in foreign reprints would be almost, if not quite, abolished.

61. It is difficult to understand why this suggestion is made, with regard to the Foreign Reprints Act, unless it were intended as a suggestion in favour of greater restrictions as to copyright than those existing at present, by the repeal of the Foreign Reprints Act. If that were the object of the suggestion, it hardly calls for any remark, in view of the past history of this subject, and in view of the fact that the collection of customs duties in favour of British copyright holders is a matter of increasing inconvenience in Canada and must eventually be abandoned, for reasons which it is not now necessary to state at large.

62. Another suggestion in the report under review is that " Deprivation of Canadian " copyright might be seriously detrimental to the interests of Australian authors, say, " for instance, of a Melbourne novelist whose works are likely to obtain extensive " circulation in Canada." The case is not a very probable one. In the words of the Committee, applied to Canadian authors, it may be, " treated as belonging rather to the " future than to the present." It seems sufficient to say, for the present, that Australians are, and doubtless always will be, placed on the same footing as other British subjects in all Canadian legislation, but that, if it should become, at any time, a question what rights should be enjoyed in Canada by any class of Australians, it surely cannot be contended that that question should be decided by the Parliament of the United Kingdom or by the Parliament of Australia, rather than by the Parliament of Canada.

63. The report under review devotes a paragraph to the interests of the Canadian author of whom it is said that under the Canadian Act of 1889, he would be deprived of copyright in every country outside of Canada. This would be by no means the case unless Imperial legislation were adopted to withdraw from Canadians not only the rights within the Empire, conceded to all British subjects, but the rights conceded to the people of most foreign countries, under the Berne Convention, which seems a suggestion quite unworthy of a place in this controversy.

64. The Canadian Parliament has not overlooked the interests of its authors or of any other class. When its speaks, as it has done on the subject, it speaks after full consideration of all the interests involved, and which it is well able to weigh.

65. The report under review proceeds to discuss at some length the question whether indeed the Canadian publishers have any grievance, and whether such grievance has been enhanced by the Berne Convention. If the Committee had obtained information upon this subject in Canada, where alone the facts are to be found, they could hardly have arrived at the conclusion which they state. The Canadian publisher has never had an opportunity of competing with his rivals in the United States, except in rare cases, as where a Canadian has brought copyright from United States publishers to whom the markets of Canada had been sold by the British copyright holder, and sometimes directly from a British copyright holder.

66. The effects of the Berne Convention have already been discussed, but the Committee could have found abundant evidence in Canada that the grievance of the Canadian publisher has been greatly augmented by every change in the copyright law of the United Kingdom, in recent years. His condition has been made distinctly worse by the Berne Convention and the grievance has been greatly enhanced by the concessions made by Her Majesty's Government to the United States, under the " arrangement " for which this Government was for many years asked to wait as a measure which would give the relief desired.

67. The report suggests, as has already been remarked, that " the real grievance of the " Canadian publishers is that they are undersold by competitors who have the advantage " of larger capital and a larger market and in whose favour protective legislation is " enforced, against their weaker rivals." In considering this view of the case, too much stress ought not to be laid on the weakness of the Canadian publisher. The fact is that he has not been allowed to compete with his United States rival.

68. In exceptional cases, where a Canadian publisher has secured a right to his own market, it has been found that books have been produced in Canada at lower rates than in the United States. Numerous instances can be cited of books which were printed in the United States and reprinted in Canada to prove that these books have been sold in Canada at a price eighty per cent. below the price of the United States editions. The real grievance of the Canadian publisher, the Canadian type-setter and every other Canadian workman engaged in the production of books, as already stated, is that he is not allowed to compete with his United States rivals, by reason of his being a British

subject and, therefore, bound by the copyright legislation of the United Kingdom. It is true, as stated by the Committee, that the United States competitor has a larger market, because the United States publisher of books controls the market of the United States *plus* the market of Canada; while the Canadian producer has not even the market of Canada, except in the rare cases before referred to, and then he can supply only Canada, being debarred from the United States markets because his book is not printed in the United States.

69. It is also true that the Canadian publisher is handicapped by the protective legislation of the United States, in favour of the publishing interest of that country, and especially by the obligation on the applicant for copyright to print from type set in the United States, while the citizens of the country imposing that condition are allowed all the advantages of British subjects, and Canadians are denied the right to impose any such conditions as to Canada.

70. The report under review again makes this statement with regard to the Canadian publishing interest, evidently from erroneous information : " What the Canadian " publisher and printer want is to keep out books, cheap or otherwise, not printed or " published at their own establishments." As a matter of fact, what the Canadian publisher and printer desire to do is to supply the cheap books which the Canadian reader desires. Under the Canadian Act of 1889, a publisher could have no monopoly in republishing copyright books, because the Government would have the right to grant any number of licenses to reprint. Futhermore, the British publisher would still have the opportunity to send his books from Great Britain to Canada.

71. It must, therefore, be repeated that it is desired that the Canadian publisher, be permitted to sell in his own market; a market which, under present conditions, is reserved for the benefit of persons outside of Canada.

72. The Committee has suggested that " The simplest and most effectual mode of " lessening the price of Canadian books would be to remove or reduce the Canadian " import duty of fifteen per cent. on books."

73. The undersigned cannot agree with this view. The experience of the past has proved that the simplest and most effectual mode of lowering the price of Canadian books would be to have the Canadian press unlocked and the Canadian publisher and printer permitted to produce books.

74. The removal of the Canadian import duty would undoubtedly be an additional boon to the publishers and printers of the United States, but the undersigned ventures to think that the interests of that class have been already sufficiently cared for and do not require additional advantages from the Government of Canada.

75. The argument in favour of reducing the Canadian import duty in order to cheapen books is somewhat in contrast with another statement in the report under review, viz., the declaration that the royalty to copyright holders proposed by the Act of 1889 should be greatly increased and that more stringent methods of taxation should be adopted in order to secure the collection of the tax.

76. In paragraph 56, the Committee suggest that " the amount of royalty might perhaps " be fixed at fifteen per cent. so as to correspond with the amount of the existing " import duty on books and that the royalty might be levied by means of a stamp " on each copy, so that if unstamped books were offered for sale they should be liable to " seizure."

77. It seems to be implied from this that the import duty and the tax in favour of the copyright holder should be equal and it would then follow that a reduction of the import duty, as advised by the Committee, would at any time be accompanied by a reduction of the copyright holder's royalty.

78. The intimation, contained in paragraph 57 of the Committee's report, that such Canadian legislation as is required should be confined to books, is not acquiesced in by the undersigned. It is true, as stated in the report of the Committee, that copyright in musical, dramatic, and artistic works raises a very difficult question, but the right of the Canadian Parliament to receive the power of self-government with respect to those matters is surely as plain as it is in relation to books. The demand to have that right conceded is surely not too difficult to be understood by statesmen of a country which has granted that right freely, in relation to all other commodities.

79. The Committee in their report under review, have stated various objections to the details of the Canadian Act of 1889. These objections, in the view of the undersigned, are not maintainable. They say : " That twelve months might be allowed as a reasonable time " (to the copyright holder) " for cheap reproduction, and during that time the Imperial copyright should remain unimpaired." In reply to this it must be said that in less than twelve months the Canadian market would be flooded with American reprints and

the sale of the book would be over. The report then says that "the royalty might "perhaps be 15 per cent. so as to correspond with the amount of the existing import "duty on books." In the view of the undersigned, the Canadian proposition of 10 per cent. royalty on each copy would yield much larger returns than the one proposed, which would be 15 per cent. *ad valorem* on the quantity imported, at wholesale rates. Such is obviously the meaning of the proposition of the Committee as is seen by reference to the import duty which is an *ad valorem* duty on the wholesale rates.

80. The 10 per cent. royalty proposed by the Canadian Parliament would be imposed on the retail price of each book and would take the place of the 12½ per cent. now collected by customs on wholesale rates, *ad valorem*, for the benefit of the copyright holder. An example may be taken to illustrate. A book issued last year cost, when imported from the United States, $22 for 100 copies. The duty at 12½ per cent. was $2.75. The retail price of the book being 50 cents. the royalty therefrom at 10 per cent. (as it would be if the book were republished in Canada), would be $5. Thus securing a gain to the copyright holder of nearly 100 per cent.

81. The undersigned, however, does not deem this a proper place to discuss the details of the Canadian Act; as he does not deem it the proper place to discuss the legal rights of the Canadian Parliament to pass that Act. What the Canadian Parliament and Government desire is that the right of the Parliament of Canada to legislate on this subject shall be relieved of all doubt; and there would still be left to Her Majesty's Government the same constitutional right which it has with regard to all legislation in Canada, and which, it is submitted, is sufficient to secure every reasonable requirement for the security of Imperial interests.

82. The undersigned stated in his letter to Lord Knutsford in 1890, that a most respectful consideration would be given to any suggestions for the improvement of the Canadian Act of 1889 which his Lordship might think proper to make, after hearing all that might be advanced on both sides. It would seem only reasonable, at the present time, however, that after all that has taken place some step in advance should be taken towards removing Canadian grievances beyond the mere routine of inquiries, reports, and suggestions. It was hoped that that stage had been reached when the report of the Royal Commission of 1876 was made especially in view of the fact that the report of that Commission was so favourable to Canadian claims.

Respectfully submitted,

JNO. S. D. THOMPSON,

Minister of Justice.

No. 44.

COLONIAL OFFICE to FOREIGN OFFICE, BOARD OF TRADE, and TREASURY.

[*Answered by Nos.* 48 and 50.]

SIR, Downing Street, April 19, 1894.

I AM directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Kimberley,
Board of Trade, a copy of an extract from the Tariff Bill now before
Lords Commissioners of the Treasury,
the Canadian Parliament, dealing with the duty on imported foreign reprints of British copyright books, and also an extract from the budget speech of the Minister of Finance respecting the provision in question.

Lord Ripon would be glad to be favoured with any observations which Lord Kimberley,
the Board of Trade, may have to offer on this proposal.
their Lordships,

the Board of Trade and the Treasury.

A similar letter has been addressed to the Foreign Office and the Treasury.
the Foreign Office and the Board of Trade.

I am, &c.

JOHN BRAMSTON.

Enclosure 1 in No. 44.

Extract from House of Commons Debates, dated 27th March 1894.

Books and Papers.

* * * * *

British copyright works, reprints of, 6 cents per pound and in addition thereto 12½ per cent. *ad valorem* until March 27th, 1895, and thereafter 6 cents per pound.

Enclosure 2 in No. 44.

Extracts from House of Commons Debates, dated March 27th, 1894.

* * * * *

Mr. Foster.—The duty will be 6 cents per pound for books, instead of an *ad valorem* duty of 15 per cent. British copyright, reprints of, will have in addition to 6 cents per pound, a duty of 12½ per cent. which is the amount we collect in payment of the copyright and transmit.

Mr. Edgar.—Is this *ad valorem*?

Mr. Foster.—Yes. But there is a clause attached, which is as follows: This duty shall continue until 27th March 1895, and thereafter the rate shall be 6 cents per pound, it being the intention of the Government not to continue to collect this amount, but to try and have the matter adjusted by that time in a better and more satisfactory way.

No. 45.

The EARL OF ABERDEEN to the MARQUESS OF RIPON.
(Received April 19, 1894.)

Government House, Ottawa,
March 30, 1894.

My Lord,

I have the honour to forward herewith, for your Lordship's information, copy of an approved Minute of the Privy Council intimating that under the revised Canadian Customs Tariff, provision will no longer be made for the collection of the duty of 12½ per cent. imposed on foreign reprints of British copyright works for the benefit of copyright holders.

Your Lordship will observe that the reason advanced for the change in the existing arrangement is the expectation entertained by the Government of changes in the Imperial copyright laws in so far as they apply to Canada.

I may inform your Lordship that the tariff which was submitted to the House on the 27th instant provides that the present arrangement shall terminate on the 27th March 1895.

I have, &c.
ABERDEEN.

Enclosure in No. 45.

Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, on the 28th March 1894.

On a report dated 24th March 1894, from the Minister of Trade and Commerce, upon the provisions of the Canadian tariff about to be introduced in the House of Commons of Canada affecting the subject of copyright, stating that hitherto, at great expense and trouble, a duty of 12½ per cent. has been collected on foreign reprints of British copyright works, for the benefit of copyright holders, over and above the duty payable for the benefit of the revenue of Canada, and calling attention to the fact that, in the tariff now proposed, this collection of 12½ per cent. will cease to be made after the expiration of the next session of Parliament, in view of the changes which are expected in the Imperial copyright laws in so far as they apply to Canada.

The Committee, on the recommendation of the Minister of Trade and Commerce, advise that your Excellency be moved to forward a certified copy hereof to the Right Honourable the Secretary of State for the Colonies.

JOHN J. MCGEE,
Clerk of the Privy Council.

No. 46.

COPYRIGHT ASSOCIATION to COLONIAL OFFICE.

(Received April 20, 1894.)

[*Answered by No.* 51.]

Aldine House, Belvedere, Kent,
April 19, 1894.

MY LORD MARQUESS,

As Honorary Secretary to the Copyright Association I beg most respectfully to draw your Lordship's attention to the legislation on copyright now taking place in the Dominion of Canada.

I am desired to request your Lordship to be courteous enough to permit and to direct that a copy of the new Canadian Bill on the subject be sent to me for the information and consideration of the Copyright Association.

I am further desired to ask your Lordship's attention to the fact that copyright is one of the subjects reserved, as far as Imperial interests are concerned, by the North American Dominion Act of 1867 for the consideration of the Imperial Government and Parliament, and humbly to request your Lordship, if such a course meets with your approval, to allow the Governor-General of the Dominion of Canada to be informed that your Lordship desires this Bill to be reserved for the Royal Assent and not classed as an unreserved Bill or to obtain his sanction without your own due consideration.

I venture to emphasize this request by informing your Lordship that when Canada last legislated on this subject the Bill was inadvertently treated as an unreserved Bill and would have received the Governor-General's sanction if I had not had the opportunity of seeing the late Sir John A. Macdonald at Ottawa and eliciting a promise from him that the Bill should not become current without the sanction of the Home authorities.

When that sanction was sought it was discovered that the Bill was "ultra vires," and so inimical to the authors' interests throughout the rest of the Empire that that sanction could not be given.

I am, &c.
FREDERIC R. DALDY,
Hon. Sec. Copyright Association.

No. 47.

COLONIAL OFFICE to BOARD OF TRADE, FOREIGN OFFICE, and TREASURY.

Downing Street, April 23, 1894.

SIR,

I AM directed by the Secretary of State for the Colonies to transmit to you, to the Board of Trade,
be laid before the Earl of Kimberley, with reference to the letter
the Lords Commissioners of the Treasury,
from this department of the 19th instant,* copy of a Despatch† on the subject of the revised Canadian Customs Tariff as affecting the collection of the duty on foreign reprints of British copyright works.

A similar reference has been made to the Foreign Office and Treasury,
the Board of Trade and Treasury,
the Board of Trade and Foreign Office.

I am, &c.
R. H. MEADE.

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* No. 44. † No. 45.

No. 48.

FOREIGN OFFICE to COLONIAL OFFICE.
(Received April 26, 1894.)

[*Answered by No.* 55.]

SIR, Foreign Office, April 25, 1894.

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 19th instant* in which you invite His Lordship's observations upon an extract from the Canadian Tariff Bill dealing with the duty on imported foreign reprints.

In reply, I am to observe that this particular point forms part of the more general question raised by the demand of the Canadian Government to have uncontrolled power of legislating in regard to copyright.

The voluminous papers enclosed in your letter of the 20th instant† are now being studied in this Department with the view to enable Lord Kimberley to form a judgment in regard to them, but, in the meanwhile, I am to suggest that such steps as the Marquess of Ripon may consider right and proper should be taken to prevent the passing in Canada of any legislative provision which would have the effect of prejudicing the decision of the general question or of forcing the action of the Imperial authorities in regard to it.

I am, &c.
E. GREY.

No. 49.

FOREIGN OFFICE to COLONIAL OFFICE.
(Received April 30, 1894.)

[*Answered by No.* 58.]

SIR, Foreign Office, April 28, 1894.

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 20th instant† relative to the question of Canadian Copyright.

The issues involved being of a highly technical nature, his Lordship would suggest, for the Marquess of Ripon's consideration, that the matter should again be referred to the Departmental Committee which recently met to consider the Canadian Act of 1889, and upon whose report the report of the Canadian Government is founded.

In the event of this suggestion being favourably entertained, this Department would be represented, as before, by Sir Henry Bergne.

I am, &c.
FRANCIS BERTIE.

No. 50.

TREASURY to COLONIAL OFFICE.
(Received May 1, 1894.)

SIR, Treasury Chambers, April 30, 1894.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your letters of the 19th and 23rd instant,‡ relating to the proposed discontinuance of the collection of duty on the introduction into Canada of reprints of British copyright works and to state that their Lordships presume that it is understood that the effect of the revised Canadian Customs Tariff will be that the Copyright Acts will come into force prohibiting the introduction of reprints of British copyright works into the Colony on the 27th March 1895 in the absence of any change in the Imperial copyright laws in so far as they apply to Canada, of which proposed change my Lords have no information before them.

I have, &c.
FRANCIS MOWATT.

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* No. 44. † Not printed. ‡ Nos. 44 and 47.

No. 51.

COLONIAL OFFICE to COPYRIGHT ASSOCIATION (F. R. Daldy, Esq.).

[*Answered by No.* 56.]

Sir, Downing Street, May 1, 1894.

I am directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 19th ultimo,* calling attention to the legislation on copyright now taking place in the Dominion of Canada, and requesting to be furnished with a copy of the Canadian Bill on the subject.

In reply, I am to acquaint you that there is no separate Bill on the subject of Copyright now before the Canadian Parliament but the clause of which a copy is enclosed† occurs in the Tariff Bill now before the Dominion House of Commons.

I am also to enclose an extract,‡ from the speech of the Finance Minister introducing the budget in which he refers to the clause in question.

The subject is now engaging the attention of Her Majesty's Government.

I am, &c.

JOHN BRAMSTON.

No. 52.

The MARQUESS OF RIPON to the EARL OF ABERDEEN.

Telegraphic.

[*Not answered.*]

May 1, 1894.—Revised tariff; have your Ministers considered what will be effect of second section of Colonial Laws Validity Act, 1865, upon clause admitting foreign reprints after March 27 next?

They, of course, recognise that Queen may be advised to revoke Order in Council approving duty on if that clause be passed.

No. 53.

COLONIAL OFFICE to TREASURY.

Sir, Downing Street, May 3, 1894.

With reference to your letter of the 30th ultimo,§ respecting the proposed discontinuance of the collection of duty on the introduction into Canada of reprints of British copyright works, I am directed by the Marquess of Ripon to transmit to you, for the information of the Lords Commissioners of the Treasury, a copy of a telegram‖ which has been sent to the Governor-General of Canada on the subject.

I am, &c.

JOHN BRAMSTON.

No. 54.

COLONIAL OFFICE to BOARD OF TRADE.

Sir, Downing Street, May 3, 1894.

With reference to the letter from this Department of the 19th ultimo,¶ respecting the clause in the new Canadian Tariff Bill dealing with the duty on foreign reprints of British copyright works, I am directed by the Marquess of Ripon to transmit to you, for the information of the Board of Trade, copies of correspondence** with the Foreign Office on the subject.

I am, &c.

JOHN BRAMSTON.

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* No. 46. † Enclosure 1 in No. 44. ‡ Enclosure 2 in No. 44. § No. 50.
‖ No. 52. ¶ No. 44. ** Nos. 48 and 55.

No. 55.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, May 3, 1894.

IN reply to your letter of the 25th ultimo,* respecting the clause in the Canadian Tariff Bill dealing with imported foreign reprints, I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Kimberley, a copy of a telegram† which has been sent to the Governor-General of Canada on the subject.

I am to state with reference to the last paragraph of your letter under reference, that, as Lord Kimberly is aware, the Secretary of State has no power to prevent the Parliament of the Dominion from passing whatever laws it thinks advisable, and that all that he can do is, in extreme cases, to advise Her Majesty to disallow the law.

As regards the particular clause in question, I am to observe, that as the Order in Council issued under the Foreign Reprints Act only suspends the operation of the Copyright Act of 1842 in Canada so long as the Canadian Act authorising the duty of 12½ per cent. remains in force, the Dominion Government cannot justly complain if Her Majesty should revoke the Order in Council when the Canadian Tariff Act comes into force, or when the duty ceases in March 1895. The effect of revoking that order will be that no foreign reprints can be lawfully imported into Canada for sale or hire, but this would not affect American prints of books the copyright of which for the United States and Canada has been purchased by an American publisher.

In these circumstances Lord Ripon would not be prepared to advise Her Majesty to disallow the Canadian Tariff Act on account of this clause, as it would seem that the provision admitting foreign reprints would, by virtue of section 2 of the Colonial Laws Validity Act, 1865, appear to be inoperative on the ground of its being repugnant to the Copyright Act of 1842.

I am, &c.
JOHN BRAMSTON.

No. 56.

COPYRIGHT ASSOCIATION to COLONIAL OFFICE.

(Received May 4, 1894.)

[*Answered by No.* 60.]

Aldine House, Belvedere, Kent,
DEAR SIR, May 3, 1894.

I BEG to thank you for your letter of the 1st instant,‡ and its enclosures. You will see by my letter in to-day's "Times" that further communications ought to have reached you from Canada. When they arrive will you kindly let me know their exact purport?

The Copyright Association and the Chamber of Commerce are arranging deputations to the Marquess of Ripon. Will you kindly tell his Lordship this, and ask him not to reply to Canada till he has seen us? It really is important, for the United States must withdraw her copyright arrangement, if our copyright does not run in Canada, and then we shall have two fields for piracy instead of one, and also the disgrace of giving the United States an assurance we are unable to sustain.

Believe me, &c.
F. R. DALDY.

No. 57.

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, May 4, 1894.

WITH reference to the letter from this Department of the 20th ultimo,§ respecting the Canadian Copyright question, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Board of Trade, copies of correspondence|| with the Foreign Office on the subject.

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* No. 48. † No. 52. ‡ No. 51. § Not printed. || Nos. 49 and 58.

His Lordship would be glad if the Board would again summon the Committee which considered the question of the Canadian Copyright Act of 1889, with a view to considering the present position of the question.

I am, &c.
JOHN BRAMSTON.

No. 58.

COLONIAL OFFICE to FOREIGN OFFICE.

(Extract.)

SIR, Downing Street, May 4, 1894.

IN reply to your letter of the 28th ultimo,* respecting the question of Canadian copyright, I am directed by the Marquess of Ripon to acquaint you, for the information of the Earl of Kimberley, that he concurs in the suggestion that the matter should again be referred to the Departmental Committee which was appointed to consider the Canadian Act of 1889.

Mr. Bramston will again represent this Department.

I am to add that his Lordship is communicating with the Board of Trade as to summoning the Committee.

No. 59.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.

(Received May 8, 1894.)

[*Answered by No.* 62.]

Incorporated Society of Authors,
4, Portugal Street, Lincoln's Inn Fields, W.C.,
May 7, 1894.

SIR,

I AM instructed by Sir Frederick Pollock, Chairman of the Committee of the Incorporated Society of Authors, to ask whether you could give the Society any information with regard to the Bill on Canadian Copyright which, I understand, is awaiting Her Majesty's assent. I should be very much indebted if it would be possible for you to forward me a copy of the Bill to lay before our Committee, as of course the question is one of vital importance to all English authors. It is now almost a year ago that we had the matter before the Committee and on that occasion, when the Society communicated with you,† you did us the honour to state that you would do everything in your power to assist us on behalf of British authors.

I am, &c.
G. HERBERT THRING.

No. 60.

COLONIAL OFFICE to COPYRIGHT ASSOCIATION (F. R. DALDY Esq.).

[*Answered by No.* 64.]

SIR, Downing Street, May 12, 1894.

IN reply to your letter of the 3rd instant,‡ on the subject of copyright in Canada, I am directed by the Marquess of Ripon to acquaint you that the communication from the Dominion Government on this question to which he understands you to refer have been received, and are being referred to the Departmental Committee which was appointed to consider the Canadian Copyright Act of 1889.

In these circumstances his Lordship does not think that there would be any advantage in his receiving a deputation on the question until it has been considered by the Committee, and he desires me to add that if you will be good enough to put into writing

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* No. 49. † No. 10. ‡ No. 56.

any observations which you think would be of use to the Committee in dealing with the question, he will be glad to receive them, and to refer them to the Committee.

I am, &c.
JOHN BRAMSTON.

No. 61.

COLONIAL OFFICE to FOREIGN OFFICE, BOARD OF TRADE, and TREASURY.

SIR, Downing Street, May 16, 1894.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Kimberley, the Board of Trade, the Lords Commissioners of the Treasury with reference to the letter from this Department of the 3rd instant,* copy of the paper noted below† on the subject of the discontinuance of the collection of duty on the introduction into Canada of reprints of British copyright works.

I am, &c.
R. H. MEADE.

Enclosure in No. 61.

EXTRACT from HOUSE OF COMMONS DEBATE, April 24, 1894.

*Mr. Foster.** * * * British Copyright works, reprints of, 6 cents per pound, and in addition thereto 12½ per cent. *ad valorem* until March 27th, 1895, and thereafter 6 cents per pound.

Mr. Edgar.—I would like to ask the Minister of Justice if he has communicated to the English Government yet the fact that he proposes after next year to take off the author's royalty?

Sir John Thompson.—Yes; the communication was made fully a month ago.

Mr. Edgar.—And is there any reply?

Sir John Thompson.—No, not yet.

Mr. Foster.—I wish to amend that item. Instead of having a fixed date, I wish to substitute the words "until the end of the next session of Parliament."

No. 62.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

[*Answered by No.* 63.]

SIR, Downing Street, May 18, 1894.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 7th instant,‡ respecting the Canadian Copyright question.

Lord Ripon desires me to acquaint you that the Society is in error in supposing that there is any new Bill on copyright in Canada now before Her Majesty's Government. His Lordship presumes your letter refers to a clause in the Tariff Bill of the Canadian Parliament which is intended to remove the duty on foreign reprints of British copyright works.

I am to enclose a copy of the clause§ in question which it is understood is not intended to come into operation until the end of the next session of the Dominion Parliament.

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* Nos. 53, 54, and 55.

† Extract from Debates of House of Commons of Canada, 24th April 1894, as to date of discontinuance of duty.

‡ No 59. § Enclosure 1 in No. 44.

In the meantime, Lord Ripon has invited the attention of the Government of Canada to the effect which the second section of the Colonial Laws Validity Act, 1865, may have upon this clause in the Tariff Bill.

I am to add that a communication on the general question of copyright in Canada has been received and will be sent to the Society, when printed, for any remarks they may have to offer.

In conclusion I am to observe that the letter from this Office of the 17th of February 1893,* to which it is supposed you refer in the concluding sentence of your letter under acknowledgement merely stated that the desire of the Society to be informed of the answer of the Dominion Government would be borne in mind.

I am, &c.
JOHN BRAMSTON.

No. 63.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.
(Received May 21, 1894.)

4, Portugal Street, Lincoln's Inn Fields, W.C.,
MY LORD, May 19, 1894.

I BEG to thank your Lordship for your communication of the 18th May† forwarded to me by your Lordship's instructions. The information contained in it will be of the utmost importance to the Society and will be laid before the Committee in due course.

I trust that the phrase contained in my last letter was not misunderstood, and can only tender your Lordship my sincere apologies for any mis-statement that I have made.

I am, &c.
G. HERBERT THRING.

No. 64.

COPYRIGHT ASSOCIATION to COLONIAL OFFICE.
(Received May 24, 1894)

[*Answered by No.* 65.]

COPYRIGHT IN CANADA.

Aldine House, Belvedere,
SIR, May 22, 1894.

I AM desired by the Copyright Association to request you to thank the Marquess of Ripon for the letter of the 12th instant‡ on this subject.

In reply, I am to inform you that the Association will be most happy to consider the subject carefully, with a view to laying their opinions before the Committee to whom the question has been referred; but they feel unable to do this properly without seeing the communications from the Dominion Government which the Committee are instructed to report upon.

I am therefore instructed to ask you to obtain permission from the Marquess of Ripon to send me a copy of them. Perhaps his Lordship may be induced to bear in mind that the Association represents to a large extent the property which they fear the Canadian requests may jeopardize and the value of which they may seriously injure.

With reference to an interview with his Lordship the Association suspend their judgment till they become better informed as to its immediate necessity.

I am, &c.
F. R. DALDY,
Hon. Sec. of the Copyright Association.

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* No. 41. † No. 62. ‡ No. 60.

No. 65.

COLONIAL OFFICE to COPYRIGHT ASSOCIATION (F. R. DALDY, Esq.).

SIR, Downing Street, May 30, 1894.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 22nd instant,* and to enclose herewith, for the information of the Copyright Association, a copy of a Memorandum† by Sir John Thompson, the Premier of the Government of Canada, on the subject of Copyright in the Dominion.

I am, &c.

EDWARD WINGFIELD.

No. 66.

TREASURY to COLONIAL OFFICE.

(Received June 2, 1894.)

SIR, Treasury Chambers, June 1, 1894.

WITH reference to your letters of the 3rd and 16th ultimo,‡ respecting the discontinuance of the collection of duty on the introduction into Canada of reprints of British copyright works, I am directed by the Lords Commissioners of Her Majesty's Treasury to request that you will inform the Secretary of State that their Lordships are waiting for a reply from the Board of Trade referring to the subject of your letter of the 23rd April last.§

I am also to request that you will call the attention of the Secretary of State to the Colonial Office letter of the 23rd November 1891,‖ in which it is stated that a correspondence was in progress with Canada relative to the request of the Dominion Government for the introduction of Imperial legisation to give them extended powers to deal with copyright. My Lords presume that this may probably bear on the subject of Lord Aberdeen's Despatch of the 30th March, transmitted in your letter of the 23rd April last, above-mentioned.

I am, &c.

FRANCIS MOWATT.

No. 67.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

[*Answered by No.* 69.]

SIR, Downing Street, June 9, 1894.

WITH reference to your letter of the 19th of May,¶ I am directed by the Marquess of Ripon to transmit to you, to be laid before the Society of Authors, a copy of a Memorandum† by Sir John Thompson, Prime Minister of Canada, dealing with the Report of the Departmental Committee on the subject of copyright in Canada.

Lord Ripon would be glad to be furnished as soon as possible with any observations which your Society may wish to offer on these papers.

I have, &c.

JOHN BRAMSTON.

No. 68.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.

(Received June 16, 1894.)

[*Answered privately—permission accorded.*]

4, Portugal Street, Lincoln's Inn Fields, W.C.,

DEAR SIR, June 14, 1894.

I SHOULD be exceedingly obliged if you would kindly ask the Marquess of Ripon whether he would give his consent to the Society of Authors placing the papers and

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* No. 64. † Enclosure in No. 43. ‡ Nos. 53 and 61.
§ No. 47. ‖ Not printed. ¶ No. 63.

communications that have been addressed to them before a Copyright Committee which has been formed by all the representative classes of copyright holders in the United Kingdom to watch the question of Canadian Copyright. As his Lordship's papers were sent to the Society, and to the Society alone, I do not feel entitled to take any steps without referring to his Lordship in the matter.

An early answer will oblige.

I am, &c.
G. HERBERT THRING.

No. 69.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.
(Received June 20, 1894.)

[*Answered by No. 70.*]

4, Portugal Street, Lincoln's Inn Fields, W.C.,
June 19, 1894.

DEAR SIR,

WITH reference to your letter to the Society of Authors of the 9th June,* containing a copy of the report of Sir J. Thompson dealing with the report of the Departmental Committee, I beg to inform you that the Society have placed all the papers before counsel to advise the Society on the action to be taken. Herewith I forward you the copy of counsel's opinion which has been taken by the Society, in accordance with the instructions of the Committee. The Committee instruct me to say that until and pending the opinion of the Joint Committee which has been formed and which will meet on the 25th of this month they do not think they can add anything further to the opinion put forward by counsel on the matter.

I beg to thank his Lordship the Marquess of Ripon and yourself for the kindness you have shown the Society in the matter in forwarding them papers.

I am, &c.
G. HERBERT THRING.

Enclosure in No. 69.

COUNSEL'S OPINION.

The new documents before me consist of (1) a copy of a memorandum by Sir John Thompson dealing with the report of the Departmental Committee on Canadian Copyright; and (2) a clause in the Canadian Tariff Bill which proposes, after 27th March 1895, to remove the *ad valorem* duty payable on foreign reprints payable under the Canadian Act of 1868.

Sir John Thompson's memorandum does not deal with the details of the Canadian Act of 1889, but is an attempt to answer some of the objections to the principle of that Bill set forth in the Departmental Committee's Report, and to show that the Canadian Legislature ought to be allowed to repeal the Copyright Act of 1842 so far as regards Canada, and to deprive the British author of his rights in order to foster the Canadian printing and publishing interests.

It does not appear to me that I can usefully follow all the arguments contained in the memorandum on the above question or that it is within the scope of my instructions to do so. They are all based on the fallacy that the Canadian publishers and printers have some inherent right to have the profit of publishing and printing the works of British authors, and that if the latter do not find it necessary or convenient to publish or print in Canada the Canadian Legislature has a right to make them do so, and that to deny them this right is to deprive them of the benefit of self-government. Such arguments (even when supported apparently by a threat of separation in case they are not yielded to (see p. 12, bottom)) do not appear to require to be answered at length. One argument which does perhaps require special notice is that drawn from the example of the United States. With regard to this it is to be observed that in the case of the United States the British author had, under the circumstances, to accept

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* No. 67.

such terms as were offered, but that such acceptance did not in any way involve a recognition of the justice of those terms, and it would be most unfortunate if this exceptional case were to be drawn into a precedent. If it were it might become necessary for a work to be reprinted and published separately in every British Colony. The Society will no doubt itself consider the memorandum and would have no difficulty in drawing up a full reply if thought advisable, but I cannot see that the arguments contained in it were such as to require a detailed reply. All that it seems to me to be necessary for the Society to do at present is to submit to the Home Government that Sir John Thompson's memorandum affords no answer whatever to the reasons given in the report of the Departmental Committee against the passing of an Act to confirm the Canadian Act, pointing out that the demand for legislation appears to come solely from the Canadian printer and publisher, and that it would be most unfair that their industries should be fostered and protected at the expense of the rights of authors as established by Imperial Legislation and the Berne Convention. A protest should also be added against the case of the United States being turned into a precedent for Imperial or Colonial Legislation. The result of the system of protection insisted on there is no doubt unfortunate for the Canadian printers and publishers, but that is not, or ought not to be, a reason for extending it to Canada or elsewhere; the endeavour should rather be to induce the United States to abandon its present policy.

There is no sign in the memorandum that Canada would be prepared to accept any such licensing system as that suggested in paragraphs 55 and 56 of the Departmental Report, and it therefore does not seem necessary to deal with it at present. The objections to it would appear to be the difficulty in fixing the amount of the royalty and in securing its collection when fixed, but if it would solve the present difficulty it might be worth acceptance.

If the memorandum is dealt with shortly, as I have suggested, the Society should, of course, intimate that if there are any particular points on which further information is desired or which are thought to require a further answer it would be glad of an opportunity of considering them.

With regard to the proposed repeal of the *ad valorem* duty in foreign reprints it appears that the Colonial Office has already pointed out that such repeal would, or might, be invalid, as repugnant to the order made under the Foreign Reprints Act on the faith of such duty being imposed. The Society should, I think, consider whether there is any objection to that order, so far as it affects Canada, being repealed, if Canadian Government should insist on doing away with the duty. So far as I can see there is none The only person who would have any reason to complain would be the Canadian reader, for whose especial benefit the Foreign Reprints Act was passed. I ought, perhaps, to point out that it is not at all clear that the repeal of the *ad valorem* duty would be invalid. Under the Foreign Reprints Act the Order in Council only authorises the admission of reprints so long as the Colonial Act affording protection to British authors is in force, from which it would seem that the Colony is at liberty to repeal the protection if it is prepared to give up the benefit of the Order in Council. I think it would be as well for the Society to endeavour to find out what is the object of the Canadian Legislature in repealing a duty they do not appear to have ever collected, except in very few cases, and in thereby depriving Canadian readers of the benefit of an Act supposed to have been passed for their special advantage.

J. Rolt.

4, New Square,
Lincoln's Inn, W.C.
18.6.94.

No. 70.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

Sir, Downing Street, June 26, 1894.

I am directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 19th instant* enclosing copy of counsel's opinion on the Canadian Copyright Question.

His Lordship desires me to convey to you his thanks for this communication.

I have, &c.
JOHN BRAMSTON.

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* No. 69.

No. 71.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 4, 1894.)

[*Answered by No.* 74.]

SIR, Foreign Office, July 3, 1894.

IN view of the statement made at the opening of the Ottawa Conference that the discussions would comprise the question of International and Colonial copyright, the English Copyright Association think it very important that the arguments in favour of maintaining the existing system of Imperial copyright should be fairly placed before the Conference by some competent person, and for this purpose have deputed their secretary, Mr. F. R. Daldy, to visit Ottawa.

Mr. Daldy possesses a thorough knowledge of the question, and Lord Kimberley would be glad, if the Marquess of Ripon sees no objection, that he should be furnished with a letter of introduction to the Earl of Jersey, so as to ensure attention to the arguments he wishes to offer for the consideration of the Conference.

Mr. Daldy will start next Saturday, and it might be well to apprise the Earl of Jersey, by telegraph, of his expected arrival, and the object of his visit, so that the Conference should not come to any conclusions on the subject of copyright until his arguments have been placed before it.

I am, &c.
E. GREY.

No. 72.

THE MARQUESS OF RIPON to the EARL OF JERSEY (at OTTAWA).

(Sent July 4.)

TELEGRAPHIC.

[*Answered by No.* 73.]

Newspaper reports state that Conference will discuss question of Colonial copyright. Is report corect? Information required by telegraph immediately. In that case Copyright Association propose to send out honorary secretary Saturday. Consider it desirable that he should be heard.

No. 73.

THE EARL OF JERSEY to the MARQUESS OF RIPON.

(Received July 5, 1894.)

TELEGRAPHIC.

Sir John Thompson's memorandum, Copyright, has been communicated to Members of Conference but no discussion on the subject will take place.

No. 74.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, July 5, 1894.

IN reply to your letter of the 3rd instant,* respecting the proposed visit of Mr. F. R. Daldy, Honorary Secretary of the Copyright Association, to Canada, I am directed by the Marquess of Ripon to transmit to you, for the information of the Earl of Kimberley, a copy of a telegram which has been sent to the Earl of Jersey on the subject together with a copy of his reply.†

Lord Ripon will furnish Mr. Daldy with a letter of introduction to Lord Jersey as suggested in your letter.

I am, &c.
EDWARD FAIRFIELD.

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* No. 71. † Nos. 72 and 73.

No. 75.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN and the EARL OF JERSEY (at OTTAWA).

MY LORD, Downing Street, July 5, 1894.

THE bearer of this letter, Mr. F. R. Daldy, is the Honorary Secretary of the English Copyright Association, a body comprising all the principal proprietors of copyright in the United Kingdom, and has been deputed by that body to lay their views on the question of copyright in the Colonies before the members of the Conference at Ottawa.

Mr. Daldy, who was a member of the Royal Commission on Copyright, has devoted much attention to the question, and I have no doubt that [*your Government and] the members of the Conference will give full consideration to the views which he has been deputed to lay before them.

I have pleasure in recommending Mr. Daldy to your good offices.

I am, &c.
RIPON.

No. 76.

BRITISH MUSEUM to COLONIAL OFFICE.
(Received July 20, 1894.)

[*Answered by Nos.* 78 *and* 99.]

MY LORD MARQUESS, British Museum, July 19, 1894.

THE Trustees of the British Museum learn that negotiations have some time since been opened by the Canadian Government with your Lordship's Department, with the view of obtaining some concessions in copyright legislation as applicable to Canada; and they would wish to draw your Lordship's attention to the fact that, by the Imperial Copyright Act of 1842, Canadian publications ought to be deposited in the British Museum. The obligation is, however, not observed by the Canadian Government, and the Trustees have, therefore, to purchase books which they should receive gratuitously.

It would seem, then, not unreasonable that, if the Canadian Government obtain any relaxation of copyright regulations in their favour, they should undertake on their part to comply with the law as regards the deposit of books in the British Museum, following the example of the Governments of India, and of the Cape of Good Hope, and of several Crown Colonies.

I am directed to make this statement to your Lordship, and to add that the Trustees will feel greatly obliged to you if you will be pleased to keep the interests of the British Museum in view in the course of the negotiations with the Canadian Government.

I have, &c.
E. MAUNDE THOMPSON.

No. 77.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

[*Answered by No.* 96.]

MY LORD, Downing Street, August 4, 1894.

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of a letter from the British Museum,† respecting the supply to it of copies of books first published in Canada.

I need not remind your Ministers of the important advantage secured to Canada by virtue of the Copyright Act of 1886, by which copyright throughout Her Majesty's Dominions is granted to Canadian authors.

The collection in the British Museum is, as you are aware, the only national collection, and I am sure your Ministers will agree with me that it is important that it should be complete, and especially in respect of works issued in the most important of Her Majesty's Colonial Possessions, and that it is not too much to ask that a copy of a

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* To Lord Aberdeen only. † No. 76.

work which receives important advantages from the Imperial legislation referred to should be supplied for use in the Museum.

Apart, therefore, from the question referred to in the letter from the British Museum, which is now engaging the attention of Her Majesty's Government, I hope that your Government will take such steps as may be in their power to ensure that copies of books published in the Dominion are furnished to the Museum.

I have, &c.
RIPON.

No. 78.

COLONIAL OFFICE to BRITISH MUSEUM.

SIR, Downing Street, August 4, 1894.

IN reply to your letter of the 19th ultimo,* I am directed by the Marquess of Ripon to transmit to you, for the information of the Trustees of the British Museum, a copy of a Despatch† which has been addressed to the Governor-General of Canada, respecting the supply of books published in the Dominion to the Museum Library.

I have, &c.
JOHN BRAMSTON.

No. 79.

FOREIGN OFFICE to COLONIAL OFFICE.
(Received August 21, 1894.)

[*Answered by No.* 80.]

SIR, Foreign Office, August 20, 1894.

I AM directed by the Earl of Kimberley to transmit to you, herewith, to be laid before the Marquess of Ripon, copy of a note from the United States Chargé d'Affaires, inquiring whether there is any probability of Canada withdrawing from the British Copyright Acts, and I am to inquire what answer should, in his Lordship's opinion, be returned to Mr. Roosevelt.

I am, &c.
E. GREY.

Enclosure in No. 79.

Embassy of the United States, London,
MY LORD, August 16, 1894.

REFERRING to Lord Salisbury's note to Mr. Lincoln of June 16th, 1891, and the note of your Lordship's predecessor in office to Mr. Henry White of the 12th November 1892, I have the honour to ask your Lordship, under instructions from my Government, to be so good as to inform me if there be any just ground to apprehend that the reported agitation of Her Majesty's Dominion of Canada for the repeal of the British Copyright Acts may prove successful. The complications of copyright between the United States and Canada are, unhappily, already serious, but the sanction of the unrestricted freedom of literary reproduction in the Dominion would be so great an evil, that it is sincerely to be hoped that Her Majesty's Government may find it possible to avert any action which could in any way imperil the existing copyright agreement between Great Britain and the United States.

I have, &c.
JAMES R. ROOSEVELT.

The Earl of Kimberley, K.G.,
&c., &c., &c.

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* No. 76. † No. 77.

No. 80.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, August 28, 1894.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 20th instant,* enclosing copy of a note from the United States Chargé d'Affaires, enquiring whether there is any probability of Canada withdrawing from the British Copyright Acts.

Lord Ripon presumes that the Earl of Kimberley will agree with him in thinking that no further answer can be returned to the United States Chargé d'Affaires than to inform him that the question of Canadian Copyright is receiving the consideration of Her Majesty's Government, and that it would be impossible to make any statement on the subject at present.

I am, &c.
JOHN BRAMSTON.

No. 81.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

SIR, Downing Street, September 13, 1894.

WITH reference to previous correspondence, respecting the question of Copyright in Canada, I am directed by the Marquess of Ripon to transmit to you, for the information of, The Earl of Kimberley, Board of Trade, copies of correspondence on the subject between the Prime Minister of Canada and Mr. F. R. Daldy, which have been left with this Department by the latter gentleman.

I have, &c.
EDWARD FAIRFIELD.

Enclosure 1 in No. 81.

LETTER to Sir JOHN S. THOMPSON, Prime Minister of the Dominion of Canada, on CANADIAN COPYRIGHT.

(*From recollection.*)

DEAR SIR JOHN, July 19, 1894.

I HOPED to get to Ottawa, with introductions to Lord Aberdeen and Lord Jersey, before the Conference separated, but I find it already dispersed. I shall, however, now that I am in the country, be most happy to come to Ottawa, if you think it useful to give the subject consideration. The Colonial Office have kindly allowed the Copyright Association to consider your last Despatch, and I am afraid that, with every disposition to meet your views, they will be unable to comply with your wishes. They are, however, desirous of finding a compromise which would remove all the obstacles apparent, except lessening the author's control over his property. They regret your laying your Despatch before the members of the Conference without its answer, as it can only present one side of the question.

I am, &c.
F. R. DALDY,
Hon. Sec. of the Copyright Association.

To Sir John S. Thompson,
Ministry of Justice,
Ottawa.

Enclosure 2 in No. 81.

CANADIAN COPYRIGHT.

Office of the Minister of Justice, Ottawa,
July 21, 1894.

MY DEAR SIR,

I HAVE your letter of the 19th instant. I should be very glad to see you, but have nothing further to say about Copyright at present. Parliament is dealing with the

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* No. 79.

matter, and I regard the subject as quite past the stage of negotiation. The treatment which Canada has received on this subject is too bad to be spoken of with patience. It is true that Members of the Conference were furnished with a statement of our case before *we received* a reply to our last communication, but *not before* we had *waited* for a reply. No reason has occurred to me why we should not do so, but we declined to submit the matter to the Conference for action, as the policy of our Parliament was so clear, and so firmly established, that we could not make it a matter for argument, although the members might properly be informed as to what that policy was.

Yours, &c.

JNO. S. D. THOMPSON.

F. R. Daldy, Esq.,
c/o A. Molson, Esq.,
Fern Hill, Georgeville,
Lake Magog.

Enclosure 3 in No. 81.

REPLY to Sir JOHN S. D. THOMPSON's Letter of July 21st on CANADIAN COPYRIGHT.

DEAR SIR JOHN, Fern Hill, August 1, 1894.

I AM sorry that my absence in the States to see a sick friend has prevented my replying sooner to your letter of the 21st ultimo, which I have now received.

From its tenor, I gather that a visit to Ottawa on its subject would not be of any advantage. This I regret, but, of course, I duly appreciate your reason. Your letter shall be brought under the notice of the Colonial Office as soon as I return to England. I can, however, assure you that the Colonial Office has bestowed great attention on your Despatch.

I am, &c.

F. R. DALDY.

To Sir John S. D. Thompson,
Ministry of Justice,
Ottawa.

No. 82.

COPYRIGHT ASSOCIATION to COLONIAL OFFICE.
(Received November 1, 1894.)

MY LORD MARQUESS, London, October , 1894.

SIR JOHN THOMPSON's Despatch on Canadian copyright, dated May 1894,* which your Lordship kindly submitted to us for consideration, has been laid before a special joint committee of the Copyright Association, the Incorporated Society of Authors, the Printsellers' Association, and the sections of the London Chamber of Commerce representing the Printing and allied trades, the Music Publishers, Photography, and the Fine Arts.

This committee has devoted its attention to a detailed examination of the Despatch, and has the honour of laying before your Lordship, in the annotated copy accompanying this letter, a series of observations referring consecutively to each of its paragraphs. These observations will, they trust, commend themselves to your Lordship, and this committee will esteem it a favour if you will bring them under the notice of the Departmental Committee appointed to consider the Despatch.

This question has been so long under consideration that this committee, to prevent unnecessary repetition, respectfully direct special attention to Mr. F. R. Daldy's letters to the Colonial Office, dated February 22nd and November 1890.†

Hitherto, the laws of copyright have been directed to the protection of literary and artistic property *as a natural right of an author to the fruit of his labour.* They have not been designed to create any *exclusive trading privilege.*

All countries, including Germany, France, Austria, Spain, Italy, and Belgium, though their fiscal legislation is protective, have appreciated this distinction, except that the United States, in their recent Copyright Act, attached the condition of *printing* (not publishing) a book within their own country, but from this condition music and engravings are excepted.

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* Enclosure in No. 43. † Nos. 5 and 21.

The committee regard the Act of 1889 as a retrograde protective action on the part of Canada, and contrary to the principles adopted at present throughout the British dominions, viz. :—

1. That a work shall be first or simultaneously *published* therein ;
2. That copyright shall be independent of the place of *printing ;*

and they earnestly beg your Lordship not to yield to the request contained in Sir John Thompson's despatch.

In all Acts giving self-government to a Colony, the subject of copyright has been expressly or impliedly reserved for Imperial legislation. Canada's request is contrary to the principle now in force, which was established, and is maintained, because it seems impossible honestly to protect it as property without a *uniform law* for all parts of the Empire. This principle was also upheld by Mr. Gladstone as recently as 1892, in the Home Rule Bill he introduced for the consideration of Parliament.

They desire to point out that Canada requests the Imperial Government to legislate so as to restrict and curtail rights which authors have enjoyed throughout the Empire ever since British copyright existed, *i.e.*, the right to prevent their writings being utilised without their sanction. They submit that the rights of self-government do not warrant the appropriation of other peoples property (*vide* para. 9 of Sir J. Thompson's despatch).

When the Colonial Office had this question before it in 1890, it felt constrained to refuse Canada's request that imperial sanction should be given to the Act of 1889, not only because it was *ultra vires* but also because it was impracticable, uncalled for, and unjust—impracticable, owing to the difficulty of arranging licenses in a manner equitable to the authors whose works were reprinted, and because it would sap the fundamental principle of the law of copyright, which is, to allow an author *full control over the product of his own labour ;* uncalled for, because Canada already had cheap literature under the Act of 1847 ; and unjust as not allowing for the different values of author's writings.

The committee ask your Lordship to bear in mind that your predecessor was a member of the Royal Commission on Copyright, and they hope the Colonial Office will not be led to reverse its previous decision without fresh and far more cogent reasons than have yet been brought forward to justify such a step. The reply of the Colonial Office practically was : we have not the power to authorise this Act, and we should inflict an injustice on authors if we did. And the request preferred in the Despatch under consideration is that we should assist Canada to tamper with the rights of authors outside her dominion and not under her control.

Canada, on previous occasions, asked for cheap literature ; she now asks the Imperial Government to help her to establish *commercial protection* for her printers, at the expense of the owners of the property she would thus, without their consent, utilise on her own terms.

They would also point out that the change proposed by Canada would jeopardize the rights of British and Canadian authors to copyright in the United States. Already the United States Government have taken action on the subject, and they are strongly urged by authors and publishers in America to withdraw the proclamation if our law is so altered as to admit of their copyrights being reprinted in the adjacent country without their sanction. In this connexion, they ask attention to the letter from Mr. Mills, Messrs. Longman's manager in New York, which is enclosed herewith, and especially to the reference to Canada's ignorance of the whole proceeding.

Reprinting in Canada is also at variance with England's declaration to the United States, and must lead to serious ill-will on their borders. If the United States withdraw their proclamation, this reprinting will expose British authors to two pirating countries, viz., the United States and Canada.

They submit also for your Lordship's consideration that we cannot accede to Canada, without doing the same to all the other Colonies and thus disintegrate the whole of the copyright law.

France, also, would have a grievance. Two millions of the population of Canada are of French extraction and read French copyright books.

The committee wish to point out to your Lordship that, in their opinion, every reasonable concession has been made to Canada already. She has all the benefits of copyright accruing to the United Kingdom, and her people have been specially considered in the Act of 1847 and consequent legislation, but, in this Despatch, Canada, for the first time, asks Great Britain to alter and curtail the area of those laws to enable her to provide extra employment for her printers.

The committee would, however, draw your Lordship's attention to the hindrance to providing cheap editions for Canada, found in the 15th clause of the Act of 1842. If an

author prepare a special cheap Colonial edition of his work, he cannot exclude copies of it from his home market unless he takes out Canadian copyright, and this would not protect him in Australia or elsewhere. Would it not show Canada our desire to meet her readers' wishes, as far as possible, if a short Act were passed to exclude Colonial editions from the home market without the copyright owner's written consent, *even though lawfully printed within the British dominions?*

They feel, moreover, that the commercial desires of Canada would be gratified by such a course, and that it would remove some authors' objections to preparing a Colonial reprint, and also act as a stimulus to Canadian publishers to come forward and make arrangements with authors for both the Canadian and American markets. These markets are so intermixed that they cannot well be dealt with separately.

With every disposition to meet Canadian views, they desire to impress on your Lordship the urgent need and absolute necessity there is for maintaining *an author's control over his own works.* The reasons for this have been presented on several occasions, and a departure from this course would sap the very foundations of copyright, and would be so retrograde that it would, in their opinion, be unworthy of a highly civilised community such as the British Empire, and shake the confidence of other countries in England's fidelity to her engagements.

The committee venture also to draw your Lordship's attention to tariff and royalty legislation in Canada during the present year, and to ask you to point out to the Canadian Government that it will, if acted on, cause the Order in Council issued under the Act of 1847 and Canadian Act of 1850 to be inoperative, and consequently render the importation of *any foreign reprints* into that Dominion illegal.

I have, &c.

FREDERIC R. DALDY,

Hon. Sec. of the Copyright Association. On behalf also of the Society of Authors and the other bodies represented on the Joint Committee.

Enclosure 1 in No. 82.

NOTES and OBSERVATIONS on each Paragraph of the Despatch from Sir JOHN THOMPSON on Canadian Copyright, May 1894.*

1. Introductory.

2. The Imperial Statute of 1842 did not give the *publisher* any interest except such as the author might choose to sell to him. Copyright is in no sense a monopoly. It involves a new creation, whereas a monopoly implies an interference with a liberty previously enjoyed by all. Copyright property requires special protection, because it cannot be ear-marked, and is so easily filched.

The last lines appear to us to be a confusion between the title to, and the realisation of, property.

3. The publisher has no right to be dissatisfied—copyright only concerns the author and the reader. Unless a publisher buys an author's rights he has no *locus standi*, and then only as an author. The reader got his market satisfactorily supplied and has not expressed dissatisfaction.

The protests he referred to were satisfied by the Act of 1847, and the Canadian Act of 1850.

4. Earl Grey only speaks of the "rights of colonial authors and the interests of *the* "*colonial public.*" He does not consider the interests of the publishers or reprinters. These are left free, subject only to the legal rights of property.

5. When Earl Grey refers to "the Royal Sanction," he assumed it would be exercised with some discretion, and would be conditional on the rights of British authors being duly cared for. As stated in reply to par. 3, these rights were satisfied in 1847 and 1850.

6. This settled policy of the Imperial Government has not been interfered with. The assurance has been fulfilled, for England legislated and defined the limit to which a colony might legislate, and thus avoided the necessity for any Imperial veto.

7. We show that Earl Grey did legislate in accordance with the spirit of his despatch, and the result was substantially the same. The Act of 1847 was in satisfaction of this relief, and Canada was afterwards allowed to legislate for her authors (not ours) and her public.

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* Enclosure in No. 43.

8. No understanding with the Colony was called for. There is no evidence that the "Foreign Reprints Act" was intended to be partial or temporary, or that it fell short of what had been promised. Legislation completely carried out her wishes as far as then promised or expressed.

9. Lord Grey only undertook to relieve the author and the reader. The author was relieved by allowing the Colonies to legislate for *their* authors, and by the Act of 1886 —the reader by Act of 1847; but Canada's mode of describing the concession seems neither just nor generous. Surely the rights of self-government do not warrant the appropriation of other peoples' property, whether authors or tailors.

Here again appears a confusion between *the title to* and *the utilization of* property.

10. The same style of language pervades this clause, and surely hardly befits a State paper. The author's royalty is stigmatised as a "tax," suggesting that it is an unjust imposition, and that the British author who has *nolens volens* to give up his property is "privileged" because the price of so doing is claimed by him, a price which he had no voice in fixing, and which is too seldom paid.

11. In March, 1870, copyright owners were aware of Canada's not collecting the author's royalty, and called attention to her studied negligence. Not a monopoly, *see* par. 2.

12. If great pains had been taken to collect this royalty, why were the books not stamped as in other Colonies? If the royalty was odious and unjust, why did not Canada repeal her Act of 1850, and let the Order in Council be revoked? Canada surely knew the advantage that Act was to her, and yet shrinks from carrying out its provisions. Can British authors trust a Colony which refuses to carry out her own Acts of Parliament, and, in this clause, actually refuses to do so, to legislate for them? and yet she asks for further concessions to stimulate her to honesty. She will not carry out her contract unless she gets more than the contract gave. Is this bonâ fide? Is it honourable? Is it a ground for trusting her again?

13. The Canadians had the power to prevent this but were too indifferent, and took no trouble to arrange with the author. This simple step would have stopped most of her complaints. It is too grossly unjust to seek an Act of Parliament to satisfy this negligence by robbing British authors. Others may be inclined to give a different meaning of the word "proper."

Canada surely knows that we cannot and ought not to interfere with America's actions, and also that what she urges is rather a trade than a copyright question, and that it cannot be conceded without upsetting copyright property for the doubtful benefit of a few reprinters.

The publishing interest here referred to is only the reprinting interest.

14. *See* note on par. 4.

15. Canada's requests, as here referred to, were never thought "reasonable." Canada knows we never made any arrangements with the United States, and that we cannot regulate foreign municipal law. It is too absurd to imagine we presented the United States with any monopoly. The present state of things has arisen from *her* legislation, with which we had not anything to do.

16. We are obliged to assert boldly we never gave Canada *any* assurances which have not been fulfilled.

17. We must repeat we had no hand in the "improvement" of the law. It was not altered by any action on our part. By United States legislation, Canada's position was improved just as England's was—no more, no less—for Canada can now copyright a book in her own country, the rest of the British Dominions, and in the United States by printing it there, a very easy process for Canada. England is, like Canada, debarred from reprinting either an American or English book copyrighted in England, or an English copyright book, without the author's sanction.

18. We all admit that copyright law is imperfect, but not in the sense in which it is described in this despatch.

19. We have not granted protection to American copyright books by any Act since 1842, and then we made first publication here the essential condition for all copyright. Canada now has as great privileges as the mother country, but neither they, nor we, nor Americans can take an author's property and reprint it without his consent, nor can we, in fairness to him, ask to be allowed to do so. If England cannot prevent moral robbery in America, that is not a reason for encouraging it in Canada. Canada can now reprint with the author's sanction.

20. Under the Act of 1886, publication in the Colonies gives copyright throughout the whole British dominions.

It is no concession at all as regards reprints, but a very valuable one as regards copyright pure and simple. Canada seems jealous of America and all countries which respect copyright as distinguished from reprinting.

21. Consideration was given to the report, but the proposals were *ultra vires* and unfair to the owners of copyright.

22. Copyright *property* only is made secure. *Trading* in it is *left free*. Canada has not been in the habit of applying in time. Active tradesmen watch the market. Canada asks for legislation to save herself the trouble of doing so. By her own showing, arrangements have been already made with American publishers *before* Canada made her offers.

23. Assent was withheld because the Act was *ultra vires* and unfair to owners of copyright. *See* par. 21.

24. The grievance has never been admitted *as stated*. England has never admitted any grievance which has not been remedied either by the Act of 1847, or that of 1886, or by the right given to Canada to legislate for her own authors.

25. It is most unfair and trifling with the subject gravely to put forward such a positive statement. Lord Grey said no more than he carried out. He said he "relied "on the disposition of the Colonies to protect the authors of this country from the "fraudulent appropriation of the fruits of labours upon which they are often entirely "dependent." By the Act of 1847 he left to the local legislatures "the responsibility "of passing such enactments as they might deem proper for securing the rights of "authors, and the interest of the public." This Canada did in 1850, and the Act received the Royal Assent and became operative by an Order in Council, dated December 12th, 1850. The copyright law of this country then ceased to be operative, where repugnant, so far as excluding reprints from Canada. Practically, authors and the public were satisfied, and *are now*, for neither take any interest in Canada's trade demands, either from not being aware of any such demand, or from disapproval of it.

26. The Royal Commission only recommended the permission of licensed editions for the benefit of Colonial readers where the public were not able otherwise to be adequately supplied with any particular book. This condition is entirely omitted from the despatch, and therefore its bold assertion is both at variance with fact and misleading. No case has yet arisen to which the suggestions of the Commission would apply.

27. Canada was courteously asked if she would like to join the Berne Convention and elected to do so, and now, though it remains as it was formed at that time (1886), she desires to withdraw. Why this instability?

28. If Canada at that time desired the reprinting facilities she now asks for, why did she give her assent? Surely it is no argument for joining a convention, that you can withdraw afterwards. Great Britain is made the judge of the propriety of giving notice of the withdrawal of any of her Colonies; she may, of course, do so on their request, but it rests with the Imperial Government to decide.

29. Canada's withdrawal rests with England, and is now peculiarly wanton; for other countries, such as America, Austria and even Japan, though not members of the Convention, are making efforts in the opposite direction, viz., to strengthen the foundations of copyright property. Can Canada have realised that her withdrawal might exclude her from the benefits of the Act of 1886, and restrict the copyright of authors first publishing there to that Dominion? Surely this drives Canadian authors to publish outside the Dominion, and unnecessarily discourages her printers and publishers.

30. No one disputes Canada's right to ask for withdrawal, but, we repeat, the acting on that request rests with the Imperial Government, and by the Convention it is in England's power to decline to do so.

31. No. The publishing interest is improved, because, as a member of the Convention, the publisher can assure the author of the widest area for copyright if he is allowed to publish the book. It is only the reprinter, who wants to filch an interest in the copyright, who is injured. England regards the Berne Convention as favourable to authors and copyright considers their interests, not reprinters'. The conditions of society surely have not greatly changed within the last eight years since Canada joined the Convention. Though Canada's population is sparse, literature is easily accessible in all parts, and the power of reprinting asked for would not improve matters. The absence of circulating libraries proves that the people are satisfied with present means of supply. France would naturally be annoyed by Canada's withdrawal, because two million Canadians are French and require French literature. There is no complaint from French Canadians that they cannot get the books they want.

32. *See* observations on paragraphs 29 and 31. Canada is not asked for reasons, but she is expected to act in a courteous manner when she prefers a request. Her "determination" must be sanctioned by England.

33. No Canadian legislation is necessary. If it were, Canada's conduct would be prominently bad, for she joined it in 1886, and has not yet done what she herself considers necessary to give effect to her own action.

34. This despatch seems to ignore the difference between the two countries. England's settled policy is a free trade policy; America, though gravitating towards free trade, is essentially protective in her trade and labour policy. Can England be expected to reverse her policy for the sake of Canada's printers?

35. America granted England copyright on the faith of certain facts existing, and if we alter the *status quo*, it is too obvious she would consider herself tricked and could withdraw her proclamation. She has already taken up the question, for she sets much value on Canada's inclusion, as relieving her from reprinting on her borders. Is it likely American authors would allow their works to be reprinted by an adjacent country when she gave that country copyright on the faith of *our* statements that this could not be done. Therefore, England and all the other Colonies are to lose American copyright merely to give Canada an unrighteous opportunity of pandering to her reprinters.

We must repeat that no promises of redress were made except those already fulfilled. If so, When? and Where?

36. America evidently relied on the existence of these facts and gave England and her Colonies a considerable privilege in consequence.

37. The effect of these facts stated at a time when England knew that certain consequences would depend thereon is practically to undertake that the state of things then existing would not be altered, especially without America being consulted.

38. It is certainly implied that these facts would not be capriciously changed. Can there be any doubt as to America's action if they are? England would be responsible for the denunciation of the Berne Convention as regards Canada. Canada now has American copyright on this basis as well as the rest of the Empire.

The Berne Convention had nothing to do with England's statement to America, but if America chooses to obtain copyright in Britain by publishing in Canada—which she can do under the Acts of 1842 and 1886—surely America should have something to say about Canada's withdrawal from the Berne Convention.

39. Canada says she asks for no other conditions, *after* she has upset all our copyright laws, because she knows each part of the Empire would be similarly treated.

America laid stress on Canada's inclusion on the same footing as England, and it is absurd to suppose that the limitation of Canada's copyright would not affect America.

40. This is not the English policy. The result is due to Canada's apathy in making commercial arrangements. England's action in this is for the interest of British authors and Canadian readers.

41. As stated above (par. 22), Canada's remedy is to outbid the Americans, and control, not only her own, but both markets.

42. The necessity for type-setting in America affects every one, not only Great Britain, but even Americans themselves. England did not "accede to" the arrangement, and considers the necessity of type-setting in America most injurious to authors. Canada's bad faith about the author's royalty under her Act of 1850 does not prompt authors to trust her in any other arrangement.

43. Quite accurate; neither Canadian author or reader asks it. A careful perusal of this despatch is absolute proof of this.

44. Canadians can buy for both markets, Canadian and American. It is a question of terms.

45. *See* par. 44. The inconsistency charged here is due to a confusion between books reprinted before the American proclamation and the demand for English copyright books which that proclamation has stimulated.

46. The disadvantage is due to the unwillingness of Canada to give the same or better terms than the Americans.

47. Our Law Officers, as well as Lord Selborne and the present Lord Chancellor, differ from Sir J. Thompson, and it is obvious we ought to rely, preferentially, on their opinions. Canada's own Courts differ from him: *see* Smiles *v.* Belford on appeal (1 Upper Canada, reports 436). *See also* the Colonial Office Despatch of March 25th, 1890. Besides, since that time, Canada has thrown off the mask and has gone far ahead of any grounds previously taken up. No assurances of *such* legislation were ever given.

48. Yes; that policy always has been to "give the author full control over his own property, and never to interfere with the *commercial* management of it."

49. The author is supposed to be compensated by a royalty, not a Customs duty. It is not denied that the use of the property would be made without the author's consent. Every effort has been made to show Canada the effect of such withdrawal on herself.

50. Canada has no *right* to withdraw unless England is willing. England has power, if she thought it desirable, to refuse her request.

51. The Committee's statement is true and most important. Lord Salisbury's statement should not be wantonly made untrue by subsequent changes, except after consultation with the party to whom he made it, viz., the United States. We cannot help Canada's conduct, but mere self-respect prevents our aiding and abetting the wronging of others for her benefit.

She has no wrong for which she can ask redress. Can she be serious in saying "Canada's commercial interest is placed at the disposal of a privileged class"? When Canada resorts to *veiled threats* it is only kind to her not to notice them. We are discussing an important question which is engaging the attention of statesmen. Canada is at no disadvantage. She enjoys all the rights that England enjoys under existing copyright laws, and one extra advantage conferred by the Act of 1847.

The confusion of the commercial interests of Canada and Canada's market with the title to copyright is again apparent here.

52. Quite true. This is also the international view.

53. But America has shown a disposition to adopt it. The manufacturing clauses are confined to books, photos, chromos, and lithographs. It has just been decided in Novello and Co. *v.* The Oliver Ditson Co. that they do not apply to music. We repeat we cannot control United States laws or actions, but we aim at reprinting not being required, because it is obviously against the author's interest. Does Canada, in the last sentence, ask us to diminish her field of copyright because her printers will be satisfied with what they can take from what fields are left.

54. Undoubtedly. It would be depriving the author of the control of his property.

55. The statement referred to is true. A book has other qualities besides its money value. It gives forth views the author wishes to disseminate. It enhances his reputation; it gives him notoriety, &c. But all this would be destroyed if he were *unable to modify in future editions what he desires to say*, or to bring up his information to the newest standard of knowledge. If the United States publisher does not pay more because he has the Canadian market, surely it is easier for the Canadian publisher to outbid him in negotiating with the author.

56. If so, the Canadian could acquire both rights advantageously to himself by the despatch's own showing; but the statement is very confused. If the American bought the right, how could the author sell it afterwards to the Canadian? Probably the American bought one book, which so far increased the author's reputation, that his subsequent work became much more valuable. This instance goes far to show that the Canadian publisher can now buy both markets with advantage, *if he will exert himself to do so*, and publish in both markets.

57. This despatch does not show any "grievance" except the disappointment of the reprinter, and is asking the Imperial Government to legislate at the expense of the British copyright owner for the Canadian reprinter's benefit. We cannot find when or where the Imperial Government promised to redress "*this* grievance." The grievance is constantly shifting. At one time it was the public, now it is the reprinter, that is the great sufferer, and at all times the Canadian author is ignored.

58. We think the opinion quoted is true. For "tax" read "author's royalty." For "was collected" read "should have been collected," if only to show that Canada could honourably carry out her own undertaking. Canada cannot be ignorant of America's action, but wilfully ascribes it to Great Britain. Are such statements trustworthy? All know that copyright slightly enhances the price of a book, just as having to pay for the bricks or stones of a house increases its cost. Would Canada say, therefore, steal them? It rests with Canada to show that the Canadian cannot acquire the copyright. The Canadian *readers* seem to desire to honestly pay for copyright, for they make no complaint of a slightly enhanced, not doubled, price.

59. The "Canadian press" is not locked, but Canadians seem too indolent or ignorant of business to utilise it. In a State Paper, the Premier of Canada actually talks of banishing British literature because he is unable to discriminate between honest royalty-paid literature and that which, as we can prove, is smuggled in with the Government's connivance. Canada's conduct does not prove that the author's position would be bettered by the Act of 1889.

60. Canadian reprints would only take the place of American, and therefore the result to British authors would be the same.

61. Inconvenient to Canada to carry out her own undertakings! Why should a government thus bespatter a people? Canada can give up collecting this royalty when she likes, but by refusing the *quid pro quo* under which foreign editions are admitted, and compelling us to withdraw the Order in Council under which they come in. Then every copy could be seized as a piracy. The Act of 1847 makes the royalty essential to the efficacy of the Order in Council.

62. Australia is ahead of Canada in literature and authors because she fairly protects their property. It is not a case for parliaments, but for the exercise of common honesty.

63. This might be the outcome of the isolated position Canada takes up. Canada attacks the literary property of all nations, and thus places herself outside the arrangements of civilised society even more than Liberia or Haiti, and in the same paragraph is shocked at the idea that her interests should not be considered more than those of the rest of the world.

64. Either Canada has overlooked the interests of authors or cannot understand them.

65. Competition creates opportunities for all. Canada cannot sit still and say she has no opportunities. Her failure to grasp opportunities is due to want of enterprise fostered by the fascination of "building the house with bricks belonging to someone else and taken without his sanction." The royalty to be received by an author under the Act of 1889 is not guaranteed by Canada herself even.

66. The Despatch complains again that England made concessions to the United States, having said previously (par. 36) that she did not do anything of the kind.

How is Canada's condition worse, except that, like all parties to the Convention, she must pay now for property which she could previously use without payment?

67. Copyright laws are to protect property, not trade.

68. Cheapness of production is still more in favour of the Canadian producer. If Canada, as here acknowledged, can compete in one case, why not in all? Is not this self-stultification? Nothing hinders competition but want of enterprise. Is it dignified to cry out for protection without helping yourself according to your opportunities? More than 50 books have already been published in Canada with the authors' sanction, and 20 times as many might be, without let or hindrance. A Canadian can print his book in the United States more easily than an Englishman can. His true remedy is to compete for British copyrights like the rest of the world.

69. As remarked before, we cannot control United States legislation. England is affected as well as Canada, but we think it more dignified not to complain of what we cannot prevent.

70. Canada seeks the encouragement of her reprinters, and to promote this all other interests may "go to the wall." Does Canada think she can, in common honesty, ask the Imperial Government to help her pillage British and Canadian authors to benefit Canadian printers, even if this could be the result of the action? The granting of "any number of licenses" to reprint British books would soon kill the royalties by "competition," which Canada does not like.

71. No law prevents Canada "selling in its own market," but it must keep within legal limits and not take the author's profit to put it into its own pocket.

72. So it would be.

73. Canada's proposed action would hinder the production of new copyright books by filling her market with very cheap reprints of books already published. This result was experienced by America.

74. If it benefited Canada why should she hold back because it would also benefit the United States? Would it not be possible to maintain the duty except against England and her Colonies if Canada wishes to do so?

75. The present low royalty is undoubtedly a hardship on British authors, and was only conceded to benefit Canadian readers, whose market was too small to justify the preparation of special editions for it. It is only necessary to stamp all imported copies, and render all unstamped copies offered for sale liable to seizure, to make the present laws effective.

76. This should apply to the Act of 1847 royalty, but the similarity of the rate with the tax on books seems to be accidental.

77. That inference is not justifiable and does not appear to be put forth seriously. Any fixed royalty is unjust to the author.

78. Self-government only within her own dominion and subject to existing laws and rights.

This was for valid reasons. The Act of 1875 indicates how Canada would use unrestrained liberty. In section 4, subsection 2, we read that "in the case of works of "art, under which term original paintings, drawings, statues, sculptures, or photographs, "etchings, and engravings are classed, they must be produced or reproduced in the "country." Can we imagine Sir J. E. Millais reproducing a painting, or F. O. Murray an etching, in Canada, for the sake of Canadian copyright therein? And yet both are seriously injured by unauthorised photographs or other reproductions. Statesmen understand what Canada asks for, but cannot lend themselves to the promotion of such barefaced injustice.

79. The probability is that "works of fiction" are here referred to, as they have a more widespread sale in Canada than other books. Now these are being copyrighted in the United States so generally that the American reprint will soon become a thing of the past. Canada's past conduct has destroyed English authors' faith in her honesty, and has not prompted them to look favourably on more important concessions, even if Canada guaranteed the proceeds, which she shrinks from doing.

80. Who is to fix the retail price—the author? or is it to be done in spite of him? How provide against licensed editions, each less in price than the last? How provide against stories in a cheap form being *given* away as a supplement to a newspaper or as a bonus on other goods, and *no price* asked for it?

81. But we do. We attach importance to and differ from the Despatch on both points.

Smiles *v.* Belford and the opinions of our Lord Chancellor and of Lord Selborne have settled this point. What Canada desires is that we should give her power to legislate on our copyrights as well as on her own, and the conduct of Canada throughout this controversy in setting herself in opposition to the laws and tendencies of all civilised nations, merely for the doubtful gain of the printing interests of her Dominion, compels us to resist this.

82. The Report of the Royal Commission on Copyright was only favourable to Canada in so far as it suggested a way by which her *readers* might, if necessary, secure cheap literature. No necessity has ever arisen for acting on the suggestion, for cheap books are abundant.

Enclosure 2 in No. 82.

15, East 16th Street, New York,
October 16, 1894.

DEAR MR. LONGMAN,

I THINK you are interested in all copyright matters, and, of course, you are pretty well informed as to the working of the recent Copyright Act here in connexion with our own operations. It has occurred to me, however, that perhaps you have not had your attention called to one of our recent experiences, which is interesting as a comment upon what would have been in the absence of international copyright. The success of Mr. ——— books here, as well as in England, has had its effect, naturally, upon such of them as were published prior to the Copyright Act. "The ———," for example, before the success of "———," dragged along rather slowly in spite of its acknowledged merit; but we were succeeding in working up a very respectable sale for it when "the pirates" discovered that it was not copyrighted. A 50-cent edition was announced by a Chicago house, but before it could be placed upon the market, another house offered a 25-cent edition, and within a couple of weeks copies of the book were sold at wholesale for 3 cents! Although our sale has not entirely stopped, it has, of course, been very seriously affected, and I suppose, except for the start we achieved before the reprinters got wind of the book, we should have failed to sell more than a very small edition. Of "———," a book of similar size, we have already sold nearly 12,000 at $1.25, and the royalties to be paid to Mr. ——— amount to about 450*l.*

It would seem, therefore, that copyright has been a very distinct benefit to the English author who had something good to offer, and it would be a very serious blow to English authors generally were anything to occur to interfere with the smooth working of the copyright understanding between the United States and England. I imagine there are always influences at work here to discover some means of nullifying this understanding; "the pirates'" opportunities are gradually diminishing in number, and, from their point

of view, it would be worth a very considerable effort if the present copyright protection could be terminated. It does not seem unlikely that the present attitude of the Canadians on the question of copyright is something of a menace to the continuance of the good understanding between the States and England. If their demand for unlimited control of the question of reprinting in Canada should be granted, for instance, it would be almost impossible to prevent a constant dribbling of contraband cheap editions across the frontier, which would surely lead to retaliatory measures from this side. In view of the fact that the Canadians cannot create a paying book market under any circumstances —they lack the population which is essential—it seems quite unreasonable that interests so large, and so full of possibilities, as those of English writers in the United States should be jeopardised.

You will be interested to know, in connexion with the Canadian desires, that I have lately received from a Toronto publisher, holding several sets of plates, a proposition that, instead of paying 10 per cent. royalty, in future he should be allowed to pay 1 cent per copy on all editions printed and sold in paper covers (they sell nothing else, by the way). His argument was that he has to sell books so cheap that he cannot afford to print any more on the regular 10 per cent. basis. He proposes to pay for ————, for example, (2*l.*) two pounds per thousand copies. If this is his proposal under a copyright law, which secures to him the sole right to print Canadian editions, what can be expected when such right to print will be open to anybody choosing to set the type of a popular book? I have not yielded to his arguments, of course, but it is an open question whether we shall not be compelled to make some concession in the end.

I have been rather surprised to find, on inquiring of chance Canadian visitors here, that the agitation for these unlimited rights of reprinting in the Dominion is confined to, and, indeed, known to, a very small section of the people, and that the interested section, from the point of view of printing offices. More than one bookseller has expressed in conversation not only ignorance of the scheme in detail, but positive opposition to the general idea. I gather that the booksellers, as distinct from the book printers and producers, have not been allowed to know too much of what was going on.

I suppose you have heard of the great success of ———— here. The publishers claim to have sold over 100,000 copies already. This appears to have been very greatly in excess of their most sanguine expectation, and of course could not have been done in the absence of copyright.

Believe me, &c.

T. Norton Longman, Esq. C. J. Mills.

No. 83.

F. R. DALDY, Esq., to COLONIAL OFFICE.
(Received November 10, 1894.)

[*Answered by No.* 85.]

"Canadian Copyright."

Aldine House, Belvedere, Kent,
November 9, 1894.

My Lord Marquess,

Your Lordship, in reply to my letter* asking you to receive a deputation on this subject, informed me that you did not think an interview would be appropriate until the Official Committee who had the matter in hand had made their report.

In anticipation of this report, and in consequence of Sir John Thompson's visit to this country, I now write to ask your Lordship if you would kindly let me know when the deputation will have the honour of waiting on you; and to say that I should be much convenienced if your Lordship could let me know a week before the date determined on.

Sir John Lubbock would probably introduce the deputation, and it would be representative of the various bodies mentioned in my printed letter† of last month.

I have, &c.

FREDERIC R. DALDY,
Hon. Sec. of the Copyright Association.

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* No. 56. † No. 82.

No. 84.

THE LONDON CHAMBER OF COMMERCE to COLONIAL OFFICE.

(Received November 13, 1894.)

[*Answered by No.* 86.]

"CANADIAN COPYRIGHT."

Botolph House, Eastcheap, London, E.C.,
November 12, 1894.

MY LORD MARQUESS,

REFERRING to a communication, on the subject of Sir John Thompson's Despatch of May 1894, recently addressed to your Lordship by Mr. F. R. Daldy, on behalf of a joint committee which was organised by this Chamber, and includes, besides the other bodies specified therein, its printing and allied, music publishers, and fine art and photographic, sections, I am instructed by my council to ask whether your Lordship would be willing to cause copies of any future communications on the subject of Canadian or other copyright to be sent to this Chamber, direct, in all cases where Her Majesty's Government are inviting the views of representative bodies thereon? The four trade sections mentioned above comprise upwards of 100 firms in the publishing trade, and in many instances are not represented by any other organisation. These sections fully endorse the representations made in Mr. Daldy's letter, and the object of the present communication is to confirm this fact, and to express the hope that your Lordship will view favourably the request that the Chamber may receive any future communications, confidential or otherwise, that may be made by Her Majesty's Government to other bodies interested in copyright questions.

I am, &c.
KENRIC B. MURRAY,
Secretary.

No. 85.

COLONIAL OFFICE to F. R. DALDY, ESQ.

Downing Street, November 16, 1894.

SIR,

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 9th instant,* and to acquaint you that he will be happy to receive the deputation on the subject of Canadian Copyright at 2.30 on Monday, the 26th instant.

I am, &c.
JOHN BRAMSTON.

No. 86.

COLONIAL OFFICE to LONDON CHAMBER OF COMMERCE.

Downing Street, November 17, 1894.

SIR,

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 12th instant,† and to inform you that the wish of the London Chamber of Commerce to be furnished with copies of further communications as to Canadian or other copyright, in which Her Majesty's Government desire the opinions of representative bodies, will be borne in mind.

I am, &c.
JOHN BRAMSTON.

No. 87.

F. R. DALDY, ESQ. (COPYRIGHT ASSOCIATION) to COLONIAL OFFICE.

Paragon House Private Hotel,
West Cliff, Ramsgate,
November 17, 1894.

SIR,

I BEG to thank you for your letter informing me that the Marquess of Ripon will receive a deputation on Canadian Copyright on the 26th instant at 2.30.

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* No. 83.

† No. 84.

Will you kindly thank his Lordship for his courtesy, and inform him that I will arrange for the deputation at the time he has fixed and will be at the Colonial Office at the hour he has named?

Sir John Lubbock will introduce the deputation, and I hope Sir F. Pollock, Mr. Lecky, Sir A. Rollit, Mr. Longman, Mr. Murray, and others will attend.

I am, &c.

F. R. DALDY.

No. 88.

F. R. DALDY, Esq., to COLONIAL OFFICE.

(Received December 11, 1894.)

Aldine House, Belvedere, Kent,
December 8, 1894.

My Lord Marquess,

I have the honour to enclose to your Lordship, herewith, two copies of a flylea about to be circulated amongst authors, and to the press, because I think a perusal of it may assist you in discussing Canadian Copyright with Sir John Thompson.

I also send your Lordship, in a separate cover, a reprint copy of a letter I addressed to the late Lord Derby when he was Secretary for the Colonies, which I have reason to think has not yet been brought under your notice.

This letter, I have reason to believe, influenced his Lordship in his treatment of the question, and shows that Canada's request, in this or similar forms, has already been twice refused, and is now pertinaciously pressed for the third time. I am not in business, and do not now hold Copyrights, but I feel so strongly the fatal results to all Copyright property which would arise from conceding Canada's demands, that I hope your Lordship will excuse me for thus occupying so much of your valuable attention.

I may take the opportunity to add that the late Earl of Carnarvon in 1874 also assured me, verbally, that "of course he should not give his consent to so crude an arrangement."

I have, &c.

F. R. DALDY.

Enclosure 1 in No. 88.

Canadian Copyright.

Copyright is now uniform throughout the whole of the British Dominions, including, of course, Canada.

It is based on the following principles:—

1. That a work shall be first or simultaneously published therein.
2. That Copyright shall be independent of the place of printing, and of every other manufacturing shackle.
3. That the use of it as property shall, whilst it is Copyright, be within the author's control.

Canada now seeks to alter these bases, and has asked the British Government to sanction arrangements to take away Copyright in Canada from all persons but Canadians.

If such an Imperial sanction can be obtained, Canada offers to legislate so as to give British authors Copyright there for 28 years, *if they reprint and republish the work in Canada within one month of its original publication.*

But if an author does not reprint and republish his work there within a month, each Canadian printer and publisher may get a licence to print an edition, without the author's consent, on paying to the Canadian Government, for the author, 10 per cent. of the retail price of such edition. The retail price of every such edition is to be fixed by the publisher *without consulting the author.*

The proposed Bill is silent as to whether the royalty is to be paid on copies *sold*, or copies *printed*. The Canadian Government is not to be responsible for any royalties not paid to it.

The following reasons, amongst others, show some of the injuries such legislation would inflict on British authors:—

It undermines the general recognition of the rights of Copyright property, which has now become almost universal.

It interferes with the law of vendor and purchaser which prevails throughout the British Empire in respect to Copyright equally with all other personal property.

It takes from the author the control of his own property, and hence hinders his improving or correcting or enlarging his own writings.

It forcibly deprives him of the benefit now belonging to him in Canada under the Imperial Copyright Acts, and is thus a breach of faith.

It sanctions the appropriation of his property by others without his, the legal owner's, consent.

It weakens his title to his own property.

It injures his reputation by allowing the continued circulation of unimproved editions, even if the author enlarged his work.

It injures the value of his British edition, because the Canadian edition could be imported into the United Kingdom and the other Colonies, and compete with it.

It substitutes for trade contracts, on agreed terms, an inadequate royalty not guaranteed.

It clogs his property with the condition of local manufacture.

It was not recommended by the Royal Commission for cases where readers were adequately supplied.

It is at variance with the Free Trade principles of Great Britain.

Canada has no claim on English Copyright property above other civilised nations, all of whom *recognise the author's control over his own works.*

All that Canada can fairly ask may be obtained by less violent and more suitable means.

The only advantage derivable from reprinting without the author's consent will accrue to book manufacturers in the Dominion at the expense of the author and the general public.

Any such dealing with Copyright property in Canada will affect future arrangements with the Australian and other English-speaking possessions.

It would probably destroy our present means of securing Copyright in the United States of America.

It diminishes the Copyright interests of all who belong to the Berne Convention.

Enclosure 2 in No. 88.

(Private and Confidential.)

Art Journal Office, 294, City Road, London,
April 3, 1883.

My Lord,

I have the honour of drawing your Lordship's attention to the subject of Copyright, because you will in the immediate future have to decide questions connected with it which seriously affect Copyright property, and because circumstances have created an opportunity of improving our present Imperial legislation, and of determining the relations respecting Copyright which shall in future exist between the Colonies and the Mother Country.

Your Lordship is doubtless aware that a treaty between the United States and ourselves is under the consideration of both Governments. Also that Canada has requested us, as a condition of her becoming a party to that treaty, to repeal the present Copyright Act of 1842 so far as it affects that Dominion.

Knowing that Canada seeks the power to reprint English Copyright works on forced terms without the author's sanction, I venture humbly to submit to your Lordship that an unmodified compliance with Canada's request will be disastrously unjust to the Copyright owner. Also that many advantages will attend grappling with the whole subject, by consolidating and improving our present laws, as in the draft sent herewith, or in a somewhat similar Act, and providing, as in the Extradition Act of 1870, that Canada, or any Colony, may legislate herself out of this consolidated Act by making similar provisions through its own Parliament. *See* Section 24 of enclosed draft. The consolidation of these laws was recommended by the Royal Commission, which reported on this subject in 1878.

I had the honour of assisting Mr. Sackville West in preparing the draft treaty he has submitted to the United States Government, and I can assure your Lordship that the consent given to it (with some modifications not yet received) by that Government is essentially influenced by the fact of its extending to Canada and all other British possessions.

I am aware that Canada by her present Copyright Act enables Copyright owners in countries with whom Great Britain has Copyright conventions (but not British authors), to acquire a special local Copyright under it by republishing in that Dominion, and that therefore we might leave her becoming a party to the treaty to her discretion, and point out (if Canada persistently refused to join in the treaty) to the United States that her Copyright owners can compass the intention of the treaty by the simple act of re-publication in England; but this would hardly be satisfactory to the United States, and I think your Lordship may much prefer obtaining Canada's direct concurrence, unless she demands too high a price for it. It would, however, manifestly be futile to purchase a treaty with the United States, with the object of recognising the rights of literary property, at the cost of sanctioning a destruction of those rights within our own dominions.

Canada is, I know, anxious to acquire the right to legislate for herself on this subject, and the concession I have suggested would formally satisfy that ambition; but her further desire to be allowed to reprint British Copyright works without the author's sanction is so repugnant to the legislation of all civilised countries, and tends so much to weaken the very nature of Copyright property, that I hope it will never be conceded. And for the following amongst other reasons:—

Because it undermines the general recognition of the rights of Copyright property, which has now become almost universal.

Because it takes from the author the control of his own property, and hence hinders his improving or correcting his own writings.

Because it forcibly deprives him of the benefit now belonging to him in Canada under the Imperial Copyright Acts.

Because it sanctions the appropriation of his property by others without his, the legal owner's, consent.

Because it permits this appropriation on forced terms, and thus he is inadequately remunerated.

Because Canada has no claim on English Copyright property above other civilised nations, all of whom recognise the author's control over his own works.

Because all that Canada can fairly ask may be obtained by less violent and more suitable means.

Because the only advantage derivable from reprinting without the author's consent will accrue to book manufacturers in the Dominion at the expense of the author and the general public.

Because any such dealing with Copyright property in Canada will affect future arrangements with the Australian and other English-speaking possessions.

Because, if Canada be allowed to reprint without the author's sanction, English authors would be seriously injured thereby in their negotiations with the United States.

Because it interferes with the natural law between vendor and purchaser which prevails throughout every part of the British Empire in respect to Copyright, equally with all other personal property.

Canada has not the power to legislate generally on Copyright under the British North American Act of 1867. The Imperial Government, with, I think, much wisdom, retained control of this subject, because separate legislation, unless harmonious, would, practically, destroy the value of such property to authors and artists.

Separate legislations by separate possessions, unless harmonious, would also be inconsistent with, and would probably jeopardise, existing treaty rights on this subject; for although we may modify our Imperial law without affecting the spirit of those treaties, it is, I fear, a violation of them to reduce the area over which we have contracted to give Copyright, and such a change would probably necessitate the re-negotiating of all these treaties.

It must be borne in mind that Canada, under the United States treaty, would acquire the right of Copyright throughout the whole British dominions for American works copyrighted there, and that, from her proximity and greater intercourse with the United States, she will be in a position to compete advantageously with the English publisher for many United States Copyrights, and thus develop an increasing printing and publishing business. Also, that under the accompanying draft she can compete for all English Copyright works, and will be placed on the same footing as the English publisher.*

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* This was accomplished by the Copyright Act of 1886. Copyright legislation was made use of instead of Treaty Arrangement with the United States.

It is highly probable that the simplification and consolidation of the Imperial law will greatly facilitate our negotiations with other countries. Indeed I know it will. At present the foreigner is bewildered when told that the rights of British subjects are contained in twelve different Acts. He cannot realise with any exactitude what those rights are, and after puzzling himself for months he abandons the whole subject in disgust; whereas, if we frame our law on the basis suggested, it will harmonize in character with that of France, Germany, and the United States, and be intelligible to those affected by it.

I shrink from trespassing further on your Lordship's time, and will merely add that, if I can be of any use in the carrying out of these suggestions, my time is at your Lordship's disposal.

I have, &c.

The Right Hon. the Earl of Derby, K.G.,
H.M. Secretary of State for the Colonies.

FREDERIC R. DALDY.

No. 89.

MR. R. E. BRAY to COLONIAL OFFICE.

(Received December 10, 1894.)

(Extract.)

102, Union Avenue, Montreal, Quebec,
November 27, 1894.

IN the Canadian papers of this date is a report, concisely worded, of a deputation of English literary men who waited upon you in protest against the desire of the Canadian Government to abrogate the Copyright laws between this country and England.

I would humbly pray your Lordship to deal justly in this matter, from a moral and honourable standpoint and not one of political necessity. The desire of the Canadian Government in this matter is not the desire of the Canadian people; they have never been consulted in the matter. It is a disgrace to this country that under the pretence of fostering trade and commerce the people are deprived of their best interests.

Canadian cheap reprints mean the *vilest* quality of type, paper, and printing imaginable, the paper is of the very commonest—grocers' wrapping papers—and the print any worn-out type or obsolete styles that can be saved from the melting-pot.

This is just to enable one or two men to make money at the expense of a nation. No one who loves books or buys books will hesitate to pay a fair price for the same, providing it meets the requirements expected of a good book. Canadian reprints are only bought and sold by disreputable or ignorant booksellers, by all the better class ones they are taboo'd.

As a friend says "What is preferable to a cheap book is one that is honestly come by."

I therefore trust your Lordship will disregard the request of Sir John Thompson who speaks for the Canadian Parliament but not for the Canadian people.

No. 90.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

MY LORD,

Downing Street, December 18, 1894.

I HAVE the honour to transmit to your Lordship a copy of a letter,* which has been addressed to this Department by Mr. R. E. Bray of Montreal in connection with the proposals of the Canadian Government as regards Copyright, and I request that the writer may be informed that his letter has been received.

I have, &c.
RIPON.

No. 91.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

[*Answered by No.* 109.]

MY LORD,

Downing Street, March 15, 1895.

YOU are aware that one of the questions which the late Sir John Thompson proposed to discuss with Her Majesty's Government during his visit to this country was that of the Canadian Copyright Act, which has already formed the subject of considerable correspondence.

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* No. 89.

It has been the cause of deep regret to Her Majesty's Government that, owing to his premature death, the personal discussion from which they had hoped that a satisfactory solution of this vexed question might result, did not take place.

The grave objections to some of the provisions of the Canadian Act in its present form, and the international difficulties and complications to which it would give rise if it were allowed to come into operation, have been fully dealt with in previous communications, and the correspondence which has taken place has failed so far to bring about even an approximation of view between Her Majesty's Government and your Ministers.

In these circumstances I am reluctant to continue a controversial correspondence from which no result seems likely to be gained, and the only course which appears to me to offer any prospect of a solution, is that, as soon as convenient, one of your Ministers, or some gentleman duly authorised by them and fully conversant with the subject, should come over and discuss the matter personally with Her Majesty's Government.

The interests in this country affected by the measure are extensive and powerful, and the persons concerned have become seriously alarmed, whilst those in Canada whose interests are at stake may naturally be becoming impatient at the delay which has taken place; and I trust, therefore, that your Lordship will press the suggestion of a personal conference on your Ministers as preferable to a further interchange of Despatches.

I have, &c.
RIPON.

No. 92.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.

(Received March 21, 1895.)

[*Answered by No.* 103.]

4, Portugal Street, Lincoln's Inn Fields, W.C.,
March 20, 1895.

My Lord,

I have much pleasure in forwarding to you, for your consideration, the petition of authors, publishers, and all those interested in copyright in the United Kingdom against the Canadian Copyright Act. All the signatures have been copied on to the main roll, but the separate copies of the petition with the original signatures are attached in the packets forwarded herewith, and correspond to the letters or numbers on the main roll.

I am, &c.
G. HERBERT THRING,
Secretary of the Incorporated
Society of Authors.

Enclosure in No. 92.

To the Most Honourable the Marquess of Ripon, K.G., G.C.S.I., Her Majesty's Secretary of State for the Colonies.

The humble petition of the undersigned Authors, Artists, Publishers, and Copyright Owners of Great Britain and Ireland.

Sheweth:

That a Bill entitled "An Act to amend the Copyright Act," chap. 62 of the Revised Statutes, passed through both Houses of Parliament of the Dominion of Canada, and now awaiting the assent of Her Majesty, is subversive of the principle which has hitherto governed copyright legislation in this country and on the Continent of Europe, is calculated to destroy the international arrangement known as the Berne Convention, and is likely to provoke retaliatory legislation by the Government of the United States.

And that the provision of the above-mentioned Act, whereby any Canadian publisher may republish the work of any British author, without his consent, which has fallen into the public domain in any form and at any time, on the sole condition of paying such author a royalty of 10 per centum on the published price of such work is unjust and impracticable. Further, that it is a retrograde step, inasmuch as the rights of authors are now, after long struggle, obtaining increased recognition throughout the civilized world.

Also that the provision whereby a period of one month only after first publication is allowed during which a British author may become entitled to exclusive copyright within the Dominion of Canada is insufficient.

We therefore humbly request that Her Majesty may be advised to withhold her assent from the Bill in its present form.

And your petitioners will ever pray, &c.

No. 93.

CANADIAN COPYRIGHT ASSOCIATION to COLONIAL OFFICE.

(Received March 22, 1895.)

(TELEGRAPHIC.)

[*Receipt acknowledged by No.* 95.]

Official statement Canadian Copyright mailed to-day; contains convincing argument our favour; see my letter London "Times" to-day.—LANCEFIELD.

No. 94.

THE COPYRIGHT ASSOCIATION OF CANADA to COLONIAL OFFICE.

(Received April 4, 1895.)

The Copyright Association of Canada,
Hon. Secretary's Office, Hamilton,
March 22, 1895.

MY LORD,

I AM asked to transmit to you a copy of a circular giving an official statement of many of the points covered in the copyright discussion, from the Canadian point of view.

I also take the liberty of adding some other literature* bearing on the question, in order that you may see as much as possible of our side of the case.

I have also to add that some of the newspapers of England agree with us that Canada must have the right to pass and enact its own law. Thus, a friend of mine sends me a copy of the Norwich "Eastern Daily Press" of 28th February 1895, which has an editorial article commencing, "The protest of British authors against the new Canadian "copyright is not likely to have the smallest effect," and ending with the statement, "But we fear that the evil from the point of view of the Incorporated Society of Authors "is irremediable."

Apologising for troubling your Lordship,

I have, &c.
RICHARD T. LANCEFIELD,
Hon. Secretary.

Enclosure in No. 94.

The Copyright Association of Canada, Toronto,
March 20, 1895.

CERTAIN erroneous statements having been circulated with regard to the Canadian Copyright Act of 1889, it has been deemed advisable by the Copyright Association of Canada to issue the following statements:—

General statement.

The Canadian Copyright Act of 1889 was unanimously passed by the Parliament of Canada, and assented to by the Governor-General.

The Act was to come into operation on proclamation of the Governor-General.

The Governor-General has not yet proclaimed the Act.

The Canadian Government contend that they have the right to legislate fully on copyright, it being one of the classes of subjects entrusted to the Parliament of Canada by the B.N.A. Act of 1867.

The following are among the reasons why the Act should be proclaimed:—

A copyright analogous to a patent.

A copyright is analogous to a patent. The Canadian Copyright Act is analogous to the Canadian Patent Act. That Patent Act requires manufacture in Canada. The Imperial Government did not disallow the Patent Act. The Imperial Government would not propose that a United States patentee, on securing the British patent, should thereby secure the Canadian patent. Why should the Imperial Government assure the United States author that on securing copyright in Great Britain he thereby secures copyright in Canada? Canada exclusively legislates as to the terms on which patents may be secured in Canada. Canada should be permitted to exercise the same powers as to the terms on which copyrights may be secured in Canada.

Canadian market must not be sold.

The United States publisher, when buying from a British author the copyright for the United States, stipulates that Canada shall be included.

Canadians resent this sale of their market, and persist in their claim to adopt such legislation as will put a stop thereto.

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* Not printed.

Canadian reprints cannot flood other markets.

The fear that Canadian publishers would flood the British and United States markets with cheap editions is utterly unfounded, as the Copyright Acts of those countries prohibit the importation and sale of unauthorised editions, and impose a heavy penalty for violation of the law. Canadian publishers, therefore, could not flood either market with cheap editions.

It has happened that orders for books sent to London have been returned with "cannot supply" marked thereon, thus forcing Canadians to buy those books from the United States publishers.

On the other hand, the British publisher prints a cheap edition of a work by a United States author. This cheap edition is exported to Canada. An illustration on this point is furnished in the case of F. Marion Crawford's book, "The Ralstons." This book was published in the United States at $2. It was published simultaneously in Great Britain at 12*s*. But the British publishers printed a cheap Colonial edition which sold in Canada for 75 cents. This cheap edition was on sale in Canada within a day or two after the publication of the United States $2 edition. Here, then, is a British publisher issuing a cheap paper edition for sale in Canada—when one of the main objections of the opponents of the Canadian Act, which is made to do duty on every occasion, is that the Canadian publisher will issue cheap paper editions which will flood the United States market, in competition with the more expensive United States editions! It must be distinctly understood, however, that this cheap paper edition, which is sold in Canada, does *not* flood the United States market, for the very excellent reason, already stated, that the United States Copyright Act prohibits its importation or sale in the United States.

Imports allowed from Britain.

The Canadian Act permits the importation of British editions of works, whether copyrighted here or published under the royalty clause of the Act; but excludes foreign editions.

No piracy in Canadian Act.

Should the author (be he British or American) neglect to secure copyright in Great Britain, any publisher may reprint the work there without paying the author.

Should the author neglect to secure copyright in the United States, any publisher may reprint the work there without paying the author.

Should the author neglect to secure copyright in Canada, no Canadian publisher could reprint the work in Canada without paying the author 10 per cent. royalty.

It is therefore clearly seen that, while the British and United States Acts permit the piracy of authors' works, the Canadian Act does not.

The Royalty clause.

The introduction of the royalty clause in the Canadian Act was not original with the promoters thereof. The idea was suggested by the Foreign Reprints Act, passed by the Imperial Parliament, which allows a United States publisher, or other foreign publisher, who has printed a copyright book without permission, to supply the Canadian market on payment of a royalty of 12½ per cent., collected on the wholesale price of the book, which royalty goes to the British copyright owner. It was but natural for the Canadian to desire to be placed on an equal footing with the foreign publisher, so far as his own market was concerned. Therefore a royalty of 10 per cent. on the retail price of the book was suggested.

Furthermore, many difficulties have been encountered in collecting the royalty on imports, it being almost impossible to keep a complete and accurate list at every Custom House, and to check every invoice therefrom. The collection of the royalty on reprints, on the other hand, is provided for by the Canadian law in a perfectly safe manner, as the Inland Revenue Department is to stamp the title page of each copy of every book issued, and before this is done the royalty must be paid to the Government to the credit of the author. As a matter of fact, then, the author will exchange his royalty of 12½ per cent. on imports, which is uncertain of collection, for a royalty on reprints of 10 per cent. on the retail price, which is certain of collection.

Geographical position.

In considering this question, the geographical position of Canada, side by side with the United States, ought not to be overlooked. This fact makes Canada's position very different indeed from that of any other British Colony.

Advantages given to authors.

Compare the United States Copyright Act, now in operation, with the Canadian Copyright Act, and it will be seen that many advantages are given to authors by the latter.

To secure copyright in the United States, the British author must print his book there from type set within the limits of the United States, or from plates made from type set within the limits of the United States. The Canadian Act provides for no such restriction, but allows both British and United States authors to set the type in Canada, or print from plates, as they may think best. In anticipation of the Canadian Act

coming into force, the Canadian Government passed a special enactment allowing plates for books to be imported into Canada free of duty. The concession was made thinking that it would be appreciated, but those opposing the Act seem determined to ignore the concession. Yet the concession is there, and it proves that Canada grants British authors copyright in Canada on far more liberal terms than than they can secure copyright in the United States, and that Canada grants United States authors copyright in Canada on far easier terms than Canadians are granted copyright in the United States.

Injustice to important Canadian interests.

Canada has not only lost the printing of works by foreign authors, but is fast losing the printing of works by Canadian authors, not because the books can be printed cheaper or better abroad, but because they have to be manufactured in the United States in order to secure copyright there. When that is done there is no necessity for issuing a Canadian edition, as the Canadian market can be supplied by the United States edition.

Reading public inconvenienced.

Under the present law the Canadian reading public are ignored, and the works of both British and United States authors must be imported into Canada, and, moreover, these editions are, in many cases, published at such prices as to put them beyond the reach of the great majority of Canadian readers.

British authors are now able to secure copyright in the United States, and United States authors are now able to secure copyright in Great Britain (which covers Canada). Therefore the copyright owners now refuse to print in Canada. They supply this market with editions printed either in the United States or Great Britain. This is considered a great injury to the printing, paper, and allied industries in Canada. It is, moreover, a source of trouble and annoyance to the people of Canada, as the British market is so far away, that after the supply on hand of a book is exhausted some weeks must elapse before a new supply can be procured.

Objections refuted.

A circular, containing objections to the Canadian Act, has been recently issued in England. These objections should not prevail.

The circular states that Canada has asked the British Government to sanction arrangements to take copyright in Canada away from all British authors except such as are Canadians. Such is not the case. Canada does not propose to take away copyright in Canada from British authors. The British author and the United States author may, under the Canadian Act, secure copyright in Canada on exactly the same terms as the Canadian author.

It is objected that the Canadian Act will injure the value of the British edition, because the Canadian edition could be imported into the United Kingdom and the other Colonies, and compete with it. But from the report of Lord Knutsford's Copyright Commission of 1892, it appears that, at the instance of the British copyright owners, the law of Great Britain was framed so that the importation of Canadian reprints of British works into Great Britain is prohibited.

It is objected that the Canadian Act is at variance with the Free Trade principles of the United Kingdom. That may be. The Canadian Tariff Act is also avowedly at variance with the Free Trade principles of the United Kingdom, yet the British Government would not propose to interfere with it.

It is objected that the Canadian Act will destroy the British author's present means of securing copyright in the United States of America. That is only an opinion. Are not the British publishers themselves alone responsible for the agitation against allowing British authors to hold copyright in the United States? The action of the British Music Publishers' Association in contesting what is known as the "manufacturing" clause in the United States Act has done British authors incalculable harm in the United States; and if the British music publishers will not accept that manufacturing clause (as British book publishers have very wisely done), British authors may yet find themselves deprived of the benefit of copyright in the United States.

As to the Berne Convention, it should be understood that the Canadian Parliament never adopted or agreed to the Berne Convention. On the contrary, the Canadian Parliament has twice asked that notice be given of Canada's desire that the Convention be denounced.

Most of the other objections are based on the supposition that the author loses control over his work under the Canadian Act. Nothing could be further from the fact, since, by complying with the terms of the Act, authors and copyright owners retain entire control of their works, and may suppress old editions, or issue new ones as desired.

Canadians stand by the Act of 1867.

Canadians insist on the full right of the Parliament of Canada to pass and enact legislation on copyright as desired from time to time; the same as they enjoy on the other subjects entrusted to that Parliament under the B.N.A. Act of 1867.

The right of the Parliament of Canada to enact and enforce its own copyright legislation has been endorsed by the unanimous vote of the Parliament and Senate of Canada; by the newspaper press of Canada; by the Board of Trade of the City of Toronto, and other cities; by the employing printers of Canada; by the typographical unions and printing pressmen's unions; by the trades and labour councils (comprising representatives from the various trades); by the Booksellers' and Paper Makers' Association, and by many others.

The above reasons, amongst others, for the enforcement of the Copyright Act of 1889, were laid before Sir Mackenzie Bowell, the Premier of the Dominion of Canada, and Sir Charles Hibbert Tupper, the Minister of Justice, by an influential deputation of the Copyright Association of Canada, at Toronto, in February 1895.

Signed on behalf of the Copyright Association of Canada,

J. Ross Robertson, President.
Dan A. Rose, Vice-President.
Richard T. Lancefield, Hon. Secretary.

No. 95.

The MARQUESS OF RIPON to the EARL OF ABERDEEN.

My Lord, Downing Street, April 8, 1895.

I have the honour to request that you will inform Mr. R. T. Lancefield, hon. secretary-treasurer of the Copyright Association of Canada, that I have received his telegram of the 22nd ultimo and his letter of the same date* on the copyright question.

I have, &c.
RIPON.

No. 96.

The EARL OF ABERDEEN to the MARQUESS OF RIPON.

(Received April 9, 1895.)

[*Answered by No.* 101.]

My Lord, Government House, Ottawa, March 27, 1895.

With reference to your Lordship's Despatch of the 4th August last† relative to the desire of the Trustees of the British Museum to have copies of books to which copyright privileges are granted in Canada deposited in the Museum, I have the honour to enclose herewith copy of an approved Minute of the Privy Council, from which your Lordship will observe that it is the intention of Ministers to recommend to Parliament such an amendment of the present Copyright Act as shall meet the wishes expressed by the Trustees.

I have, &c.
ABERDEEN.

Enclosure in No. 96.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 25th March 1895.

The committee of the Privy Council have had under consideration a Despatch, hereto attached, dated 4th August 1894, from the Marquess of Ripon, covering an application of the Trustees of the British Museum to be supplied with copies of Canadian copyright books.

The sub-committee of Council, to whom the matter was referred, state that under the Canadian Copyright Act (R.S.C., chapter 62), two copies of all books, maps, &c., upon which a copyright is sought, have to be deposited with the Department of Agriculture, one copy being kept in the Department of Agriculture, as of record, and the other copy deposited in the Library of Parliament, and if a copy is also to be supplied to the British Museum, the Copyright Act will have to be changed so as to make the deposit of three copies necessary.

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* Nos. 93 and 94. †No. 77.

The sub-committee observe that in England five copies of copyright book, &c. may have to be supplied, as, under the English Copyright Act, one copy of each copyright book, map, &c. is deposited in the British Museum, and, upon demand being made, copies have also to be supplied to the libraries of the Universities of Oxford, Cambridge, Trinity College, Dublin, and the Advocate's Library at Edinburgh.

It would not, therefore, seem to be too burdensome to ask applicants for copyright to supply three copies of the books, &c. for which copyright is sought instead of two as at present, while the deposit of Canadian books, &c. in the library of the British Museum would be the means of introducing the works of Canadian authors to the large and influential class of readers who frequent the library.

The sub-committee, under these circumstances, are of opinion that the advantage to Canadian authors, and to Canadian literature, of having Canadian books deposited in the library of the British Museum would more than counterbalance any extra cost that the deposit of three books instead of two books, as at present, would entail upon those applying for copyright, and therefore recommend that the Canadian Parliament be asked to amend the Copyright Act in the direction above indicated.

The committee advise that your Excellency be moved to forward a certified copy of this Minute, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

No. 97.

COLONIAL OFFICE to FOREIGN OFFICE.

[*Answered by No.* 100.]

EXTRACT.

Downing Street, April 9, 1895.

WITH reference to previous correspondence respecting the question of copyright in Canada, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Kimberley, a copy of a letter,* from the Incorporated Society of Authors enclosing a copy of a petition from certain authors, publishers, and others, praying for the disallowance of the Canadian Copyright Act of 1889, together with draft of the reply,† which his Lordship proposes, if Lord Kimberley sees no objection, to return to the letter.

No. 98.

COLONIAL OFFICE to BOARD OF TRADE.

[*Answered by No.* 102.]

SIR, Downing Street, April 9, 1895.

WITH reference to previous correspondence respecting the question of copyright in Canada, I am directed by the Marquess of Ripon to transmit to you, to be laid before the Board of Trade, a copy of a letter* from the Incorporated Society of Authors enclosing a copy of a petition from certain authors, publishers, and others, praying for the disallowance of the Canadian Copyright Act of 1889, together with draft of the reply† which his Lordship proposes, if the Board of Trade see no objection, to return to the letter.

I am, &c.
EDWARD WINGFIELD.

No. 99.

COLONIAL OFFICE to BRITISH MUSEUM.

SIR, Downing Street, April 18, 1895.

WITH reference to your letter of the 18th of July last,‡ I am directed by the Marquess of Ripon to inform you that a Despatch has been received from the Governor General of Canada reporting that his Ministers intend to recommend to the Canadian Parliament such an amendment of the present Copyright Act as shall meet the wish expressed by the Trustees of the British Museum to have copies of those books to which copyright privileges are granted in Canada deposited in the Museum.

I am, &c.
JOHN BRAMSTON.

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* No. 92. † *See* No. 103. ‡ No. 76.

No. 100.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received April 19, 1895.)

EXTRACT.

Foreign Office, April 19, 1895.

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 9th instant,* enclosing a letter from the Incorporated Society of Authors, covering a petition praying for the disallowance of the Canadian Copyright Act of 1889, together with the draft of the reply which it is proposed to return thereto, in the terms of which Lord Kimberley concurs.

No. 101.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

MY LORD, Downing Street, April 20, 1895.

I HAVE the honour to acknowledge the receipt of your Despatch of the 27th ultimo,† enclosing copy of an approved Minute of the Privy Council, from which I learn that your Ministers are prepared to recommend to the Dominion Parliament such an amendment of the present Copyright Act as will meet the desire expressed by the Trustees of the British Museum to have deposited in the Museum copies of books to which copyright privileges are granted in Canada.

I have to request that you will convey to your Ministers an expression of my thanks for their ready compliance with my wishes in this matter.

I have, &c.
RIPON.

No. 102.

BOARD OF TRADE to COLONIAL OFFICE.

(Received April 23, 1895.)

Board of Trade (Railway Department),
7, Whitehall Gardens, London, S.W.

SIR, April 22, 1895.

I AM directed by the Board of Trade to advert to your letter of the 9th instant,‡ transmitting copy of a letter from the Incorporated Society of Authors, enclosing copy of a petition from certain authors, publishers, and others, praying for the disallowance of the Canadian Copyright Act of 1889, together with a draft of the reply which the Secretary of State proposes to return to the letter in question.

In reply, I am to acquaint you, for the information of Lord Ripon, that the Board of Trade concur in the terms of the proposed answer to the Incorporated Society of Authors.

The draft reply is returned herewith.

I have, &c.
FRANCIS J. S. HOPWOOD.

No. 103.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

SIR, Downing Street, May 11, 1895.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 20th March,§ forwarding a Petition from various authors, publishers, and others against the Canadian Copyright Act.

His Lordship will cause this Petition to be forwarded to the Dominion Government, who will, no doubt, give to the views expressed in it the consideration to which the names subscribed entitle it.

I am to observe, however, that the views expressed in the Petition go much further than those set forth in the previous letters on the subject to this Department from the Society of Authors, dated the 3rd of November 1890 and the 9th of December 1892.‖

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* No. 97. † No. 96. ‡ No. 98.
§ No. 92. ‖ Nos. 18 and 35.

The former communications, while criticising some details of the licensing provisions of the Act, which the Petition characterises as "unjust and impracticable," appeared to Her Majesty's Government to justify the conclusion that the Society of Authors did not entertain any insuperable objection to a system of licensed re-printing.

With regard to the Berne Convention, I am to observe that that instrument reserved the power of announcing at any time the separate denunciation of the Convention by Canada.

I am, &c.
JOHN BRAMSTON.

No. 104.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

SIR, Downing Street, May 16, 1895.

WITH reference to your letter of the $\frac{19\text{th}}{22\text{nd}}$ ultimo,* respecting the petition of the Society of Authors and others on the subject of Canadian Copyright, I am directed by the Marquess of Ripon to transmit to you, for the information of the $\frac{\text{Earl of Kimberley,}}{\text{Board of Trade,}}$ a copy of the reply† which has been returned to the petition.

I am, &c.
EDWARD WINGFIELD.

No. 104A.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

MY LORD, Downing Street, May 18, 1895.

I HAVE the honour to transmit to you, for communication to your Ministers, a copy of a Petition‡ from various authors and others interested in the question of copyright on the subject of the Canadian Copyright Act of 1889.

I have informed the Society of Authors that their Petition has been referred to your Ministers, who will, no doubt, give it the consideration to which the influential names appended entitle it.

I have, &c.
RIPON.

No. 105.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.
(Received May 24, 1895.)

[*Answered by No.* 110.]

4, Portugal Street, Lincoln's Inn Fields, W.C.,
SIR, May 23rd, 1895.

I BEG to acknowledge the receipt of your letter of the 11th instant,† which was brought under the attention of the Managing Committee of the Society of Authors at their last meeting. With respect to your reference to former communications from the former Chairman, Sir Frederick Pollock, regarding Canadian Copyright, I am directed to point out that it is only recently that the attention of British authors has been seriously directed to this question and that anything like a strong consensus of opinion has been formed about it.

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* Nos. 100 and 102. † No. 103. ‡ Enclosure in No. 92.

It is unquestionable that all British authors of any standing whatever prefer that copyright should, as far as possible, remain an Imperial matter, and that one system of legislation should control it throughout the British Empire at least and ultimately, if it were possible, throughout the English-speaking world. They view with alarm any tendency to multiply varieties of copyright legislation in different centres as likely in the highest degree to militate against their interests.

All Colonial Governments have proved their incapacity to collect any material fraction of duties or imported reprints. The Committee beg to call your attention to Section 193 of the Report of the Copyright Commission of 1878 as an instance of this. The figures there quoted are, unfortunately, not very recent, but the Society is endeavouring to get them, as far as possible, brought up to date, and thus far finds no record of any more encouraging returns. British authors, therefore, cannot but view with distrust any proposal involving the collection of their royalties by similar machinery. A member of the Committee himself saw at Hongkong hundreds of pirated reprints of Mrs. Humphrey Ward's novels publicly offered for sale, and authors have had to suffer similar injustice in many other parts of the British Empire. They further lay great stress upon the injurious effect likely to be produced in the United States by legislation of the kind proposed by Canada.

I am directed to forward, for your consideration, the accompanying documents:—

1. The Society's last memorandum upon the whole question.
2. Section 193 of the Report of the Copyright Commission of 1878.
3. Copies of letters from Mr. J. G. Ridout, of Toronto, dated respectively April 1895, and May 2nd, 1895.

I have, &c.

G. HERBERT THRING,

Secretary, Society of Authors (Incorporated).

Enclosure 1 in No. 105.

CANADIAN COPYRIGHT.

It is impossible to deal with the Canadian Copyright Act of 1889, or to estimate the effect it will produce if it is allowed to come into force, without in the first place shortly referring to the present position of Copyright, (*a.*) as an International, (*b.*) as an Imperial question.

I.—*International Copyright.*

(1.) The principal countries of Europe and, in fact, from a literary point of view, the principal countries of the world, with the exception of the United States, have at last, in the Berne Convention, recognised that the rights of an author in the fruit of his labour should be free from all conditions and restrictions whatsoever, except such as may be enforced by the laws of the country where it is first produced.

(2.) The United States of America, unfortunately, owing to political and trade pressure, have not been able to allow authors their full and just rights. Foreign authors can, however, under the Act of 1891, now obtain protection on the terms of printing their works in the States. The condition is unquestionably wrong and unfair in principle, but the recognition by the States of the rights of foreign authors is, even when subject to such a condition, of immense importance, especially to British authors.

Acceptance of the terms imposed does not imply a recognition of their justice and should not under any circumstances be allowed to be drawn into a precedent. On the other hand, we should be most careful to avoid doing anything which might imperil the recognition of the right of British authors which has been so hardly won from the United States of America. The Canadian Act if allowed to come into operation would, it is believed, lead to the withdrawal from British authors of the United States Act of 1891.

II.—*Imperial Copyright.*

The foundation of Imperial Copyright as it at present exists is to be found in the Act of 1842, which gives protection throughout the British dominions to every work which is first published in the United Kingdom.

The Colonies justly complained that under this Act a work which was published in a Colony had no copyright in the United Kingdom, or in any other Colony, but this grievance has been removed by the Act of 1886; a work published in a Colony now enjoys precisely the same protection as one first published in the United Kingdom.

III.—*Canadian Copyright as it exists at present.*

It was a common complaint of the Colonies, especially of Canada, that, owing to the operation of the Imperial Copyright Act, they were unable to obtain a sufficient supply of English literature. In order to remove this ground of complaint the Foreign Reprints Act was passed, and under its provisions Canada has been allowed to import pirated copies of English works on the undertaking that a duty of 12½ per cent. should be collected by the Colony upon all such copies for the benefit of the author.

As a matter of fact, the duty has not been collected, nor has any serious attempt been made by Canada to comply with the undertaking.

In 1875 an Act was passed in Canada giving Copyright to foreign authors upon conditions of their re-publishing in the Colony, either simultaneously with, or at any time after, publication elsewhere. This Canadian Act was expressly authorised by an Act of the Imperial Legislature, and therefore the Canada printers and publishers contended that the Imperial Copyright Act was repealed so far as Canada was concerned, and that English authors could only obtain Copyright in Canada upon complying with the conditions of the Canadian Act.

This contention was, however, decisively negatived by the Canadian Courts, in the case of Smiles *v.* Belford, and the position therefore at present is that English authors are only obliged to republish in Canada if they wish to avoid the operation of the Foreign Reprints Act.

IV.—*Canada's present Proposals.*

The Canadian Copyright Act passed by Colonial legislature in 1889, but reserved for the sanction of the Imperial Government, provides that in order to obtain Copyright in Canada works must be registered with the Minister of Agriculture before or simultaneously with their first publication, wherever such publication takes place, and must be reprinted and republished in Canada within one month of their publication elsewhere, and (2) that if the author does not comply with these conditions, the Minister may grant licenses for the publication of the work, the licensee paying a royalty of 10 per cent. for the benefit of the author. This Act is promoted solely by, and in the interests of, the Canadian printers and publishers, who claim to have the right to make a profit out of the works of English authors.

The following are some of the reasons why the Act should not come into force:—

1. It is reactionary and contrary to the principle adopted by this country, after full consideration, in consenting to the Berne Convention. It would of course deprive the Canadian author of the benefit of that Convention.

2. It is an attempt to deprive authors of their recognized rights for the benefit of the Canadian printers and publishers.

3. It is (except from the view of the printer and publisher) entirely unnecessary. The Canadian reader is amply provided for under the Foreign Reprints Act.

4. It will involve the repeal, so far as British authors are concerned, of the United States Copyright Act, 1891, and the revival of legalised piracy in that country.

5. If it should by any chance accomplish its object, the actions of the Canadians will thus recoil on their own heads. Canada will again be flooded by pirated copies printed in the United States, and the last condition of the Canadian printers and publishers will be far worse than the first. The shortsightedness of the Canadian policy is almost incredible. It will involve the flooding of English and other markets with cheap reprints, to the great detriment of publishers who have to pay a fair price for the works they publish. It has been proved over and over again that legislation is powerless to prevent the importation of these cheap reprints.

6. Having regard to the entire failure of Canada to collect the duties under the Foreign Reprints Act, there is no security whatever that authors will receive even the 10 per cent. royalty provided by the Act.

A manifesto has been issued by the Canadian Copyright Association in support of the Act. The reasons given may be stated as follows :—

1. Canada has the right to legislate fully on Copyright—

Canada's right to legislate on Copyright is confined to the case of Canadian authors. She has no right whatever to take away from British authors their rights under the Imperial Acts. This was expressly decided by her own Courts in Smiles *v.* Belford and is the reason why she is now seeking the advice of the Imperial Legislature.

2. Copyright is analogous to patent right, and the Imperial Government did not disallow the Canadian Patent Act.

But, in the first place, copyright is *not* analogous to patent right. Copyright is given to the form only, not to the thought expressed. It does not prevent authors dealing with the same subject or idea. Patent right deprives the second inventor who has independently arrived at the same result of the profit of his labours. Patent right is a monopoly in restraint of other original inventions: Copyright is not. Secondly, the Canadian Copyright Act is not in the least on the same lines as the Canadian Patent Act. The Patent Act allows 12 months for obtaining a patent in Canada after one has been obtained in England, and a further 12 months for commencing to manufacture. This gives time to ascertain whether the market will warrant the outlay.

3. That under the present conditions the Canadian rights of English authors are included in the sale to United States publishers, to the injury of Canadian printers and publishers.

Here we have the true and only reason for the legislation. It is based on a fallacy. It is no injustice whatever to Canadian printers and publishers that British authors should be able to choose for themselves where and through whom they will print and publish their works. To be consistent, the Canadians should demand that no artists should have protection for their works except such as used paints and canvas made in Canada.

And the remedy is simple. English authors have to reprint in the United States. English publishers do not therefore demand protection or set up imaginary rights, but meet the difficulty in a business-like way. They set up branches in New York and Boston. Let the Canadians do the same. English authors, other things being equal, would rather deal with a Canadian publisher than an American, and let the Canadians join with us in endeavouring to obtain the removal of the unjust restrictions imposed by the United States legislation instead of endeavouring to perpetuate and extend them.

The real interests of British authors and Canadian publishers and printers in this matter are the same, and the latter are pursuing a most shortsighted and suicidal policy.

In any case, the English authors submit with some confidence that the Canadian proposals are not such as ought to receive the sanction or assistance of the Imperial Legislature.

Enclosure 2 in No. 105.

193. *Failure of Foreign Reprints Act.*—So far as British authors and owners of copyright are concerned, the Act has proved a complete failure. Foreign reprints of copyright works have been largely introduced into the Colonies, and notably American reprints into the Dominion of Canada, but no returns or returns, of an absurdly small amount, have been made to the authors and owners. It appears from official reports that during the 10 years ending in 1876, the amount received from the whole of the 19 Colonies which have taken advantage of the Act was only 1,155*l.* 13*s.* 2½*d.*, of which 1,084*l.* 13*s.* 3½*d.* was received from Canada; and that of these Colonies, seven paid nothing whatever to the authors, while six now and then paid small sums amounting to a few shillings.

Enclosure 3 in No. 105.

RIDOUT and MAYBEE, Solicitors of Home and Foreign Patents, Head Office, 103, Bay Street, Toronto, Canada.

DEAR SIR, Toronto, April 1895.

I HAVE just read your excellent letter in the "Times" bearing on the question of Copyright, and I take the liberty of enclosing you a copy of the "Mail and Empire" of April 6th last, containing, on page 11, a copy of letter written by me on the subject from the authors and artists' standpoint, and from the standpoint of the interests of this country. It is only lately that I have taken this matter up, as I began to fear that this iniquitous Act of 1889 might become law. I trust that no effort will be spared to prevent the mother country from giving assent to this Act, which is far reaching in its evil effects.

I am surprised to find how dense is the ignorance on the matter in this country. Not a lawyer or a politician that I have yet spoken to either understands the matter, or, I believe, has taken the trouble to read the Act. Neither they, nor the authors, know anything about the Berne Convention, nor the rights which are being frittered away to pander to the greed of a few publishers in this country.

The fact is, that the late Sir John Thompson and his Government were held completely by the throat by a few publishers, a part of the press, and some tricky politicians or wire-pullers. The whole issue, in the usual manner of such controversy, is completely ignored by the publishers, and a howl is raised about not permitting Canada to pass Copyright laws of its own, and about flooding our market with American prints of English books. There is no other argument in favour of this Copyright Bill for publishers. A Copyright Act in the interests of printers is somewhat novel.

I propose to see different city members and to write further to the press and try and get up an opposition to the schemes of these publishers during the coming session of the House of Commons here which meets on the 8th of April next.

Yours, &c.

JOHN G. RIDOUT.

W. M. Conway, Esq.,
4, Portugal Street, Lincoln's Inn Fields,
London, England.

Enclosure 4 in No. 105.

DEAR SIR, Toronto, May 2, 1895.

I AM in receipt of yours of the 23rd ultimo, and enclose you a speech of Senator Boulton's made a few days ago in our Senate. I had written to him before his speech and interested him in this matter. Although he is not quite correct in his statement, he is on the right line. I find that those Members of Parliament whom I have spoken to are absolutely ignorant of the whole matter, or the effect of the Copyright Amendment Act of 1889, and apparently take very little interest in it. I have also spoken to some of our leading lawyers and find that they know nothing about this Act of 1889, and that their attention has never been drawn to it. Two out of our three city members with whom I have spoken certainly know nothing whatever about the subject beyond that British authors' works may be printed in America and sent into Canada, which they think a hardship. As for any provisions of the Berne Convention in the interests of Canadian authors and artists, they know nothing about it.

I find on inquiry through a disgruntled member of the Canadian Copyright Association that the total number of members is about 25. It appears that more than one-half of these are not active members, and it may be safely said that there are less than half-a-dozen publishers who are creating the whole disturbance from deputations, from trades' and labour councils, &c. gathered from their own establishments, which we know are very easy to get up. Some of the members of the Canadian Copyright Association are neither printers, publishers, nor binders, and some of the principal firms in this city are either not members at all or inactive members of the Canadian Copyright Association. When it is considered that there are about 346 printing and publishing establishments throughout the Dominion and that there are less than half-a-dozen who are actively engaged in pushing this Act of 1889, the whole thing is really a farce about which the public here are not particularly concerned; but a few publishers have used the cry of Canada first, and the feeling of jealousy which arises from American houses sending British authors' works into Canada, to keep up a sort of spurious excitement.

These few greedy publishers have completely imposed upon the late Sir John Thompson and his Government. Instead of passing the Act of 1889, they should pass an Act to confirm the provisions of the Berne Convention as to Copyright.

Yours, &c.

JOHN G. RIDOUT.

G. Herbert Thring, Esq.,
Secretary, Society of Authors,
4, Portugal Street, Lincoln's Inn Fields,
London, England.

No. 106.

THE LONDON CHAMBER OF COMMERCE to COLONIAL OFFICE.

(Received June 1, 1895.)

CANADIAN COPYRIGHT.

[*Answered by No.* 108.]

Botolph House, Eastcheap, London, E.C.,
May 31, 1895.

MY LORD,

YOU will remember the deputation which waited upon you on the 26th of November 1894 from the London Chamber of Commerce, the Society of Authors, the Copyright Association, and the Printsellers' Association, in regard to the above question, at the time when it was being dealt with by the late Sir John Thompson. I understand that the question is now being revived, and that Mr. E. L. Newcombe, Deputy-Minister of Justice of the Dominion, is shortly coming to this country to confer with Her Majesty's Government on this subject. I am instructed by the Committee of this Chamber which is watching the question to apply to your Lordship, which I now do with the approval of the Council of the Chamber, requesting that, before any solution is arrived at by your Lordship, an opportunity may be given to representatives of copyright owners' interests in this country to be present at any conference or discussion on the subject which may take place with Mr. Newcombe.

I am, &c.

KENRIC B. MURRAY,
Secretary.

No. 107.

THE COPYRIGHT ASSOCIATION to COLONIAL OFFICE.

(Received June 6, 1895.)

[*Answered by No.* 108.]

Aldine House, Belvedere, Kent,
June 5, 1895.

MY LORD MARQUESS,

As the "Times" announces that Mr. E. L. Newcombe, Deputy Minister of Justice at Ottawa, is about to visit England to confer with Her Majesty's Government on the Imperial Law of Copyright as it affects Canada, and as the subject is one of great practical importance to Copyright-owners, and most seriously affects their interests, I write on behalf of the Copyright Association, which is identified with more than half the British copyrights in existence, to ask your Lordship to allow it to be represented, and to take part in the conference when and wherever it may be held.

I have, &c.

F. R. DALDY,
Hon. Secretary.

No. 108.

COLONIAL OFFICE to the LONDON CHAMBER OF COMMERCE and the COPYRIGHT ASSOCIATION.

Downing Street, June 12, 1895.

SIR,

IN reply to your letter of the $\frac{\text{31st ultimo,}^*}{\text{5th instant,}}$ I am directed by the Marquess of Ripon to acquaint you that this Department has received no official intimation of the appointment of Mr. E. L. Newcombe to discuss the question of Canadian copyright with Her Majesty's Government nor of that gentleman's arrival in this country.

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* Nos. 106 and 107.

I am to add that Her Majesty's Government consider it desirable that any discussions which may be held with a representative of the Dominion Government on this subject should be private, and that it will not, therefore, be possible to admit a representative of the London Chamber of Commerce, / Copyright Association, but that any further representations which that body may desire to make before a decision is arrived at will receive full consideration.

I am, &c.
JOHN BRAMSTON.

No. 109.

THE EARL OF ABERDEEN to the MARQUESS OF RIPON.
(Received June 19, 1895.)

MY LORD, Government House, Ottawa, June 5, 1895.

I HAVE the honour to enclose herewith copy of an approved Minute of the Privy Council from which your Lordship will learn that, in accordance with the suggestion contained in your Lordship's Despatch of the 15th March last,* Ministers have authorized Mr. E. L. Newcombe, Q.C., Deputy Minister of Justice, to proceed to London to discuss the copyright question with Her Majesty's Government.

I have, &c.
ABERDEEN.

Enclosure in No. 109.

EXTRACT from a REPORT of the COMMITTEE of the HONOURABLE THE PRIVY COUNCIL, approved by his Excellency on the 30th May 1895.

The Committee of the Privy Council have had under consideration a Despatch, hereto attached, dated the 15th of March 1895, from the Marquess of Ripon, with regard to the Canadian Copyright Act, which Act, and the correspondence relating thereto, the late Sir John Thompson proposed to discuss with Her Majesty's Government during his last visit to England.

The Ministers of Justice and of Agriculture, to whom the said Despatch was referred, observe that Lord Ripon states that previous communications and correspondence have failed so far to bring about even an approximation of view between Her Majesty's Government and the Government of Canada; that no result appears likely to be gained by further controversial correspondence, and that the only course which seems to offer any prospect of solution is, that, as soon as convenient, one of your Excellency's Ministers, or some other gentleman duly authorized by them, and thoroughly conversant with the subject, should proceed to London and discuss the matter personally with Her Majesty's Government.

The Ministers, in these circumstances, and considering the important interests which are at stake in Canada, and which have been and are suffering by the delay which has already been incurred in arriving at a conclusion of this question, approve of the course suggested; and, inasmuch as it would be impracticable, owing to the present sittting of Parliament and other considerations for one of your Excellency's Ministers to undertake the proposed conference at present, they (the Ministers of Justice and Agriculture) recommend that Mr. Edmund L. Newcombe, Q.C., the Deputy Minister of Justice, be authorized to proceed to London and confer with the representative of Her Majesty's Government upon the subject.

The Committee submit the foregoing for your Excellency's approval, and they advise that your Excellency be moved to forward a certified copy of this minute to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

JOHN J. MCGEE,
Clerk of the Privy Council.

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* No. 91.

No. 110.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

SIR, Downing Street, June 20, 1895.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your further letter of the 23rd ultimo,* enclosing a memorandum setting forth in detail the objections of the Society of Authors to the Canadian Copyright Act of 1889.

As you are aware, a delegate of the Dominion Government is about to visit this country to discuss this question with Her Majesty's Government, and his Lordship will take care that the objections of your Society receive full consideration.

I am, &c.

EDWARD FAIRFIELD.

No. 111.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

MY LORD, Downing Street, June 20, 1895.

WITH reference to my Despatch of the 18th of May,† I have the honour to transmit to you, for the consideration of your Ministers, copies of further correspondence‡ with the Society of Authors, respecting the Canadian Copyright Act of 1889.

I have, &c.

RIPON.

No. 112.

THE MARQUESS OF RIPON to the EARL OF ABERDEEN.

TELEGRAPHIC.

(Sent June 24, 1895.)

Your Despatch 5 June§; Mr. Newcombe had better not take his passage immediately. Discussion cannot conveniently take place until new Government have completed arrangements. Will telegraph later.

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* No. 105. † No. 104A. ‡ Nos. 105 and 110. § No. 109.

NEWFOUNDLAND (FINANCIAL CRISIS).

RETURN to an Address of the Honourable The House of Commons, dated 22 February 1895 ;—*for*,

"COPIES or EXTRACTS of CORRESPONDENCE which has passed between the Imperial Government and the Government of Newfoundland relating to the present Financial Crisis in that Colony, and to the request for Aid by the Government of Newfoundland."

Colonial Office, 6 March 1895. } SYDNEY BUXTON.

(*Sir Francis Evans.*)

Ordered, by The House of Commons, *to be Printed*, 7 *March* 1895.

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12	To Sir Terence O'Brien -	Jan. 2 - - - Telegraphic.	Informs him that the matter referred to in his telegram of 18th December is under consideration, and that an answer may be expected shortly - - - -	9
13	To Sir Terence O'Brien -	Jan. 9 - - - Telegraphic.	Informs him that Her Majesty's Government will be prepared to appoint a Royal Commission, if requested to do so by the Government and Legislature, but cannot pledge themselves beforehand as to the course to be taken when the Report of the Commission is received -	9
14	Sir Terence O'Brien -	(Received Jan. 24) - Telegraphic.	States that the Legislature will at once support his Government in making a formal request for the appointment of a Royal Commission, if Her Majesty's Government will give the assurance that there is no intention of interfering with the Constitution of the Colony as a result of the proposed inquiry - -	9
15	To Sir Terence O'Brien -	Jan. 26 - - - Telegraphic.	States that the Royal Commission must be unfettered and free to make inquiries, the result of which Her Majesty's Government will await - - -	10
16	Sir Terence O'Brien -	(Received Feb. 11) - Telegraphic.	Forwards a message from his Ministers inquiring under what conditions Her Majesty's Government would guarantee Newfoundland Bonds - - - -	10
17	Sir Terence O'Brien -	(Received Feb. 16) - Telegraphic.	Forwards a Minute from his Ministers inquiring whether Her Majesty's Government will assent to the indemnification of the Ministry in the event of relief works being undertaken, and expressing the opinion that an amendment of the Election Act is absolutely necessary -	11
18	To Sir Terence O'Brien -	Feb. 19 - - - Telegraphic.	Expresses the inability of Her Majesty's Government to guarantee the Newfoundland Bonds, as requested - -	11
19	To Sir Terence O'Brien -	Feb. 20 - - Telegraphic.	Informs him, in reply to No. 17, that Her Majesty's Government cannot pledge themselves as to the advice they may give on a Bill not yet before them -	11
20	Sir Terence O'Brien -	(Received Feb. 24) - Telegraphic.	Reports that Sir F. Evans, M.P., has been appointed Special Commissioner to represent the views of the Colonial Government - - - - - - - -	12
21	Sir F. H. Evans, M.P. -	Feb. 25 - - -	Asks, on behalf of the Colonial Government, that Her Majesty's Government will afford assistance to the Colony by guaranteeing 20,000*l.* per annum for 25 years as interest upon bonds which they desire to issue - - - -	12

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22	To Sir F. H. Evans, M.P.	Mar. 5 - - -	Informs him that Her Majesty's Government are compelled to decline the proposal made in his letter of 25th February, but that they are prepared to send out a Commissioner for the purpose of relieving actual distress from sums to be furnished by the Treasury for that purpose - - - - - - -	12
23	To Sir Terence O'Brien -	Mar. 5 - - - Telegraphic.	States that Her Majesty's Government have not been able to accede to the request for a guarantee of interest on bonds, but that they propose to send out a Commissioner who will disburse sums placed at his disposal by the Imperial Treasury for the relief of actual distress - - - - - - -	13

COPIES or EXTRACTS of CORRESPONDENCE which has passed between the Imperial Government and the Government of Newfoundland relating to the present Financial Crisis in that Colony, and to the request for Aid by the Government of Newfoundland.

— No. 1. —

Sir *Terence O'Brien* to the Marquess of *Ripon.*

(Received 10 December 1894.)

TELEGRAPHIC.

MY Government requests me to forward the following message relative to the present critical state of the Colony, and the urgent need for prompt assistance :—

The Commercial Bank has failed; the Union Bank cannot possibly keep open much longer. The interest payable in London next January upon the Colony's bonds, which the Union Bank was to pay for the Colony to the London and Westminster Bank, cannot be provided, and the Colony therefore will be a defaulter unless aid is afforded. The disaster, which involves the whole trade of the Colony, has been long impending, but has been precipitated by the suspension of a London firm of agents. Nearly 1,500,000 dollars is due by the two banks to the Government Savings Bank, forming a preferential claim on their assets. About an equal amount of the deposits in the Savings Bank is invested in bonds of the Colony. Therefore the Savings Bank has no available funds to pay depositors, who, by the closing of the other banks, will be forced to draw upon deposits or suffer for the necessaries of life. Fish to the value of 1,600,000 dollars now in stock needs to be shipped to be realised, but there will actually not be funds enough in the Colony to pay shipping expenses unless help can be afforded. Of the loan authorised last Session of the Legislature, nearly 700,000 dollars is for debt due London and Westminster Bank. Against the balance, say 800,000 dollars, and Colony's bonds owned by Savings Bank, say 1,400,000 dollars, as collateral, a temporary advance to Savings Bank of 1,000,000 dollars, at least, must be procured in London, or the utmost misery and loss be the result. Will the Imperial Government aid in obtaining this? The utmost haste is needed in order to avoid the worst results.

The services of a war ship to prevent possible disturbances and attacks upon property are called for, and it will serve to allay panic if directions are immediately sent to order a ship.

A Royal Commission to inquire into the whole political and commercial position of the Colony is absolutely essential, and Her Majesty's Government cannot decline to send such a Commission forthwith without serious and far-reaching results.

— No. 2. —

The Marquess of *Ripon* to Sir *Terence O'Brien.*

(Sent 11 December 1894.)

TELEGRAPHIC.

IN answer to your telegram, Her Majesty's Government much regret to learn of financial crisis. Impossible,

Impossible, however, for them to intervene in any manner, if at all, unless after full local inquiry by Royal Commission, which can only be undertaken at request of Government and Legislature.

It is urgently necessary, therefore, that Legislature should be summoned at once.

— No. 3. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 14 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 4.]

COLONIAL Government anxious to know whether, in view of present crisis and my instructions, Royal Assent would be given if Bill introduced authorising issue of Treasury Notes.

— No. 4. —

The Marquess of *Ripon* to Sir *Terence O'Brien*.

(Sent 14 December 1894.)

TELEGRAPHIC.

WITHOUT full details as to proposed issue, cannot say what advice will be given to Queen. If it is desired to proceed with such a measure, telegraph full details as to what is proposed.

— No. 5. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 18 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 13.]

COLONY deplorable condition owing to bank and commercial failures. Referring to your telegram of 11th December,* Colonial Government desire to know whether, in the event of the Legislature agreeing to local inquiry by Royal Commission, Her Majesty's Government would be prepared to give immediate assistance, and, if so, on what terms; also what would be scope of any local inquiry by Royal Commission if granted at present.

* No. 2.

— No. 6. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 19 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 7.]

IT is proposed to provide a present circulating medium by a Bill that Colonial Government should guarantee a certain value, to be determined after a full Report on present condition of banks, to be stamped on all notes duly registered now in the hands of public, any further surplus after paying stamped value to be apportioned to persons registering notes, which will be redeemable in two years. In view of my instructions, would such a Bill be assented to?

— No. 7. —

The Marquess of *Ripon* to Sir *Terence O'Brien*.

(Sent 21 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 8.]

(Paraphrase.)

WITH reference to your telegram of 19th December,* I should not, as at present advised, refuse to allow you to assent to Bank Notes Bill. Telegraph to me the substance of material provisions of the measure.

* No. 6.

The investigation on which the stamped value is to be determined will, I presume, be conducted by persons entirely independent of the banks.

Of course your assent to the measure does not imply any responsibility on the part of Her Majesty's Government for the redemption of the notes.

— No. 8. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 23 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 10.]

BILL proposes appointment Registrar for each bank, who will register number, date, denomination of each note presented him before 31st December 1896, either personally or by post, together with name, address, description of presenter, and date of entry. He shall endorse said notes with official stamp guaranteeing payment by Government at valuation reported by Joint Committee

mittee of both Houses now sitting; he shall return notes so stamped to presenter with certificate of facts aforesaid, and shall have power at any [time] to issue new notes in place of old notes; Registrar shall receive all dividends declared on stamped notes; said dividends shall not be liable to seizure by process of law. He shall, after 1st January 1897, pay holders of notes presented him for payment the amount of guarantee [fixed]; if he shall be unable to pay said guarantee out of dividends in his hands he may call on Government for difference. If there should be balance in his hands after such payment, he shall apportion such sum rateably to credit of original presenters, and after reasonable notice pay same to presenter or to holder of certificates. All notes now in possession of bank shall be deposited with Receiver General. Governor may appoint Commissioner to watch interests of Government, with power to demand books, examine on oath all officials of banks, and report from time to time to Governor.

Above-mentioned Committee selected by Houses of Legislature commenced investigation before receipt of your Lordship's telegram of 21st December ;* it includes shareholders in both banks.

* No. 7.

Is further investigation by some persons entirely unconnected with banks necessary before I can assent ?

— No. 9. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 24 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 10.]

ONLY power existing inquiring into circumstances of banks is under Bank Charters by Committee of both Houses. Committee is the most disinterested that can be selected, for I find majority of members are unconnected with banks; two only are small shareholders. It is intended, as a further precaution, to have calculations made by Committee checked by representatives of foreign banks now here. Will this suffice ? Immediate reply imperative.

— No. 10. —

The Marquess of *Ripon* to Sir *Terence O'Brien*.

(Sent 25 December 1894.)

TELEGRAPHIC.

SUGGESTION as to composition of Committee was not intended to be condition of assent. It is understood by telegram of 24th December† that you are satisfied.

† No. 9.

— No. 11. —

Sir *Terence O'Brien* to the Marquess of *Ripon.*

(Received 28 December 1894.)

TELEGRAPHIC.

[*Answered by No.* 12.]

REFERRING to my telegram of 18th December,* strong feeling in favour of inquiry existing in respectable public. May I expect to receive answer shortly?

Committee of both Houses report insolvency of Commercial Bank and solvency of Union.

* No. 5.

— No. 12. —

The Marquess of *Ripon* to Sir *Terence O'Brien.*

(Sent 2 January 1895.)

TELEGRAPHIC.

MATTER referred to in your telegram of 18th December† under consideration; hope to be able to send reply shortly.

† No. 5.

— No. 13. —

The Marquess of *Ripon* to Sir *Terence O'Brien.*

(Sent 9 January 1895.)

TELEGRAPHIC.

HER Majesty's Government would be prepared, if requested to do so by the Government and Legislature of Newfoundland, to appoint a Royal Commission to inquire into the condition of the Colony and the causes which have led to it, and to report thereon to Her Majesty's Government, but they cannot pledge themselves beforehand in any way as to the course which they may take when they have received the Report of the Commission.

— No. 14. —

Sir *Terence O'Brien* to the Marquess of *Ripon.*

(Received 24 January 1895.)

TELEGRAPHIC.

[*Answered by No.* 15.]

REFERRING to your telegram of 9th instant,‡ relative to appointment of Royal Commission, grave alarm has been occasioned by statements in the

‡ No. 13.

English press that assistance can be granted only at price of surrender of the Constitution, and consequent return of Colony to condition of a Crown Colony. My present Ministers cannot admit correctness of assertion of my late advisers that a Royal Commission is absolutely essential. The present embarrassment, though very grave, is not governmental except in so far as failure of banks and commercial firms has left the Colony without funds, and entirely suspends Customs receipts. Therefore immediate assistance financially is absolutely necessary. While they dissent from the position taken by my late advisers, they would welcome a Royal Commission as preliminary to a guarantee of loan, being confident that inquiry into internal resources of Colony will evidence that the depression is only temporary, and prove soundness of the Colony's resources. If Her Majesty's Government will give the assurance that there is no intention of interfering with the Constitution of the Colony as a consequence of the proposed inquiry, that its aim and object will be to acquire accurate information respecting resources of the Colony, and to aid my Government in readjusting Tariff and Civil List to such extent as in view of immediate assistance and future guarantee may be deemed necessary by Imperial Government, the Legislature will at once support my Government in making the formal request required by your Despatch of date aforesaid.

— No. 15. —

The Marquess of *Ripon* to Sir *Terence O'Brien.*

(Sent 26 January 1895.)

TELEGRAPHIC.

WITH reference to your telegram of 24th January,* I cannot take any responsibility for what may have been said in the newspapers. Her Majesty's Government have not arrived at any foregone conclusion. Royal Commission must be unfettered and free to make the inquiries specified in my telegram of 9th January.† Her Majesty's Government will await the result of the inquiry.

* No. 14.

† No. 13.

— No. 16. —

Sir *Terence O'Brien* to the Marquess of *Ripon.*

(Received 11 February 1895.)

TELEGRAPHIC.

[*Answered by No.* 18.]

I HAVE been requested by my Government to forward the following message:—

My Ministers are of opinion that an Imperial guarantee of Newfoundland Bonds would enable them to pay off all the floating liabilities of the Colony and to carry the Government over the present crisis, and until the revenue would again suffice for the wants of the island. Would the Imperial Government take this matter into consideration, and reply on what conditions they would give such a guarantee and preserve the integrity of the Colony through a temporary though most severe crisis?

— No. 17. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 16 February 1895.)

TELEGRAPHIC.

[*Answered by No.* 19.]

AM requested by my Responsible Advisers to forward at once following: —

Attorney General brought before Council application from Michael Cary and large number of other residents of this city and of outlying districts, praying for immediate relief by their being employed on some public works. At the same time he called the attention of the Committee to the recent decision of the courts in case of the election petitions, and said that he could not advise Government to commence relief works while elections are pending, as, by his reading of the judgments, the Members returned may again incur the penalty of a loss of their seats, besides being subject to heavy costs. It was ordered that his Excellency the Governor be acquainted of the circumstances, and that he be requested to telegraph Secretary of State for the Colonies a copy of this Minute, and to ask, if necessary relief works be undertaken, whether Her Majesty's Government will assent to indemnification of Ministry. An amendment of Election Act is absolutely necessary to enable Government to undertake any public works without bringing themselves and candidates under the law as interpreted by judges in recent election trials.

— No. 18. —

The Marquess of *Ripon* to Sir *Terence O'Brien*.

(Sent 19 February 1895.)

TELEGRAPHIC.

THE application of your Ministers made in your telegram of the 11th February* has been carefully considered by Her Majesty's Government. * No. 16.

It is a necessary consequence of the self-government enjoyed by Colonies having responsible government that such Colonies should not look to the Imperial Government to aid them in their financial affairs; such aid would require constant supervision inconsistent with self-government. To guarantee the Newfoundland Bonds would create a precedent of wide application, which would involve Her Majesty's Government in responsibilities which they could not undertake with justice to the taxpayers of the United Kingdom. They are therefore unable to accept the proposal contained in your telegram referred to above.

— No. 19. —

The Marquess of *Ripon* to Sir *Terence O'Brien*.

(Sent 20 February 1895.)

TELEGRAPHIC.

REFERRING to your telegram of 16th February,† while Her Majesty's † No. 17.
Government will give consideration to any Act which may be passed by Colonial Legislature with a desire not to recommend exercise of Queen's prerogative of disallowance, of which they have recently given proof, they cannot give pledge as to the advice which they may think it their duty to tender to Queen before Act has come before them in the constitutional manner.

— No. 20. —

Sir *Terence O'Brien* to the Marquess of *Ripon*.

(Received 24 February 1895.)

TELEGRAPHIC.

MY Government desire me to inform your Lordship, with reference to their request for a guarantee of a loan, that Sir F. Evans, M.P., has been appointed Special Commissioner by the Government of this Colony to represent their views to Her Majesty's Government.

— No. 21. —

Sir *F. H. Evans*, M.P., to *Colonial Office*.

(Received 25 February 1895.)

[*Answered by No.* 22.]

House of Commons,
25 February 1895.

MY LORD,

I am requested by the Government of Newfoundland to ask the Imperial Government if they will grant them assistance in the present crisis by guaranteeing £20,000 per annum for 25 years as interest upon bonds which they desire to issue.

The Colonial Government in asking this assistance desire me to assure the Imperial Government that they do not anticipate that it will ever become necessary to call upon the Imperial Government for any payment consequent upon or by reason of this guarantee.

The guarantee is only required to insure purchasers of bonds that they have the Imperial Government as security for due payment of interest.

I beg to add that the stringency of the present crisis is so great, and so much suffering requires to be alleviated, that I trust your Lordship will deal with this request at the earliest possible moment and in the most favourable spirit.

I beg also to repeat the assurance which I have already given to your Lordship, that the late commercial crisis, while extremely serious in its immediate effects, still leaves the people of Newfoundland with the sources of their prosperity unaffected thereby, and I do not doubt but that the Colony will speedily recover from its present trouble.

I have, &c.
Francis Evans,
Special Commissioner for the Government
of Newfoundland.

— No. 22. —

Colonial Office to Sir *F. H. Evans*, M.P.

Downing Street,
5 March 1895.

SIR,

I AM directed by the Marquess of Ripon to acquaint you that Her Majesty's Government have given their most careful consideration to your letter of the

25th ultimo,* submitting on behalf of the Government of Newfoundland a proposal that in order to enable the Colony to meet the present acute crisis in its affairs, Her Majesty's Government should guarantee the payment of interest to the extent of 20,000*l.* a year for 25 years on a loan which they desire to issue. * No. 21.

A similar application was received through the Governor of Newfoundland on the 11th ultimo, and it was pointed out to him in reply, on the 19th of that month,† that it is a necessary consequence of the self-government enjoyed by Colonies having Responsible Government that they should not look to the Imperial Government to aid them in their financial affairs. Such aid would require constant supervision and control, altogether inconsistent with self-government; and, moreover, to give a guarantee to a Newfoundland loan under the circumstances would create a precedent of wide application which would involve Her Majesty's Government in responsibilities which they could not undertake with justice to the taxpayers of the United Kingdom. † No. 18.

These reasons appear to Her Majesty's Government conclusive against the course proposed in your letter, and they have, therefore, no alternative but to decline the proposal.

Her Majesty's Government, however, deeply sympathise with the Colony in the disaster which has overtaken it, and recognise that in consequence of the failure of the banks and nearly all the commercial houses, a large proportion of the population have been reduced to a state of extreme destitution with which it is impossible for the Colonial Government to cope.

They are prepared, therefore, with the view of meeting the more pressing needs of the people, to send out without delay a Commissioner to consider, in concert with the Governor and his Ministers, and report immediately to Her Majesty's Government, as to the extent to which such assistance is absolutely necessary to supplement local and private charity, and as to the channels through which it should be distributed; and on receipt of these reports the Treasury will, from time to time, cause such sums as they may think proper to be placed at his disposal.

I am to add that the aid to be given will be confined to the relief of actual distress, and will not extend to loans or other assistance to commercial or banking houses.

I am, &c.
R. P. Ebden.

— No. 23. —

The Marquess of *Ripon* to Sir *Terence O'Brien.*

(Sent 5 March 1895.)

TELEGRAPHIC.

HER Majesty's Government have carefully considered application made by Special Commissioner, on behalf of Colony, for guarantee of 20,000*l.* interest for 25 years, but for reasons given in my telegram of 19th February‡ have not been able to accede to it. ‡ No. 18.

They recognise, however, existence of, and probable increase of, distress, which Colonial Government cannot relieve under existing circumstances, and propose as soon as possible to send out Commissioner, who will, in concert with you and your Ministers, as far as possible, consider and report as to extent to which assistance is absolutely necessary, in addition to private charity, and channels through which it could be best distributed.

Such sums as Her Majesty's Government may think proper will from time to time be placed at disposal of Commissioner for relief of actual distress, but no loan or assistance is to be given to commercial houses.

I hope to communicate name of Commissioner and date of departure shortly.

NEWFOUNDLAND (FINANCIAL CRISIS).

COPIES or EXTRACTS of CORRESPONDENCE which has passed between the Imperial Government and the Government of Newfoundland relating to the present Financial Crisis in that Colony, and to the request for Aid by the Government of Newfoundland.

(*Sir Francis Evans.*)

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NEWFOUNDLAND.

FURTHER CORRESPONDENCE

RELATIVE TO THE

FINANCIAL CRISIS IN NEWFOUNDLAND.

(*In continuation of* [H.C.—104] *March* 1895.)

Presented to both Houses of Parliament by Command of Her Majesty.
28*th March* 1895.



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NEWFOUNDLAND.

FURTHER CORRESPONDENCE

RELATIVE TO THE

FINANCIAL CRISIS IN NEWFOUNDLAND.

No. 1.

SIR F. H. EVANS M.P. to COLONIAL OFFICE.
(Received March 8, 1895.)

[*Answered by No.* 8.]

MY LORD, 23, Grosvenor Place, S.W., March 7, 1895.

I AM in receipt of a communication* from the Colonial Office in answer to my letter to your Lordship of the 25th ultimo,* and I must express my regret that Her Majesty's Government have not seen fit to render to Newfoundland the slightest aid in this moment of her grave and serious trouble—a trouble which, in my opinion, has been caused indirectly, but mainly, by the action of Her Majesty's Government.

I have advised the Government of Newfoundland of this refusal.

I think it right, however, to point out to Her Majesty's Government that the analogy between Newfoundland and the other Colonies of the Empire—to which reference is made in the reply which I have received to my request on behalf of the Newfoundland Government—is not one which can be seriously maintained. The Imperial Government would not readily have interfered in a Treaty of vital importance to the Australian Colonies as they did in the case of Newfoundland, or, if they had, and serious financial trouble had resulted, the Imperial Government would have had to bear the responsibility and their share of the cost, which they decline to do in the case of Newfoundland, which is infinitely less able to bear such a strain and where the rigour of the climate makes suffering so hard to bear.

With respect to the offer of Her Majesty's Government to meet the more pressing needs of the people by sending out a Commissioner to inquire and report on what assistance is absolutely necessary, I beg to mention that at this season of the year three weeks or a month may elapse before the arrival of such a Commissioner in St. John's, and that this cannot be unknown to Her Majesty's Government. Further, that if there were any real desire on the part of this Government to help the distress of the people of Newfoundland it would be more readily shown if they would instruct the Governor to tender immediate relief pending the arrival of the Commissioner, in case the Government of Newfoundland accept this offer of charity, when their request has met with such absolute refusal of all aid asked on behalf of the Colony.

I am, &c.,
FRANCIS EVANS,
Special Commissioner of the
Government of Newfoundland.

No. 2.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.
(Received March 8, 1895.)

TELEGRAPHIC.

[*Answered by No.* 10.]

(Extract.)

Am requested to forward following :

My Ministers appreciate the careful consideration given by Her Majesty's Government to the application of the Special Commissioner, but, judging from your Despatch of 5th

* Nos. 21 and 22 in [H.C. 104] March 1895.

o 86628. Wt. 27068.

instant,* Her Majesty's Government evidently fail to appreciate the condition of the Colony. Referring to former Despatches it will be seen that no loans were asked for or contemplated being made to mercantile firms or banks nor eleemosynary aid solicited. The failure of very many mercantile firms and the only two banks in the Colony, with the exception of the Savings Bank, has embarrassed the Government and the community. In the insolvent banks were deposited 200,000*l.* of the Savings Bank funds wanted for current requirements. The insolvent banks were also the Government depositories, and from them the Government drew such funds as they required. The funds of the Savings Bank deposited in the insolvent banks, being preferential, are perfectly safe, though unavailable for many months. By this failure and the discredit attaching to the Colony thereby the Government are temporarily deprived of the means of meeting promptly the claims of depositors in Savings Bank, which by law are guaranteed by Government, and Government's own requirements for some time to come without a loan, which can only be obtained on its unaided credit, at the moment, at exorbitant rate of interest. If my Government can place the Savings Bank in a position to meet all the probable demands of depositors immediately, the probability of further distress will be materially lessened.

As Her Majesty's Government have decided on sending Commissioner for the purposes expressed in your Despatch of 5th instant,* my Ministers, desiring a disinterested report and distribution of the funds placed at his disposal, repectfully request that a stranger wholly unconnected at any time, either officially or commercially, with the Colony, should be appointed. My Ministers desire that copy of this message be forwarded to Evans, Special Commissioner, to save cost second message, and they most respectfully solicit early reply, as prompt action necessary.

No. 3.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

(Sent March 9, 1895.)

TELEGRAPHIC.

[*Answered by No.* 4.]

(Extract.)

Can you inform me how much the Colonial Government was indebted to the banks when they failed? Also how much the banks were indebted to Savings Bank at that time, and how much at the present time?

No. 4.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.

(Received March 11, 1895.)

TELEGRAPHIC.

(Extract.)

In reply to your telegram of the 9th March,† on 15th December Colonial Government was indebted to the Union Bank 868,000 dollars, Union Bank was indebted to Savings Bank 969,000, Commercial Bank was indebted to Savings Bank 430,000; at present time, Government to Union Bank 635,000, Union Bank to Savings Bank 650,000, Commercial Bank to Savings Bank 391,000, Savings Bank to the Bank of Montreal 100,000.

No. 5.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.

(Received March 14, 1895.)

TELEGRAPHIC.

(Extract.)

The Savings Bank have now borrowed another 100,000 dollars at 6 per cent. payable on demand from the Bank of Montreal, against preferential claim on the Commercial Bank for the same sum and double the amount in Colonial bonds.

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* No. 23 in [H.C. 104] March 1895. † No. 3.

No. 6.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.
(Sent March 15, 1895.)

TELEGRAPHIC.

Sir Herbert Murray, K.C.B., formerly Chairman Board of Customs, has been appointed Relief Commissioner, and will sail by mail steamer on 21st March. Meantime you may draw upon Her Majesty's Government through Bank of Montreal at St. John's up to 5,000*l.* for temporary relief to urgent cases which private relief agencies cannot meet, until arrival of Commissioner, to whom you should give accounts of expenditure, which should be made on your own responsibility.

No. 7.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.
(Received March 15, 1895.)

TELEGRAPHIC.

Referring to your telegram of 15th March,* have seen Bishop of Newfoundland, President of Clergy Relief Committee, and hope to be able with aid available and expected to keep down distress till Murray arrives. I shall therefore only draw in case of emergency.

No. 8.

COLONIAL OFFICE to SIR F. H. EVANS, M.P.

SIR, Downing Street, March 15, 1895.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 7th instant,† commenting on the refusal of Her Majesty's Government to guarantee the interest on a loan to be raised by the Government of Newfoundland.

I am to state, in reply, that Her Majesty's Government cannot admit that there is any foundation for the statement in your letter that the present trouble in that Colony has been caused indirectly, but mainly, by the action of Her Majesty's Government.

The causes of the present deplorable crisis in the affairs of the Colony must be sought elsewhere than in any action of the Imperial Government.

I am to add that his Lordship is glad to inform you that the Lords Commissioners of the Treasury have, on his recommendation, adopted your suggestion that the Governor should be authorized to tender immediate relief in any urgent cases pending the arrival of the Commissioner in the Colony.

The duty of distributing the relief which Parliament will be asked to vote has been accepted by Sir Herbert Murray, K.C.B., late Chairman of the Board of Customs, who will sail for Newfoundland by the first mail steamer, on the 21st instant.

I am, &c.,
R. H. MEADE.

No. 9.

COLONIAL OFFICE to SIR HERBERT H. MURRAY.

SIR, Downing Street, March 20, 1895.

1. I AM directed by the Marquess of Ripon to acquaint you that, with the concurrence of the Lords Commissioners of the Treasury, he has appointed you Special Commissioner to proceed to Newfoundland, to inquire into and report on the distress prevalent in that Colony owing to the commercial crisis through which it is passing.

2. His Lordship understands that you are prepared to proceed St. John's, viâ Halifax, by the steamer of the 21st instant, and on your arrival at that place you should consult with the Governor and his Ministers as to the arrangements connected with your mission and the mode of procedure, but you will, of course, understand that in all questions

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* No. 6. † No. 1.

affecting the application of the funds placed at your disposal you are to decide on your own responsibility and your decision will be final.

3. As far as practicable you should endeavour to visit the various centres of distress, and as there are believed to be relief committees at work both in St. John's and the outports, you will no doubt find it convenient to place yourself in communication with them, and satisfy yourself as to how far, if at all, they might be trusted with the distribution of relief, and you will, of course, be careful to avoid anything calculated to discourage or diminish the efforts of such committees in obtaining and distributing relief from private sources.

4. Should you think it undesirable to avail yourself of the services of those committees or any of them, you may appoint other committees or agents, for the distribution of relief in their several districts, and as far as possible you will control and supervise their action, and will determine the classes of persons to be relieved, the limits of relief in individual cases, and the form of relief, whether in food, clothes, stores, or money.

5. The relief should be confined to cases of actual distress, and, in the case of able-bodied men, should be directed as far as possible to enable them to get work, to maintain themselves and their families while engaged in the fishery, and to provide themselves with stores and implements required for the fishery.

6. In many cases the assistance required may be an immediate advance of money or stores rather than charity, and you will in such cases make general arrangements for the repayment of such advances and for obtaining security for them, should you think that this could usefully be required.

7. In case any of the stores which you may find it desirable to have at your disposal are such as could be obtained from Naval or Military stores, you may find it convenient to arrange for obtaining them from the depôt at Halifax, with the understanding that the cost of replacing them will be charged to the relief vote.

8. You will at your discretion make advances of money or stores to the several committees or agents from time to time; and in the case of existing committees their receipts will be a sufficient discharge for you as it is contemplated that the Vote will be taken, as far as possible, as a grant in aid of other funds locally raised with the same object, but in the event of your making a purchase of stores you should, of course, obtain receipts in the usual form.

9. In the case of any local committee or agent appointed by you, they should also be required to forward to you weekly an account of their disbursements, whether in money or stores, with such vouchers as it may be possible to procure, and these accounts and vouchers should be transmitted by you with your account to the Accounting Officer of this Department.

10. You will report your proceedings to this Department from time to time, sending requisitions by telegraph as to the amount of your pecuniary requirements, which will be met through the branch of the Bank of Montreal at St. John's.

11. While engaged on this mission you will receive your actual travelling expenses and an allowance of 30*s*. a night (while on the mail steamer, 10*s*. a night) and a sum of 50*l*. for such outfit as may be required by the severity of the climate, and you will also be allowed such sum as you may consider necessary for clerical assistance and the examination of accounts.

12. You will probably be unable to visit the various parts of the Treaty Shore and the Labrador Coast, but the Commodore of the Fishery Squadron, Captain The Honourable A. G. Curzon-Howe, will be instructed to place himself in communication with you, and you will probably be able to make satisfactory arrangements for the distribution of relief in these districts through the agency of him and his officers.

13. A collection of printed papers relating to the financial crisis is enclosed, and you will see from it that the Colonial Government has applied to Her Majesty's Government for assistance to the Government Savings Bank upon which there has been for some time a continuous run.

14. Her Majesty's Government have felt unable to entertain this application, but, should the institution be unfortunately compelled to close its doors during your stay in the Island, you will be at liberty to consider how far it may be practicable and advisable to make advances to necessitous depositors on the security of their deposits, and it may be of assistance to you in the discharge of your mission to obtain a list of the depositors and the sums standing to their credit from the Colonial Government, who control, and are responsible for, the Savings Bank.

15. The Governor was informed that, pending your arrival, a sum of 5,000*l.* had been placed to his credit at the Bank of Montreal, but he has intimated in reply that he does not think it will be necessary for him to make use of any part of it.

16. Should he, however, find it necessary to do so, he will furnish you with an account of its distribution.

I am, &c.,
R. H. MEADE.

No. 10.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.
(Sent March 22, 1895.)

TELEGRAPHIC.

Referring to your telegram of 8th March,* reasons which precluded Her Majesty's Government from acceding to application for guarantee for Colonial bonds apply equally to application on behalf of Savings Bank; therefore Her Majesty's Government cannot undertake to give assistance to it.

No. 11.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

SIR, Downing Street, March 22, 1895.

IN my telegram of the 15th instant,† I informed you that Her Majesty's Government had placed at your credit at the Branch of the Bank of Montreal at St. John's a sum of 5,000*l.* to enable you to provide for the temporary relief of urgent cases of distress, and in your reply of the 16th instant,‡ you informed me that you hoped that the funds already available would be sufficient for dealing with the distress until Sir H. Murray's arrival, and that you would not draw upon the fund unless in case of emergency.

Sir H. Murray has now left for the Colony, and if, on his arrival, you have not found it necessary to draw the whole of the sum placed to your credit, you should arrange for the transfer of any balance to his account, so that the whole amount expended may be accounted for in one account by him.

I enclose, for your information, a copy of the instructions§ given to Sir H. Murray.

I have, &c.,
RIPON.

No. 12.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

SIR, Downing Street, March 23, 1895.

WITH reference to my Despatch of the 22nd instant,|| forwarding a copy of the instructions issued to Sir Herbert Murray, as Special Commissioner for the Relief of Distress in Newfoundland, I have the honour to transmit to you, for your information, and for communication to him, copies of correspondence¶ that has passed with the Bank of Montreal respecting a sum of 15,000*l.*, which has been advanced to his credit here, in addition to the sum of 5,000*l.*, which was remitted to you for the same service through the Treasury Chest Officer at Halifax.

I have, &c.,
RIPON.

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* No. 2. † No. 6. ‡ No. 7. § No. 9. || No. 11. ¶ Not printed.

CROFTER COLONISATION.

SIXTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND;

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
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BY EYRE AND SPOTTISWOODE,
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COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY:

WE, the undersigned Commissioners appointed under Your Majesty's Sign Manual for the purpose of carrying out a scheme of colonisation in the Dominion of Canada, of crofters and cottars from the Western Highlands, and the islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to Your Majesty the following Report:—

Reports have been received from the agent of the Board in Canada, relating to the settlements at Killarney, in Manitoba, and at Saltcoats, in the North-West Territories, for the year 1894. The former was established in the summer of 1888, prior to the constitution of the Board, and the latter in the spring of 1889, most of the families also being selected before the first meeting of the Board.

Statements are appended containing extracts from the agent's reports (Appendix A.) and statistics (Appendix B.) showing the position of the settlements in 1894, the acreage under various crops, live stock on the farms, and other information.

The Killarney Settlement.

There are 55 homesteads under cultivation in the Killarney Settlement—17 of the settlers are between the ages of 20 and 30; 25 between 30 and 40; 4 between 40 and 50; 7 between 50 and 60; and 1 over 60. Altogether the settlement numbers about 160 persons.

The area under cultivation in 1894 was 2,282½ acres, and the additional area broken and under summer fallow was 1,237½ acres, a total of 3,520 acres. Dividing this area among the 30 families forming the settlement the average is 117 acres per family. It includes 1,065 acres under crop and in summer fallow, on the homesteads of 21 younger members of the various families, an average of about 50 acres each.

The report of the agent of the Board explains the cause of the indifferent crops obtained in 1894. In other parts of the Province the farmers appear to have been more successful with their crops, a higher yield being obtained than in the case of the crofter settlement. The quality of the wheat, although small in quantity, was, with a few exceptions of the best grade.

The settlers have acquired 49 horses, many of which were purchased under chattel mortgages. Some of the oxen and cows originally supplied to the crofters have been

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exchanged by them in their transactions for the purchase of horses and other stock, and only 10 oxen and 4 cows of those originally supplied now remain. The settlers have acquired, in various ways, other stock consisting of 55 oxen, an increase of 31 over 1890; 71 cows, an increase of 46; 44 heifers, 14 steers, and 10 bulls, and 138 pigs. The number of chickens owned by the various families is 1,221. Some of the horses, and horned stock, are encumbered by mortgages, but the larger proportion, especially of the latter, are reported by the agent as belonging to the wives or younger members of the families, and are, therefore, not available for seizure by the creditors of the crofters, in so far as the debts incurred by the heads of the families are concerned.

The families in the settlement have cut 890 tons of hay for the use of the stock in the winter.

The considerable debts owing to storekeepers and implement makers, which have been referred to in previous reports, continue to retard the progress of the settlers, and it is not easy to see how those obligations can be readily met. To storekeepers ,the debts due by the heads of the families amount to $9,072·77, and to implement makers $5,487·28; and, in the cases of younger members of the families, the similar debts incurred amount to $3,257 and $2,571·87 respectively, or a total altogether of $20,388·92. This is a slight decrease as compared with the previous year.

The amount of these debts per family varies considerably, and the settlers in the north-eastern part of the settlement (Nos. 22 to 33) have not incurred nearly as much debt as those nearer Killarney. The former were also able to dispense with the assistance of seed grain, which some years ago was supplied to the other settlers by the municipal authorities.

It is not known how the crofters have been able to obtain so much credit, but it has certainly been a great disadvantage to them, and prejudicial to their interests. The facilities accorded to them, by the local storekeepers and by implement makers, for getting into debt have apparently only been too readily accepted, against the strong advice of the agent of the Board. In consequence, their independence has not developed, and it is feared that they have not exercised proper economy.

Only two explanations of the action of the storekeepers and implement makers, who were urged not to grant credit, seem to be admissible. One is that they expected the crofters would be able to clear off the debts, and the other that the Colonisation Board would sooner or later pay the amounts. As neither of these anticipations have proved correct, the position is that the crofters are burdened with heavy debts, the interest upon which, as well as the payment of the principal, has been, and must continue, a source of embarrassment to them.

That there was no necessity for the debts to be incurred is indicated by the fact that only two of the fourteen heads of families remaining in the Saltcoats Settlement have contracted debts to storekeepers, the amount being $58; and that only 3 families (including the two already mentioned) owe implement makers anything, the obligations being $152·67, or a total of $210·67. The other heads of families have no indebtedness of the kind, and the same remark applies to the nine younger members of the families, who have taken up homesteads.

In addition to the obligations already referred to, the municipal taxes owing by the settlement up to 1893, after deducting $164·04 paid on account, amounted to $1890·71, to which must be added the taxes for 1894. There is also an amount of $1050·95 due to the municipality for seed grain supplied to the crofters in the Lewis portion of the settlement a few years ago.

Thirty-five of the 55 homesteads have been nominally sold by the municipality for taxes, and unless the crofters redeem them before the middle of May next, which they can do on paying the taxes and interest and expenses, it will be necessary for the Board to consider what should be done in order to maintain their security. Most of the crofters promised in 1893 to pay their municipal taxes, but only one has done so. The taxes and interest on the homesteads that have been sold up to 1894 amount to $2,054·16, after deducting sums paid on account amounting to $392. It is right to state that 12 of the crofters have paid their taxes since 1892, when the land was sold, in full, and that others have made payments on account, but that only five of the crofters have paid the arrears. These remarks apply only to the position of the settlement in the municipality of Turtle Mountain. None of the farms in the Argyle municipality have been sold.

The first payment to the Board should have been made, in some instances in November 1892, and in others in November 1893, but except in the case of one settler no money has been paid. No repayments were required for the first four and a half years from the date of settlement, and the payment required from the heads of families for the succeeding eight years amounted to less than 10*s*. per week. The annual instalment payable by the young men is much less. The farms of 160 acres were to be transferred to the crofters at the end of the period.

Every consideration has been shown to the crofters from the commencement. Although they were sent out rather late in the year of 1888, and consequently were not enabled to do as much as they might have done that season had they arrived at Killarney two or three months earlier, they were, however, assisted during the first winter, and the obligations they incurred to storekeepers and others were advanced by the Board to the extent of between 400*l*. and 500*l*. Several of the younger members of the families were also assisted to take up land, in the neighbourhood of the homesteads of the heads of families, and altogether a larger sum was expended upon the settlement than was originally contemplated.

Most of the crofters have obtained work outside their own farms, and in many cases have been assisted by their families. This is shown by their being able to continue on their farms, although not in a position to obtain further credit, and by the horses and stock they have acquired, most of which, as already stated, have been placed in the names of the wives or the younger members of the families.

The causes which have tended to interfere with the progress of the settlement, in addition to the unnecessary indebtedness so recklessly incurred, have been indifferent farming and the unprecedented low prices of agricultural produce. Since the settlement was established, the value of grain has decreased more than 50 per cent. and the price of stock has also fallen off. The prevailing depression in agriculture, existing all over the world, has been felt to a certain extent in Manitoba, and is not confined to the crofters, although their position is less favourable than it would have been, had they shown proper regard for their own interests and for those of the Board.

The Saltcoats Settlement.

Of the 23 settlers at Saltcoats, 8 are between the ages of 20 and 30; 4 between 30 and 40; 7 between 40 and 50; and 4 between 50 and 60. The settlement contains about 90 persons.

They had 272 acres under cultivation in 1894, as compared with 188 in 1890, an average of less than 20 acres for each homestead, and the value of their crops was only $652·20.

They have been disappointed by their non-success in arable farming in previous years, but, in any case, they have hardly done so well as other settlers in the neighbourhood.

The Saltcoats settlers have gone more largely into stock-raising than those of Killarney. Apart from the cattle belonging to the Colonisation Board in the possession of the settlers, they have 9 horses, 198 head of stock, as well as 6 pigs, 7 sheep, 492 chickens, and 46 turkeys. Nine of the settlers have each 10 head of stock and under, the herds of the remaining fourteen ranging from 10 to 21 head each. As at Killarney, most of the stock is stated to belong to the wives or the younger members of the families.

In the matter of indebtedness, the settlers have not been encouraged by the storekeepers or implement makers to run into debt as at Killarney, and, as already pointed out in a previous paragraph, the total indebtedness of the settlement in that respect is only $210·67, divided among three of the families. The agent does not say anything about indebtedness for municipal taxes, so it is presumed that they have either not been charged such taxes, or have paid their debts of that nature.

The first payment of the instalments became due in some cases in November 1893, and in others in 1894, but no payments have as yet been made.

The remarks as to the easy nature of the amounts payable at Killarney, as to extra assistance rendered by the Board to younger members of the families, and as to the effect of the prevailing low prices of produce, apply also in a general way to Saltcoats, where the crops have not been so good as in Southern Manitoba. It may be added also that the settlement is not situated so favourably as Killarney in the matter of the demand for labour, although the crofters have had sources of revenue open to them not available to those at Killarney.

Conclusions.

While the settlements have not prospered to the extent that was expected, and was quite possible, had the settlers availed themselves of the opportunities afforded to them, they ought both to be, and, so far as the Board is concerned, re , self-supporting, although much hampered by the obligations that have been incurred. If the settlers at Killarney could find some means of disposing of their indebtedness other than that to the Board they should be in as good a position, to say the least, as any other farmers in the country; but it cannot be said that the expenditure of any further Imperial funds on the settlement would be justified.

In considering the position of the settlements, the general agricultural depression must however be remembered.

The details of the scheme, arranged before the constitution of the Board, have been found to be fairly satisfactory, but are believed to be capable of amendment, both in the interests of the crofters and of the Board; and the experience that has been obtained will prove to be most valuable in connexion with any further experiments of the kind.

All of which we humbly submit to Your Majesty's gracious consideration.

(Signed) GEORGE OTTO TREVELYAN.
HORACE PLUNKETT.
CHARLES TUPPER.
JAMES KING.
COLIN SCOTT-MONCRIEFF.
JOHN ROSS OF BLADENSBURG.
JAMES BELL.
THOMAS SKINNER.

J. G. Colmer, Secretary.
April 1895.

APPENDIX A.

I.—Extract from the Report of the Agent of the Board respecting the Killarney Settlement.

I beg to inform you that the reports on the Killarney Settlement have been sent to you, under separate covers, by registered mail.

The various statements have been compiled with the view of showing the fullest possible information, in what is hoped may be found a convenient form for reference. They contain a record of the lien number, name, age, and location of each settler, together with the name and age of each member of the family; also the number of acres under cultivation of wheat, oats, and potatoes, average and yield per acre, market value of the same; also total acres under cultivation, breaking, back-setting, and summer fallow, done during the year; grand total of acres ready for cultivation for the spring of 1895, as well as the live stock on farms, value of improvements, &c. on each homestead, present approximate value of homestead, total approximate value of the Board's security, debts owing, and general remarks.

A comparative statement has been added for the years 1890 and 1894.

From this it will be seen that the total acres brought under the plough in 1890 was 2,279¾, and for 1894, 3,520, an increase of 1,240¼, or an average of 64 acres to each settler. This statement further shows that the total acres under cultivation for 1890 was 1,420¾, and for 1894, 2,282½, an increase of 861¾ acres. In 1890 the acreage under wheat was 1,336¾ acres, with an average yield of over 15 bushels, and in 1894, 1,957 with an average yield of a little over 11 bushels to the acre. In 1890 the acreage under oats was 74 acres, with an average yield of 39 bushels per acre, and in 1894, 298 acres, with an average yield of over 14 bushels to the acre. The number of acres under potatoes in 1890 was 10, with an average yield of 176 bushels to the acre, and in 1894, 27½, an increase of 17½ acres, with an average yield of 183 bushels to the acre.

The low average yield of grain in 1894 is largely owing to the absence of rain in the early part of the season.

The quality of wheat, however, with very few exceptions, was of the best.

The cause of the crofters sowing so small an area of wheat and oats in 1894 is attributed principally to the low prices of grain during the previous year, and to the fact that the settlers are beginning more fully to recognise the necessity of sowing wheat on land previously prepared for the purpose. The summer fallowing (estimated at over 1,000 acres) now ready for the season of 1895 should repay each settler for the forethought and trouble taken.

The average price received by the crofters, for crops, during the season of 1894, was—wheat, 40 cents, oats, 15 cents, and potatoes, 20 cents per bushels.

It will be further observed that in 1890 the crofters had purchased 1 horse, and in 1894 they had in their possession 49, an increase of 48 horses. In 1890 the number of oxen (I.C.B.) were 57, and in 1894, 10, a decrease of 47. Again, in 1890, they had purchased 24 oxen, and in 1894, 55, an increase of 31 head. Cows (I.C.B.) in 1890 numbered 37, and in 1894, 4, a decrease of 33. Cows purchased by the crofters in addition to those supplied by the Board in 1890, numbered 25, and in 1894 this number was increased by 46, making a total of 71 cows. The number of young stock, &c. is as follows:—Heifers, 1890, 50; 1894, 44, a decrease of 6. Steers, 1890, 37; 1894, 14, a decrease of 23. Bulls, 1890, 5; 1894, 10, an increase of 5. Poultry, 1890, 813; 1894, 1,221, an increase of 408. Pigs, 1890, 38; 1894, 138, an increase of 100. The cause of the large decrease in the live stock originally supplied to the crofters is accounted for generally by death amongst the stock.

Municipal Taxes.

As you have already been informed, the lands sold for municipal taxes were purchased on the 17th May, 1893, by the municipality of "Turtle Mountain." The law regarding tax sales, which applies, is briefly as follows: The crofters, or the Board, have the right to redeem these lands at any time within two years, from date of sale, upon paying the taxes, cost of advertising and a penalty of 10 per cent., if redeemed within one year from sale and of 20 per cent. if redeemed within two years. The lands were sold under a power enabling municipalities to buy land under section 164 of the Municipal Assessment Act, and further, unless they are redeemed within two years, neither the crofters nor the Board have any claim whatever to the land, or to any purchase money derived from the sale thereof, by the municipality.

General Remarks.

Every crofter in the settlement was personally requested by the agent for the amount due to the Board on account of principal and interest, and their respective replies will be found in the individual reports.

II.—Extract from the Report of the Agent of the Board respecting the Saltcoats Settlement.

I beg to inform you that the reports on the Saltcoats Settlement have been sent to you, under separate covers, by registered mail.

The various statements have been compiled with the view of showing the fullest possible information, in what is hoped may be found a convenient form for reference. They contain a record of the lien number, age, name, and location of each settler, together with the name and age of each member of a family; the number of acres under cultivation of wheat, oats, and potatoes, acreage and yield per acre, market value of the same, total acres under cultivation; breaking, back-setting, and summer fallow done during the year, and grand total of acres ready for cultivation for spring of 1895; as well as the live stock on farms, value of improvements, &c. on each homestead, total approximate value of the Board's security, debts owing, and general remarks.

A comparative statement has been added for the years 1890 and 1894. From this it will be seen that the total acres brought under the plough in 1890 was 188, and for 1894, 272, an increase of 84, or an increase of over 11 acres to each settler. This statement further shows that the total acres under cultivation for 1890 was 129, and for 1894, 121¼, a decrease of 7¾ acres. In 1890 the number of acres under wheat was 47¼, with an average yield of nearly 16½ bushels to the acre, and in 1894, 41 acres, with an average yield of over 11½ bushels to the acre. In 1890 the acreage under oats was 73¼ acres, with an average yield of a little over 23 bushels to the acre, and in 1894, 67 acres, with an average yield of nearly 13 bushels to the acre. The number of acres under potatoes in 1890 was 8½, which yielded 1,480 bushels, and in 1894, 13¼, an increase of 4¾ acres, with a total yield of 1,646 bushels.

The low average yield of grain in 1894 is largely owing to the absence of rain (from the 24th July until harvest time), and to gophers. The quality of the wheat, however, with few exceptions, was of the best.

The cause of the crofters sowing so small an area of wheat and oats (1894) is attributed to the low price of grain during the previous year, and to the fact that the settlers are beginning to recognise the necessity of sowing wheat on land previously prepared for the purpose.

The average price received by the crofters for crops raised during the season of 1894 was, wheat 40, oats 15, and potatoes 20 cents per bushel.

In 1890 the crofters had no horses, while in 1894 they have in their possession 9 horses. In 1890 the number of oxen, I.C.B., were 28, and in 1894, 27, a decrease of one ox. Again, in 1890, they had no other oxen than those supplied to them by the Board, while in 1894 they have 8. Cows, I.C.B., 1890, numbered 19, and in 1894, 31, an increase of 12. Cows purchased by the crofters, in addition to those supplied by the Board, in 1890 numbered 6, and in 1894 this number was increased to 55, an increase of 49 cows. The number of young stock is as follows:—Heifers, 1890, 15; 1894, 67, an increase of 52. Steers, 1890, 14; 1894, 62, an increase of 48. Bulls, 1890, 1; 1894, 6, an increase of 5. Poultry, 1890, 176; 1894, 492, an increase of 316. Pigs, 1890, 0; 1894, 6. Turkeys, 1890, 0; 1894, 46. Sheep, 1890, 0; 1894, 7.

In 1890 the crofters put up 291 tons of hay, and in 1894, 666 tons.

APPENDIX

KILLARNEY

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation of								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
					$ c.			$ c.			$ c.
1	—	William McLeod -	43	430	172 00	7	105	15 75	1	132	26 40
—	34	Malcolm McIver -	—	—	—	—	—	—	—	—	—
2	—	Donald McDonald -	60	720	288 00	19	190	28 50	1	143	28 60
—	54	Samuel Graham -	16	144	57 60	—	—	—	—	—	—
4	—	John McKay - -	12	144	57 60	—	—	—	1	123	24 60
5	—	Norman Graham -	40	320	128 00	5	60	9 00	1	104	20 80
—	35	William McLeod -	50	700	280 00	—	—	—	—	—	—
6	—	John Nicholson -	80	800	320 00	30	360	54 00	1	127	25 40
—	36	John MacLean -	30	240	96 00	—	—	—	1	100	20 00
—	56	Murdo McLeod -	—	—	—	—	—	—	—	—	—
7	—	John Campbell -	50	600	240 00	10	130	19 50	½	67	13 40
—	37	Angus Graham -	40	400	160 00	6	138	20 70	½	72	14 40
8	—	John McKenzie -	40	320	128 00	8	120	18 00	1	107	21 40
9	—	John McLeod -	14	140	56 00	—	—	—	1	123	24 60
—	39	William MacLeod -	20	200	80 00	—	—	—	—	—	—
—	40	John MacLeod - -	60	780	312 00	5	60	9 00	—	—	—
—	57	Lewis MacLeod -	10	120	48 00	5	60	9 00	—	—	—
10	—	Kenneth McAuley -	36	360	144 00	6	90	13 50	½	73	14 60
—	53	John McAuley - -	—	—	—	—	—	—	—	—	—
—	73	Neil Munro -	20	240	96 00	—	—	—	—	—	—
11	—	Angus McDonald -	50	500	200 00	15	210	31 50	½	69	13 80
—	58	John McKenzie -	—	—	—	—	—	—	—	—	—
13	—	Angus McLeod -	30	300	120 00	—	—	—	½	71	14 20
—	41	Donald McLeod -	40	320	128 00	10	190	28 50	—	—	—
14	—	John Morrison - -	60	600	240 00	5	65	9 75	½	59	11 80
—	59	Murdo Morrison -	40	440	176 00	—	—	—	—	—	—
15	—	John Graham - -	26	364	145 60	6	120	18 00	½	61	12 20
—	60	John Graham - -	—	—	—	—	—	—	—	—	—
16	—	Allen McLeod - -	40	480	192 00	10	150	22 50	1	92	18 40
—	42	Murdo Stewart - -	50	600	240 00	—	—	—	—	—	—
17	—	John G. McKenzie -	40	400	160 00	10	150	22 50	1	104	20 80
—	43	Donald McKenzie -	40	480	192 00	10	150	22 50	—	—	—
—	61	Kenneth McLeod -	20	240	96 00	—	—	—	—	—	—
18	—	William McDonald -	10	120	48 00	3	45	6 75	½	67	13 40
—	44	Donald Murray -	50	550	220 00	—	—	—	1	99	19 80
—	55	Alexander McDonald	—	—	—	—	—	—	—	—	—

B.

CROFTERS.

IN THE INDIVIDUAL CROFTERS' REPORTS, 1894.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, Summer Fallow, 1894.	Grand Total for 1895.	Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
51	45	96	1	—	2	—	2	2	1	—	33	2	17	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Abandoned.
80	12	92	2	—	—	—	3	—	1	1	51	5	25	
16	24	40	—	—	3	—	—	—	—	—	—	—	15	
13	30	43	—	—	2	—	1	1	—	—	70	5	25	
46	24	70	—	—	3	—	1	4	—	—	81	2	25	
50	20	70	—	—	2	—	2	2	—	1	—	—	20	
111	39	150	3	—	—	—	2	1	1	1	110	10	35	
31	19	50	—	—	2	—	1	1	1	—	55	2	15	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	
60½	14½	75	—	2	1	—	3	2	—	1	15	4	19	
46½	24½	71	2	—	2	—	1	—	—	—	18	4	25	
49	21	70	2	—	—	—	1	1	—	—	35	2	25	
15	30	45	—	—	2	—	2	1	1	—	32	4	25	
20	—	20	—	—	—	—	—	—	—	—	—	—	—	
65	5	70	2	—	1	—	1	—	—	1	—	—	20	
15	40	55	—	—	—	—	—	1	—	—	15	—	—	
42½	42½	85	—	—	2	—	2	2	—	—	40	3	20	
—	50	50	—	—	—	—	—	—	—	—	—	—	—	
20	20	40	—	—	—	—	—	—	—	—	—	—	—	
65½	24½	90	2	—	—	—	1	1	—	1	35	16	22	
—	30	30	—	—	—	—	—	—	—	—	—	—	—	
30½	29½	60	—	—	—	—	1	—	—	—	40	—	20	
50	15	65	6	—	—	—	1	—	—	—	—	—	35	
65½	20½	86	2	—	—	—	1	—	1	—	15	—	15	
40	15	55	—	—	2	—	1	—	—	—	—	—	12	
32½	25½	58	—	—	2	—	2	—	—	—	60	1	12	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	
51	24	75	—	—	—	—	1	—	—	—	—	—	12	
50	25	75	—	—	—	—	1	—	—	—	—	—	5	
51	19	70	1	—	2	—	1	—	—	—	—	—	18	
50	—	50	—	—	—	—	2	2	—	—	—	—	15	
20	30	50	—	—	2	—	—	—	—	—	—	—	10	
13½	49½	63	—	—	2	—	1	—	1	—	19	—	20	
51	14	65	—	—	2	—	2	—	1	—	22	—	21	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Abandoned.

Lien Number.		Names.	Number of Acres under Cultivation of								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
					$ c.			$ c.			$ c.
19	—	Murdo Graham -	40	360	144 00	5	60	9 00	1	105	21 00
21	—	Norman McKenzie -	30	420	168 00	5	70	10 50	1	107	21 40
—	45	William McKenzie -	35	350	140 00	5	60	9 00	½	67	13 40
—	62	James McIver - -	10	100	40 00	—	—	—	1	90	18 00
22	—	John McDonald -	40	480	192 00	5	60	9 00	½	53	10 60
—	46	Norman McDonald -	20	240	96 00	-	—	—	1	98	19 60
—	64	Duncan McDonald -	20	240	96 00	—	—	—	—	—	—
23	—	John McDonald -	50	600	240 00	5	75	11 25	½	63	12 60
24	—	Angus McLeod -	60	720	288 00	10	150	22 50	½	61	12 20
25	—	Angus Morrison -	50	600	240 00	8	120	18 00	½	53	10 60
26	—	Donald McKinnon -	45	540	216 00	20	300	45 00	½	70	14 00
—	67	Catherine McKinnon -	50	600	240 00	—	—	—	—	—	—
27	—	Donald Stewart -	70	840	336 00	5	75	11 25	1	123	24 60
28	—	Ronald McKay -	80	960	384 00	20	300	45 00	1	100	20 00
29	—	Dugal McKenzie -	40	480	192 00	10	150	22 50	1	117	23 40
30	—	Roderick McKay -	40	480	192 00	10	150	22 50	½	71	14 20
31	—	Bannatyne McKinnon	45	540	216 00	10	150	22 50	½	62	12 40
32	—	Kenneth McLeod -	50	350	140 00	10	150	22 50	½	63	12 60
33	—	John Fraser - -	65	845	338 60	—	—	—	1	111	22 20
			1,957	21,797	$8,718 80	298	4,263	$639 45	27½	3,207	$641 40

RECAPITU-

KILLARNEY

1890 AND

Assisted Settlers, 1890 = 70. „ „ 1894 = 55.	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking, Backsett, Summer Fallow.	Grand Total.
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
For year 1894 - - -	1,957	21,797	298	4,263	27½	3,207	2,282½	1,237½	3,520
„ 1890 - - -	1,336¾	20,324	74	2,168	10	1,761	1,420¾	859	2,279¾
Increase - - -	620¼	1,473	224	2,095	17½	1,446	861¾	378½	1,240¼
Decrease - -	—	—	—	—	—	—	—	—	—

B.—*continued.*

Grand Total of Acres under Cultivation.	Breaking, Backsetting, Summer Fallow, 1894.	Grand Total for 1895.	Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
46	24	70	—	—	3	—	3	2	—	1	23	5	26	
36	40	76	—	2	2	1	2	2	—	1	27	3	15	
40½	24½	65	—	—	—	—	1	3	—	—	20	1	10	
11	4	15	—	—	—	—	—	—	—	—	6	1	—	
45½	24½	70	—	—	2	1	—	1	—	—	34	—	20	
21	19	40	—	—	2	—	1	—	—	—	—	2	10	
20	—	20	—	—	2	—	1	—	—	—	—	—	5	
55½	14½	70	2	—	2	—	1	1	—	—	15	4	22	
70½	29½	100	—	—	2	—	3	2	—	1	40	7	15	
58½	36½	95	1	2	—	—	5	1	2	—	30	9	25	
65½	4½	70	3	—	—	—	2	2	1	—	36	10	20	
50	20	70	—	—	—	—	—	—	—	—	—	—	—	
76	44	120	6	—	—	—	3	1	1	1	10	—	25	
101	14	115	2	2	—	—	1	1	—	—	40	6	27	
51	10	61	2	—	2	1	3	2	—	—	10	2	40	
50⅓	38½	89	5	2	—	—	4	2	1	—	67	7	25	
55½	59⅓	115	3	—	2	1	2	1	—	—	47	14	30	
60½	24½	85	—	—	2	—	2	2	1	—	70	7	17	
66	24	90	2	—	—	—	—	—	—	—	—	—	30	
2,282½	1,237⅓	3,520	49	10	55	4	71	44	14	10	1,221	138	890	

LATION.

CROFTERS.

1894.

Live Stock on Homesteads.									Tons of Hay cut.	Remarks.
Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
49	10	55	4	71	44	14	10	1,221	138	890	
1	57	24	37	25	50	37	5	813	38	518	
48	—	31	—	46	—	—	5	408	100	372	
—	47	—	33	—	6	23	—	—	—	—	

G. B. Borradaile,

Agent of the Board in Canada.

APPENDIX

SALTCOATS

1894.

Lien Number.		Names.	Number of Acres under Cultivation, &c. of								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
					$ c.			$ c.			$ c.
—	54	Donald McKay -	—	—	—	—	—	—	—	—	—
—	95	Neil McKay - -	—	—	—	—	—	—	—	—	—
6	—	Donald Morrison -	—	—	—	—	—	—	1	103	20 60
11	—	Charles Docherty -	—	—	—	20	180	27 00	1	143	28 60
—	58	John Docherty -	—	—	—	—	—	—	—	—	—
12	—	Alexander McDonald	—	—	—	—	—	—	½	72	14 40
25	—	Donald McDonald -	—	—	—	—	—	—	½	71	14 20
28	—	Robert McKay -	—	—	—	—	—	—	1	104	20 80
31	—	Donald Morrison -	2	24	9 60	2	32	4 80	1	131	26 20
32	—	John McKay -	5	60	24 00	8	128	19 20	½	69	13 80
—	74	Malcolm McKay -	5	50	20 00	8	120	19 20	½	72	14 40
35	—	Peter Morrison -	—	—	—	—	—	—	1	127	25 40
36	—	Donald McDonald -	—	—	—	—	—	—	½	61	12 20
—	77	Alexander McDonald	—	—	—	—	—	—	—	—	—
—	96	Mary McDonald -	—	—	—	6	72	10 80	¼	38	7 60
37	—	Roderick McKay -	—	—	—	9	144	21 60	1	116	23 20
—	78	Angus McKay -	—	—	—	—	—	—	1	75	15 00
39	—	Ewen McKay -	20	240	96 00	10	120	18 00	1	98	19 60
40	—	Neil McSween -	4	48	19 20	4	64	9 60	1	107	21 40
43	—	Archibald Ferguson -	—	—	—	—	—	—	1	187	37 40
47	—	John McIver - -	5	60	24 00	—	—	—	½	72	14 40
—	85	John McIver - -	—	—	—	—	—	—	—	—	—
—	88	Donald McIver -	—	—	—	—	—	—	—	—	—
14	9	= 23 settlers.	41	482	192 80	67	868	130 20	13¼	1,646	329 20

RECAPITU-

SALTCOATS

1890 AND

Homesteads for	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking, Backsett, Summer Fallow.	Grand Total.
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
Year 1894, settlers 23 - -	41	482	67	868	13¼	1,646	121¼	150¾	272
„ 1890, „ „ - -	47¼	778	73¼	1,700	8½	1,480	129	59	188
Increase - -	—	—	—	—	4¾	166	—	91¾	84
Decrease - -	6¼	296	6¼	832	—	—	7¾	—	—

B.—*continued.*

CROFTERS.

1894.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, Summer Fallow.	Grand Total for 1895.	Live Stock on Homesteads.												Tons of Hay cut.	Improvements, &c. on Homesteads.							
			Horses.	Oxen, I.C.B.	Oxen, private.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Turkeys.	Pigs.	Sheep.		Houses.	Additions.	Granary.	Stables.	Wells.	Waggons.	Ploughs.	Stoves.
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	10	10	—	2	—	2	1	4	—	—	23	—	—	—	23	1	—	—	1	—	1	1	1
1	—	1	—	1	2	3	4	7	8	—	31	—	—	—	41	1	—	—	2	1	½	1	1
21	29	50	3	—	—	—	5	4	4	1	47	18	4	—	101	1	2	1	1	1	½	1	1
—	—	—	—	2	—	—	2	—	—	—	—	—	—	—	15	1	—	—	—	—	1	1	1
½	—	½	—	—	2	1	4	2	—	1	30	4	1	—	40	1	1	—	2	2	½	1	1
½	1½	2	1	1	—	3	5	5	6	1	32	5	—	—	43	1	1	1	1	1	1	1	1
1	—	1	—	—	1	2	4	2	4	—	20	—	—	—	32	1	1	—	1	1	1	1	1
5	—	5	1	—	2	2	3	3	2	—	23	—	—	—	31	1	—	1	1	1	½	1	1
13½	5½	19	—	2	—	1	2	2	2	—	27	5	—	—	23	1	1	1	1	1	1	1	1
13½	5½	19	1	2	—	1	2	4	1	—	17	—	—	—	23	1	—	—	—	—	1	1	1
1	19	20	—	2	—	2	3	3	6	—	40	—	—	—	23	1	—	—	1	1	1	1	1
½	—	½	1	1	—	1	—	3	—	—	—	—	—	—	30	1	1	1	1	1	½	1	1
—	—	—	—	2	—	1	2	3	2	—	—	—	—	—	30	1	—	—	—	—	1	1	1
6¼	3¾	10	—	—	—	1	2	3	2	1	33	—	—	—	10	1	—	—	1	—	½	—	—
10	—	10	1	2	—	2	1	2	3	—	45	—	—	—	27	1	1	—	1	1	1	1	1
1	10	11	—	2	—	1	1	1	1	—	10	—	—	—	15	1	—	—	1	—	1	1	1
31	5	36	—	2	—	1	2	2	1	—	43	14	—	—	23	1	1	1	1	1	½	1	1
9	6	15	—	2	—	3	5	4	6	—	15	—	—	—	55	1	1	1	1	1	1	1	1
1	31	32	1	1	1	1	4	6	2	1	29	—	1	7	41	1	1	1	1	1	½	1	1
5½	4½	10	1	2	—	2	3	3	7	—	27	—	—	—	16	1	2	1	2	1	1	1	1
—	10	10	—	1	—	1	—	2	5	—	—	—	—	—	14	—	—	—	—	—	1	1	1
—	10	10	—	—	—	—	—	2	—	1	—	—	—	—	10	1	—	—	—	—	—	—	—
121¼	150¾	272	9	27	8	31	55	67	62	6	492	46	6	7	666	21	13	9	20	15	17	20	20

LATION.

CROFTERS.

1894.

Live Stock on Homesteads.												Tons of Hay cut.
Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Turkeys.	Pigs.	Sheep.	
9	27	8	31	55	67	62	6	492	46	6	7	666
—	28	—	19	6	15	14	1	176	—	—	—	290
9	—	8	12	49	52	48	5	316	46	6	7	376
—	1	—	—	—	—	—	—	—	—	—	—	—

G. B. BORRADAILE,
Agent of the Board in Canada.

COLONIAL REPORTS.—ANNUAL.

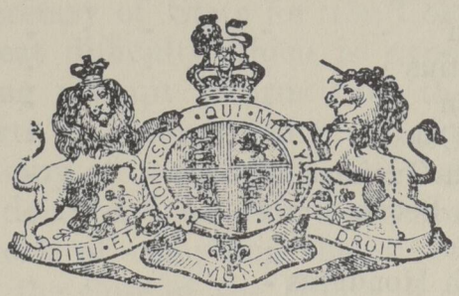
No. 164.

NEWFOUNDLAND.

ANNUAL REPORT FOR 1894.

(For Report for 1893, *see* No. 135 of this Series.)

Presented to both Houses of Parliament by Command of Her Majesty.
May 1896.



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1896.

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5	Bahamas	Sisal Industry.

No. 164.

NEWFOUNDLAND.

[For Report for 1893, *see* No. 135.]

Sir H. MURRAY to Mr. CHAMBERLAIN.

Government House, St. Johns,
March 2, 1896.

SIR,

I HAVE the honour to forward herewith, for your information, the Blue Book of this Colony for the year 1894, together with the Report of the Colonial Secretary thereon.

I have, &c.
H. MURRAY.

REPORT ON BLUE BOOK, NEWFOUNDLAND, 1894.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward you herewith the Blue Book of this Colony for the year 1894, for transmission to the Right Honourable Secretary of State for the Colonies. I regret that, owing to the great difficulty which is experienced by my Department in obtaining prompt returns from the various public offices in the outports, in consequence of the distance and isolated situation of many of the stations, the issue of this information has been long delayed. Another cause for delay is found in the fact that the work of compiling the Blue Book cannot be commenced until after the close of the House of Assembly in the year succeeding that under consideration (in 1895 this occurred in July), as the information required for its compilation is obtained from the statements laid on the table of the House, and printed late in the session.

GENERAL CONDITION OF COLONY.

Notwithstanding the many circumstances which tended to injuriously affect the general prosperity of the Colony during the year 1894, it cannot be said that that year was an altogether disastrous one. The importations were but little short of those of the preceding year, while our earnings, if we can consider the value

NEWFOUNDLAND. 1894.

of our exports as indicating such, amounted to within half a million dollars of those of 1893. Our fisheries yielded returns, in the case of codfish only slightly under, and in the case of other fish-stuffs, much in advance, of 1893. The reduction in the price obtained for those commodities, which has been steadily decreasing for the last five or six years, was in 1894 of a most serious nature, and, in view of its future effect upon the well-being of a Colony whose fisheries have hitherto supported five-sixths of its population, is a matter of the gravest import. The principal cause is the enormous bounty given to French fishermen, which operates most injuriously to the sale of our fish in Mediterranean markets.

A comparison of the fish exports from Newfoundland to the Mediterranean in the years 1894 and 1888 (the year within the last decade in which the total exportation of fish approximates most nearly that of 1894), and of the prices obtained in these years respectively, will show how rapidly bounty-fed fish is displacing ours in these markets, and how far the over-supply has depreciated the price given. In the year 1888 this Colony exported 365,054 quintals of fish, valued at $1,413,914, to Mediterranean ports, in 1894 the corresponding figures were 260,006 quintals and $761,779; the average price per quintal in the former year was $3.87 in the latter $2.93, a falling off of over 28 per cent. in the export and of 94c. in the price per quintal. Another cause for the depreciation in the price obtained for our fish is to be found in the continually over-stocked condition of the markets. So far as this Colony is concerned, this was due to the forced shipments caused by the exigencies of trade which demanded the payment for goods purchased for business purposes; exchange was required to meet these acceptances and could not be obtained from the local banks until cover in the shape of bills of lading was placed in their hands, and so, instead of being in a position to hold stocks for a rise in the markets, the merchant found himself obliged to ship regardless of the condition of these markets.

It is beyond doubt that the financial crisis that occurred shortly before the close of the year can to a large extent be ascribed to the condition of things above indicated. The ill-advised trade competition, and, as stated in his Excellency's speech at the opening of the last session of the Legislature, "the eagerness to accumulate wealth by trading on credit" was the other factor that brought about the insolvency of most of our mercantile houses at that time. Those houses were largely overdrawn in our two local banks and being entirely unable to meet their liabilities their failure occasioned the suspension of those institutions. Excepting the difficulties arising from a lack of a circulating medium and the inability to meet its obligations in consequence of there being no institution through which its business could be conducted, the Government at the time did not suffer to any appreciable extent; the ill effect, so far as it was concerned, would be experienced later, in reduced importation and consequent short revenue. Immediately on the suspension of the Commercial and Union Banks a run commenced on the Government Savings Bank,

although his Excellency the Governor, in the speech above referred to, declared that the Savings Bank was "not affected by the suspension of the other banks," and that there was "not the slightest danger of loss to the depositors in that institution." A complete consciousness of the security of the Bank, the knowledge that its deposits were guaranteed by the Colony, the repeated assurances on the part of the Government that there was not the slightest danger of loss to depositors in that institution—all was of no avail, and the depositors, carried along by the flood of an unaccountable panic, surged at the doors of the Savings Bank in the haste to withdraw their money from an institution which is backed by the whole credit of the Colony.

To all classes was the suspension of the Commercial and Union Banks a disaster, but especially so, in my estimation, to the operative classes, to the fisherman and artizan whose hoarded savings (those of a lifetime in all likelihood) consisted of notes of the suspended banks. To those people the consequences of the failure were of peculiar misfortune, and the sufferings entailed upon them during the ensuing winter, and to be endured for some considerable time to come, will be such as to call for sincere sympathy and most prompt help.

Financial.

No loan was raised during the currency of this year. The revenue of the Colony on current account amounted to $1,641,035. Compared with that of 1893, this shows a decrease of $112,810, the principal items of decrease being Customs' $127,309, Postal $8,544, Light Dues $5,555 ; the increase being on issue of coin $31,637 and rent of dry dock $11,765. The falling off in Customs receipts can reasonably be ascribed to the unsettled state of political affairs which obtained during the summer and autumn, and to the fact that the Revenue Act had expired for some two months before it was re-enacted. An effort was made to enforce the payment of duties without the sanction of law during that period, but there can be no doubt that in many instances, especially in the outports, advantage was taken of the expiration of the Revenue Act to import goods free of duty.

The total expenditure on current account for 1894 was $1,930,204, an increase of $123,104 over that of 1893, the principal items of increase being : Executive Responsibility $10,316, Customs $18,359, Interest on Public Debt $71,317, Police and Magistracy $6,676, Postal Department $14,568, Steam $17,382, Roads $7,140. There was a sum of $306,194 expended under the head of Capital Account. This expenditure, with the exception of that on railway-connecting roads, was really from current account, and it was proposed to reimburse the Treasury to the extent of its advances, by a loan. Outstanding amounts, the accounts for which were not presented until after the close of the year, to the extent of $13,675.87, were carried on to 1895, and became a charge against the revenue for that year. The overdrafts in 1894 for which there was no legislative authority, and which

were expenditures upon executive responsibility, amounted to $283,343.43, and were under the following heads, namely :—

Account.	1894.	Carried into 1895 Account of 1894.	Total.
	$	$	$
Election expenses - -	6,247.33	2,568.60	8,815.93
Executive responsibility - -	21,089.34	—	21,089.34
Lamaline Court House -	801.11	—	801.11
Mundy Pond Road - -	6,741.19	—	6,741.19
Municipal Council - -	18,000.00	—	18,000.00
Public buildings construction -	2,538.50	—	2,538.50
Quidi Vidi Road - -	16,441.93	2,018.12	18,460.05
Queen's Wharf - - -	15,447.42	—	15,447.42
Railway connecting roads -	4,891.55	—	4,891.55
Road Pool's Island to Cape Freels.	1,000.00	—	1,000.00
Road, Donelly's Hill, Harbor Grace.	700.00	—	700.00
St. John's Rebuilding Act -	132,244.28	7,031.89	139,276.17
St. John's Fire Committee -	9,288.47	—	9,288.47
Southside road extension	9,302.50	1,687.26	10,989.76
Roads - - - - -	9,463.94	—	9,463.94
Public works - -	15,530.00	370.00	15,900.00
Total - - -	269,667.56	13,675.87	283,343.43

The statement dealing with the assets and liabilities of the Colony shows that the floating balance against the Colony at the close of 1894 amounted to $1,819,630, including unexpended legislative grants ($357,762).

The Funded Public Debt at the close of the year stood at $9,116,535, as against $8,255,547, having been increased $860,988, made up as follows :—

	$
Railways - - - - -	780,480
St. John's Rebuilding Act - -	80,508
	860,988

This includes the debt due by the St. John's Municipal Council, raised by the Council, the interest being guaranteed by the Colonial Government. With an estimated population of 208,000, the per capita funded debt at the close of the year would be $43.83 and the multiple of Revenue 5.55. With the floating debt added we would, at the close of 1894, owe an amount equal to $52.57 per head of population.

TRADE.

Under the heading "General Condition of Colony," I have dwelt more particularly on the aspect of trade in the Island during the year 1894. I shall therefore confine myself to the following statement having reference to exports and imports.

The total value of imports for 1894 amounted to $7,164,738, of which $2,538,942 worth came from Great Britain, $2,952,046 from British Colonies, and $1,673,750 from foreign countries; for 1893 the figures were, total imports $7,572,669, from Great Britain $2,680,853, from British Colonies $3,127,954, and from foreign countries $1,763,762.

The value of exports for 1894 was, to Great Britain $1,347,425, to British Colonies $1,366,684, to foreign countries $3,097,060, total $5,811,169. Compared with the returns for 1893 this shows an increased value of exports to Great Britain amounting to $43,775, and to the British Colonies amounting to $196,752, and a decreased value to foreign countries of $705,270, the net decrease on the total exports being $469,743.

SHIPPING.

The following comparative statement shows the number of vessels entered and cleared from ports in the Colony for the years 1893 and 1894, viz:—

Year.	Vessels.	Tonnage.	British.	Tonnage.
1893	2,874	852,308	2,622	816,494
1894	2,427	835,987	2,621	876,703

It will be observed from the foregoing that, while British shipping entered and cleared has increased, the falling-off to be noted in connexion with the total number of vessels and their tonnage is due to a reduction in the number of foreign vessels employed in the carrying trade of the Colony.

LEGISLATION.

Owing to the peculiar circumstances under which the Legislature sat in 1894, very little was done in the way of legislation other than that absolutely required to carry on the government of the Colony, viz:—the usual Revenue, Road, Supply, Indemnity, and Contingencies Acts. A Loan Act was passed but was not acted upon. In addition to these the following were passed:—

Cap. I. (First Session) Abolished the practice of engrossing public documents on parchment.

Cap. III. Amends the original Act authorising the loan of $100,000 for the construction of branch lines of road to connect with the railway.

Cap. IV. Provides for the exchange of debentures for debentures lost or destroyed.

Cap. VI. Appoints Commissioners for Quidi Vidi Park.

Cap. VII. Provides that operators on telegraph lines shall be sworn to secrecy.

NEWFOUNDLAND. 1894.

EDUCATION.

There is nothing of special importance to report upon under this head. 605 schools were in operation, including colleges and higher schools, with a roll attendance of 35,501; in 1893 the figures were, respectively, 576 and 34,337.

The total expenditure, including legislative grants, fees, and voluntary contributions, amounted to $147,544.

FISHERIES.

This subject has been more particularly referred to under the head of "General Condition of the Colony." I shall therefore confine myself to a few statements showing the results of the several branches of this industry for the years 1893–94.

Seal Fishery.

	1893.	1894.
Number of skins -	175,478	284,460
Tuns of oil - - -	2,932	4,063
	$	$
Value of skins - -	116,704	227,568
Value of oil - -	205,240	276,284
Total -	321,944	503,852

The result shows an increase in the value of the products of this fishery exported of $181,908.

Cod Fishery.

Including exports from Labrador—

1893.

Dried, qtls. 1,160,335, value -	4,328,499
Other - - - - -	27,167
Cod oil, tuns 3,003 - - -	216,384
Total -	4,572,050

1894.

Dried, qtls. 1,107,696, value -	3,703,338
Other - - - - -	21,594
Cod oil, tuns 3,783 - - - -	264,810
Total -	3,989,742

A serious decrease in the value of our chief industry is here indicated, due entirely, as I have remarked elsewhere, to the reduction in the price obtained for our fish in foreign markets.

Herring Fishery.

1894.

——	Barrels.	Value.
		$
Pickled - -	78,376	197,551
Frozen - - -	56,907	56,907
Total -	135,283	254,458

1893.

——	Barrels.	Value.
		$
Pickled - -	60,332	181,094
Frozen - - -	46,883	46,883
Total -	107,215	227,977

An increase of 28,068 barrels, valued at $26,481, over 1893.

Salmon Fishery.

1893.—3,499 tierces, value $55,984.
1894.—3,216 tierces, value $51,483.
A slight decrease.

Lobster Fishery.

1893.—Preserved, 1,699,344 lbs., value $265,522.
1894.—Preserved, 2,306,688 lbs., value $312, 364.

The catch of lobsters in 1894 was much in excess of that of 1893, but the smaller price obtained for this commodity nearly neutralized the benefits which it was thought would be realised from the increased catch.

The other fishing industries of the Colony are too unimportant to call for comment.

The total value of fishery products was in 1894, $5,141,221, as against $5,466,911 in 1893; to this may be added the sum of $750,000 for home consumption, giving a total yield for 1894 of about $5,900,000.

NEWFOUNDLAND. 1894.

LUMBERING.

It affords me much gratification to again report most favourably upon this branch of our industries. Its expansion has been most rapid, as the following comparative statement will show.

Year.	M feet.	Valued at
		$
1888	30	360
1889	5	50
1890	1,329	21,180
1891	1,431	28,620
1892	2,355	47,100
1893	3,073	45,986
1894	6,357	82,641

The above gives the amount exported, but in addition to this a very large quantity is annually used for home consumption.

In this connexion I would observe that the amount of timber which has been destroyed by forest fires in this Colony is exceedingly large, and can only be appreciated by those who have travelled much in the interior. Forest fires are no doubt due occasionally to lightning, but most of them are traceable to the carelessness of hunters and travellers. In the partially inhabited regions, fires originate by the settlers burning brush and logheaps in clearing the land. The question has arisen as to whether anything can be done to prevent this destruction of the timber of the country. There is a law upon the Statute Book which deals with the subject, but no adequate means have heretofore been provided for enforcing it. It is considered that the appointment of conservators or forest guardians whose duties, in addition to preventing the destruction of the timber by fire and otherwise, might be directed to promoting the growth of existing timber, checking the stumpage upon granted areas and preventing encroachments upon ungranted Crown lands, will undoubtedly repay the cost that will be entailed. These officers will have the power to arrest or lay information against persons suspected or known to have wilfully, or by their negligence, set fire to the woods. As matters now stand, many guilty persons are allowed to escape through the reluctance or fear which disinterested or private individuals may have in regard to informing against them.

MINING.

The principal ores exported during the year were copper, viz.: Ingots, regulus and green ore, and iron pyrites. Of the former there were 28,842 tons, valued at $236,235, and of the latter 40,582 tons, valued at $285,474. The total value of our exports under this head was $116,420 less than in the year previous. This may be accounted for by the low price of copper in the English markets.

The indications of copper are quite numerous in the section north of Bonavista Bay, namely, Notre Dame Bay and White Bay. The most important of these, from a commercial standpoint, are the celebrated mines at Tilt Cove, Little Bay, and Betts Cove, which were worked extensively some ten or fifteen years ago, but two of which have been idle for several years. Lately the Tilt Cove property has changed hands and the Company have begun a thorough exploration of the mine ; old levels are being extended and new ones driven. The exports of copper during the year were exclusively from this mine. The export of asbestos has so far been insignificant, but the work of developing those deposits is steadily progressing and with most encouraging results.

I have, &c.

R. BOND,
Colonial Secretary.

His Excellency
Sir Herbert H. Murray, K.C.B.,
&c &c. &c.

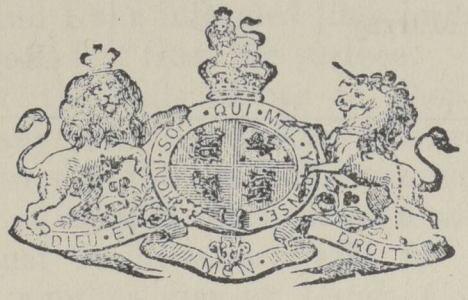
COLONIAL REPORTS.—MISCELLANEOUS.

No. 7.

NEWFOUNDLAND.

MINERAL RESOURCES OF THE COLONY.

Presented to both Houses of Parliament by Command of Her Majesty.
August 1896.



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1896.

[C.—8189.]

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No. 7.

NEWFOUNDLAND.

Mineral Resources of the Colony.

No. 1.

Sir H. Murray to Mr. Chamberlain
(Received January 13, 1896.)

Government House, St. John's, Newfoundland,
December 27, 1895.

Sir,

With reference to a conversation I had with you before I left England on the subject of the mineral resources of this Island, and with reference to the instructions which you then gave me on the subject, I now forward a report from Mr. Howley, the head of the Geological Survey of the Island, on the mineral formation of Bell Island in Conception Bay.

2. I also forward plans of the Island in illustration of the report; and some specimens of the ore picked up by chance are also forwarded.

3. It will be seen by the report that part of the minerals of the Island have been leased to a Canadian company; the portion under lease to them is marked in the plan by the dotted black lines; but the minerals in the western portion of the Island are still unlet: they are, I understand, in the hands of about four individuals.

4. In working the minerals on this Island there seem to be two main advantages:—

1. The ease with which the ore is obtained, it being close to the surface; the bed which the Canadian company is now working is so, and I am informed that in bed No. 1 the ore is less than two feet from the surface.
2. The proximity of the beds of ore to deep water. The Canadian company have constructed the necessary works to enable them to ship the ore in the manner described in the report at what is marked on the plan as the "Loading Pier"; but equal facilities are said to exist for the construction of another pier at Lance Cove, and a pier built there would be rather more sheltered than the one at "Loading Pier," partly owing to the lie of the Island itself and partly owing to the protection given by the two small adjacent islands.

5. I do not know whether the ease with which the ore can be obtained and shipped would compensate for the cost of freight across the Atlantic so as to enable it to compete with the Spanish and other ores in European markets, but I forward the report in the hope that you may think it worth while to draw the attention of the Crown Agents to the facts in connection with these minerals,

o 92780. Wt. 20348.

NEWFOUNDLAND. MINERAL RESOURCES.

so that they may be brought to the knowledge of London capitalists.

6. In expressing this hope I am aware, though I regret it, that owing to the ease with which the ore can be obtained the working of the mine will not lead to the employment of any large amount of labour, employment which it is so desirable to obtain for this Colony; the mine now being worked by the Canadian company hardly employs the spare labour already existing on the island, but if it is worked by an English company that company may gradually extend its operations to other minerals in the Colony.

7. Any exports of ore from this Colony are at present handicapped with the duty which it has to meet on its importation into Canada, and I think also into the States.

8. Any communication on the subject of the mines which are in the market in Bell Island might be addressed to the Rev. Father Magrath, Manuels, Newfoundland.

I am, &c.

H. MURRAY.

Enclosure 1 in No. 1.

Geological Survey of Newfoundland,
St. John's, Newfoundland,
December 12, 1895.

SIR,

YOUR request for a special report upon the mineral characteristics, &c. of Bell Island in Conception Bay, necessitated a visit to that locality, and several days' close investigation of its structure. It is now over twenty-five years since an examination of the island was made, long before its iron deposits were considered to be of commercial value, although their existence was known as far back as the beginning of this century. Anspach in his history, published in 1819, mentions the fact of "an iron mine occurring at Back Cove, Bell Island."

The following report of the result of the recent examination will, I hope, meet the approval of the Government.

Great Bell Island forms the largest and most easterly of the group of three, viz:—Great and Little Bell Islands and Kelly's Island, which occupy a position in the Bay of from three to five miles off its southern shore. It is of an oblong form, six miles long by an average of two miles wide, thus giving a total superficial area of twelve square miles. The shores of the island are for the most part very abrupt, presenting mural cliffs all round, except at two points on the southern side of the island, Bell Island beach, and Lance Cove, where the principal settlements are located. The cliffs range from 100 to 300 feet in height, and the highest elevation on the island, inland, reaches 495 feet. The contour of the surface is comparatively level or rolling, consisting of low rounded parallel ridges with valleys between. They tend generally obliquely across the island, in an east by north and west by south direction, magnetic. Though much of the surface

Broad Cove
Salmon Cove
CONCEPTION BAY
Carbonear
Harbour Grace
Spaniards Bay
Bay Roberts
Bay de Grave
GREAT BELL ISLAND
The Beach
Portugal Cove
The Bell
Lance Cove
Clapper
Little Bell Id
Kelly Id
Topsail
Brigus Bay
Colliers Bay
Salmon Cove
Harbour Main
Holy Rood Bay
Var: 28.50W.
C. St Francis
Pouch Cove
Torbay
Winsor L.
Quidi Vidi
St JOHNS HARBOUR
C. Spear
Petty Harbour
Bay Bulls

MAP OF
CONCEPTION BAY
AND
GREAT BELL ISLAND
Showing position of Ore deposits &c.

Scale $\frac{1}{253\,440}$ or 1 Inch = 4 Miles

5 4 3 2 1 0 5 10 STAT. MILES

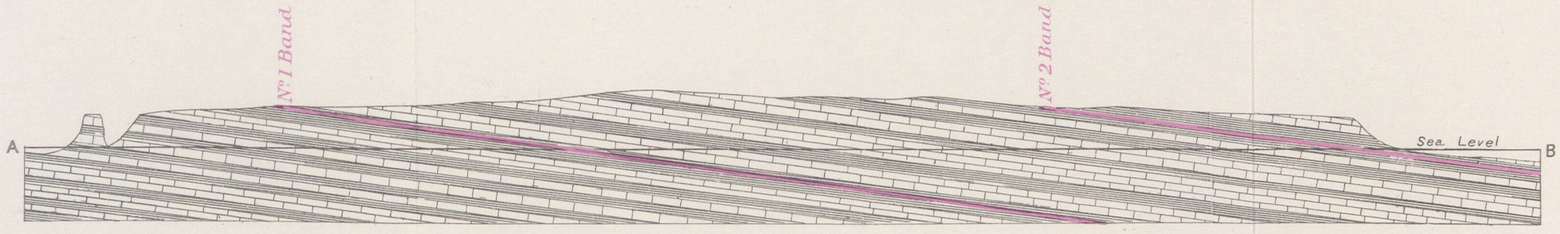
Ore bands shown thus .....

(Signed) J.P. Howley.

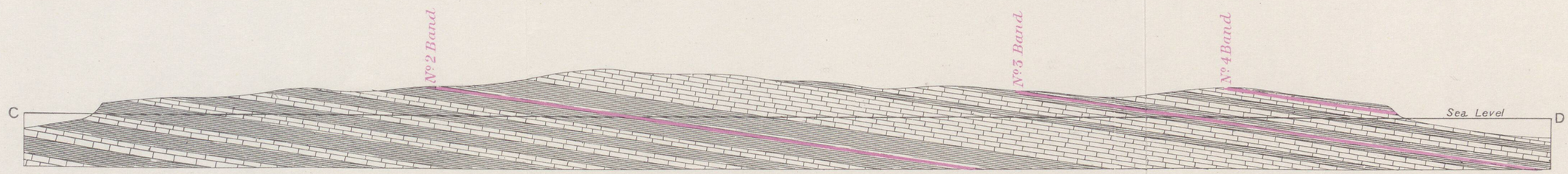
I.D.W.O. No 1185 (a)

Lith^d at the Intell. Div. War Office, July 1896.

SECTIONS ACROSS GREAT BELL ISLAND FROM SOUTH TO NORTH

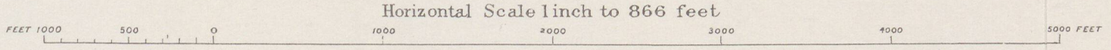


SECTION A.B. SHOWING POSITION OF ORE BANDS Nos 1 & 2

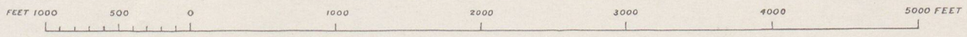


SECTION C. D. SHOWING POSITION OF ORE BANDS Nos 2. 3 & 4

Horizontal Scale 1 inch to 866 feet



Vertical Scale 1 inch to 1000 feet



I.D. W.O. No1185 (b)

Lith^d at the Intell: Div: War Office, July 1896.

Var 22° 56' W

Gull Id S. Head
Gull Id N. Head
Freshwater Cove
Redmonds Head
Eastern Head
Polls Head
Long Harry
Pulpit Head
The Beach
Green's Head
Broad Head
Harrigans Gulch
Loading Pier
Bryant's Cove
C
The Scrape
Grebes Nest
Gravel Head
Normores Gulch
D
Mine
ORE BAND No 4
ORE BAND No 3
ORE BAND No 2
ORE BAND No 1
S 47° E mag 117 chains
S 47° E mag 108.80 chains
108.25 chains
84.50 chains
90.75 chains
N 43° E mag 80 chains
N 43° E mag 70 chains
Section Line
Powers Steps
Youngsters Gulch
Ochre Cove
Landing Place
Grattons Cove
B
Big Head
Bell Cove
The Bell
Bell Pond
Lance Pond
Chimney Cove
Coley's Cove
Lance Cove
Lance Cove Head
Freshwater Cove
Clapper Cove
Clapper
A
Long Gulch
Little Cove
Kerry

GREAT BELL ISLAND
CONCEPTION BAY

Scale $\frac{1}{31680}$ or 2 inches to 1 mile

MILE 1 ¾ ½ ¼ 0 1 MILE
CHAINS 80 70 60 50 40 30 20 10 0 80 CHA.

Reduced from a plan by J. P. Howley Esq. F. G. S. on the scale of 4 inches = 1 statute mile

REFERENCE

Roads
Ore bands
Boundaries of mining leases
,, ,, licenses

I. D. W. O. Nº 1185 (c)

Lith.d at the Intell: Div: War Office July 1896.

of the island is cultivated, there is still a large proportion unoccupied, and covered with wood or swamp. Most of the original forest is denuded, but a very vigorous growth of young fir is rapidly replacing it.

Not till within the past few years did its ore deposits attract the attention of capitalists from outside. The holders of licenses to search for minerals were fortunate in leasing their claims to the Nova Scotia Steel Co., Limited, who have just entered upon mining operations on an extensive scale. To the obliging manager of the mine, Mr. Chambers, I am indebted for much valuable information and assistance in carrying out my recent investigation His plans and sections, showing the extent and position of the ore deposits on their claims, were admirable examples of geological work, and were so clear and explicit in their details as to leave nothing to be desired. I had an opportunity of verifying all this work during my stay. In fact, it formed a groundwork for the study of the structure of the whole island, and thereby saved me much time and labour.

Geologically, the island is composed of a series of shales and sandstones alternating. The shales prevail towards the base and top of the section, while the central portion of the island is occupied by a wide belt of hard white-weathering sandstone or quartzite rock, which cleaves into beautiful blocks and flags, suitable for building or paving purposes. The prevailing angle of inclination of the strata is about 8°, the general direction being N. 28° W. magnetic. The strike however, is not quite straight, but forms a segment of a circle with a gentle curve northward at either end. Here the dips change somewhat, pointing more to the east and west.

The lowest strata forming the base of the section crop out on the extreme south-western end of the island, while the highest occupy a strip of the shore on the north side, near the north-east corner. The total thickness amounts to about 2,340 feet. The first 1,000 feet consists chiefly of shaly strata with thin irregular layers of sandstone interstratified, which become more and more numerous, and of thicker dimensions towards the top. These are succeeded by the white-weathering sandstone or quartzite mentioned above, as striking through the central portion of the island. It attains a thickness of about 700 feet. The quartzite is in turn overlaid by sandstones and shales in about equal proportions, constituting the remainder of the section, and is about 640 feet thick. These rocks hold numerous fossil organisms, all referable to the Upper Cambrian series of Wales. The Lingula flags are well represented. Mr. Matthew, of New Brunswick, to whom a set of fossils from this island was sent for identification, is even inclined to regard some of the higher strata as Ordovician, Lower Silurian.

With regard to the deposits of iron, there are four well-defined beds of ore, regularly stratified, forming part of the general section, and therefore distinct from lodes or veins as generally understood. Two of these occur in the lower shaly portion, and two in the

NEWFOUNDLAND. MINERAL RESOURCES.

upper, being separated from each other by several hundred feet of strata. The lowest ore bed crops out in the cliff at Clapper Cove, near the S.W. end of the island; where however, it could not be reached for examination and measurement. It would appear to be about two feet thick. Its strike would carry it across the S.W. corner of the island towards Lance Cove, but it has not been traced out as yet, nor has its eastern outcrop been discovered. In all probability this occurs where the land is low, and the cliffs taper down to the shore of the Cove. Some 730 feet of strata intervene between this and the second ore bed. The latter crops out on the extreme N.W. corner of the island and is seen to cap the Bell Rock, lying off this point about 150 feet or so. Where the outcrop of this band occurs is again inaccessible, the cliffs being exceedingly dangerous to approach. It appeared to be about 4 feet thick. This ore band has been traced on its strike eastward some two miles and a half, by means of trial pits sunk along its outcrop. About a half a mile from the Bell Rock Point, two of these pits, about 500 feet apart, afforded good examples of the dimensions and character of the deposit. One was a surface cutting across the bedding, and was sunk to about 4½ feet. It showed alternate layers of rock and ore. The top layer consisted of one 8-inch and two 6-inch bands of ore, with partings of dark greenish micaceous rock between; while towards the bottom a few thin layers of ore of good quality occur. The next opening was a shaft, sunk vertically to a depth of some 10 or 12 feet, which exhibited the following section downwards:—

	Ft.	in.
Ore on surface - - -	1	6
Rock - - - -	0	5
Ore - - - -	0	10
Rock - - - -	0	10
Ore - - - -	0	11
Rock - - - -	1	2
Ore - - - -	0	3
Rock - - - -	0	2½
Ore - - - -	0	4
Rock - - - -	0	2
Ore - - - -	1	9
Rock - - - -	0	1
Ore - - - -	0	6
Rock - - - -	0	4
Ore - - - -	0	3
Rock - - - -	0	2
Ore - - - -	0	3
Rock - - - -	0	3
Total - - -	10	2½
Ore - -	6	7

This same band was seen to outcrop at the extreme eastern end of the island, where it caps a detached rock mass known as Eastern Head. Here it would appear to be about 2 feet thick. It was traced westward from this point for nearly three miles, leaving about a mile or so, where it passed beneath swampy land, or through dense woods unexplored. There can be no manner of doubt that it continues unbroken through the entire extent of the island, from Bell Rock to the Eastern Head, a total distance of six and a quarter miles. The area occupied by this ore bed should therefore approximately reach about six and three quarter miles. It will be seen that while there is no doubt about the continuity of the ore-bearing belt, it varies considerably in thickness, as is also the case with all the other bands, but judging from the numerous surface outcrops, and the masses of loose ore turned up here and there in cultivating the soil, I should be inclined to think it averages between three and four feet of good ore throughout.

The third and fourth ore beds are confined to the upper shales, above the quartzite, the former occupying an area of about one and a half square miles, the latter, of a little over a quarter of a square mile. The outcrops of these two bands have been thoroughly traced out by Mr. Chambers and they are all contained within the Company's leases, except a mere corner of the lower band. They are both perfectly parallel to each other, forming a gentle curved line, and are separated by about 150 feet of strata. The lower band, No. 3, ranges in thickness from 4 to 12 feet, averaging about 6 feet 6 inches. The upper band, No. 4, ranges from 3 feet 6 inches to 6 feet 6 inches averaging about 5 feet 6 inches. According to a rough estimate made by Mr. Chambers, the two together are believed to contain about (40,000,000) forty million tons of ore. Several thin irregular layers occur between the two main bands, as well as above the upper and below the lower one, but those are not considered of much economic importance. Most of the associated strata are more or less impregnated with iron, though not sufficiently rich to be considered as ore.

The general character of all these deposits is pretty much the same, though varying somewhat in the percentage of metallic iron they contain. The uppermost, No. 4 band, is the richest, averaging 56 per cent. of metal. No. 3 averages about 50 per cent. But one analysis of No. 2, that I am aware of, has been made, which gave 48 per cent. of metal. No. 1 has not been analysed as yet. They are all a variety of brown hematite ore, of a dull colour, with a somewhat steely lustre on a fresh fracture, and having a peculiar fine granular structure. The bands are all distinctly stratified, conforming in every respect with the associated strata. Fossil shells, Lingila, are abundant on the top of No. 1, and are found more rarely in all the others. The ore partakes of the same cleavage as the sandstone of the section, being, if anything, even more jointed. It breaks out in rhomboidal junks of all sizes, often nearly square, more frequently oblong. It thus affords

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most unusual facilities for mining, and owing to its lying so near the surface, and being covered only with a thin coating of soil, it can be easily stripped, and the ore bed laid bare for acres in extent. Its jointed cleavage renders blasting unnecessary, except an occasional shot to loosen up the ore. Half a dozen men with mining picks could raise several hundred tons per diem without difficulty. The principal workings at present in operation are situated on No. 4 band, about 1¾ miles north from the loading pier. Here the manager's house, store and engine house are located. A double track tramway connects the mine with the south side of the island, where the pier stands, at a point on the shore called Harrigan's Gulch; just inside Bell Island beach. The cars for transporting the ore are made of iron, and are capable of containing 1¼ tons each. They are manipulated by means of an endless wire rope passed round a drum in the engine-house. A 90 horse-power engine does the work of hauling out the full cars and pulling back the empties. They are secured to the wire rope by iron grips at each end of the car. When a loaded car reaches the pier it is received in a kind of crib, and by means of a lever is upset with ease, the contents falling into one of the bins while the car uprights itself and is passed on to the other track. The engine is so situated that it can be used in other work about the mine, such as raising ore, pumping, &c. when necessary. At the end of the tramway a suspension bridge of over 300 feet, carrying the rails, connects the pier or loading block with the cliff above. This block is situated sufficiently far off to afford ample water for large vessels to lay alongside. It is a very substantial structure of open trestle-work, built of Georgia pitch pine, and well ballasted at the base. It stands about 90 feet above the water-line. It contains ten bins capable of holding 200 tons of ore each, or in all two thousand (2,000) tons. Each bin is fitted with a trap door at the bottom to retain the ore, and from the outside four iron shutes guide it into the hold of a vessel lying alongside the pier. When full of ore, it is calculated a vessel can be loaded in a few hours, as it is merely necessary to raise the traps and allow the ore to slide aboard. The whole plant as it now stands has a capacity of about 200 tons per diem, that is to say, so much ore can be raised, run out, and put aboard ship in that time, but Mr. Chambers informs me that when in full working order and fully equipped with cars, &c., the output can be increased to at least 500 tons. During my visit the first attempt to transport ore took place, and about 200 tons were run out, but some slight hitches occurred which necessitated a few alterations and improvements in the running gear before everything could be expected to work satisfactorily. In order to facilitate operating the tramway telephonic communication between the mine and the loading pier was found to be necessary, and this had just been completed when I left. A vessel is expected in a few days to take the first load of ore to market.

Although not a high-grade ore by any means, the abundance of it so near the surface, with the unusual facilities for raising and shipping, should render it a most valuable property. Its chief value to the present Company, I understand, consists in its ready fusibility, thereby acting as a flux for the less tractable ores of Nova Scotia. Moreover, as these latter ores contain little or no phosphorus, and the former rather more than is necessary, a mixture of the two in the furnace affords about the requisite quantity of this substance in the resultant pig for the production of a good class of steel. The Nova Scotia Steel Company, Limited, of New Glasgow, are but the lessees of the property. They pay a royalty of five cents per ton on all ore raised to the original holders of the grants. These grants are four in number, comprising an area of one square mile each. The remainder of the island is held under licenses to search for minerals by several different parties. The facilities for working and shipping ore from these claims are equally as favourable as those described above. Were it hereafter considered advisable to smelt these ores on the spot, the island is admirably situated for the purpose, and many eligible sites for the erection of such works are available.

In conclusion I may add that I know of no more promising deposits of this class of iron ore in this country, nor do I think there are many in North America more favourably situated in every respect.

I have, &c.
JAMES P. HOWLEY.

Hon. R. Bond,
H. M. Colonial Secretary.

Enclosure 2 in No. 1.

Extract from "St. John's Evening Herald" of 27th December 1895.

The success attending mining operations at Bell Isle, and the excellent quality of the product, give ground for the hope that the continuance of work there may result in a large increase in the output, and a consequent augmentation of the prosperity of that flourishing settlement. We learn that every satisfaction is being experienced with the people, who are turning out capital miners, and the island promises to benefit very largely from the discovery of these hematite deposits.

It is rather a pity, in this connexion, that coal cannot be found in such close proximity as to make it possible to establish smelting furnaces and refine the ore right at the pit mouth. This would be a matter of immense importance, and it would exercise no small influence on the Colony's future if the coal areas of the interior could be worked at a figure that would enable the output

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to be transported to an adjacent point to Bell Isle and sold at a price that would make possible the establishment of blast furnaces there.*

No. 2.

COLONIAL OFFICE to the MUSEUM OF PRACTICAL GEOLOGY.

SIR, Downing Street, January 24th, 1896.

I AM directed by Mr. Secretary Chamberlain to transmit to you the accompanying report† which has been received from the Governor of Newfoundland regarding the mineral resources of Bell Island, together with specimens of ore picked up there.

Mr. Chamberlain would be glad if you would favour him with any observations that may occur to you upon this report.

I am, &c.

JOHN BRAMSTON.

No. 3.

Sir H. MURRAY to Mr. CHAMBERLAIN
(Received January 21, 1896.)

Government House, St. John's, Newfoundland,

SIR, January 3, 1896.

WITH reference to my report of the 27th ultimo† respecting the mineral deposits in Bell Island in Conception Bay, I have now the honour to forward a more detailed report, dated the 30th ultimo, from Mr. Howley, the head of the Geological Department in this Colony, on the subject of the deposits of iron ore to be found in this island. I forward it in the hope that you may think it worth while to place it in the hands of the Crown Agents for the Colonies, with a view to the attention of capitalists in the City being drawn to the prospects of mining adventure in this Colony.

I am, &c.

H. MURRAY.

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* The railway comes along the Coast; I should think within five miles of the Island. H.M.

† No. 1.

Enclosure in No. 3

Geological Survey Office,
St. John's, Newfoundland,
May it please Your Excellency, December 30, 1895.

In reporting on the iron deposits of the Island, I may state that hitherto little attention has been given to this class of ores, under the impression that their value, from an economic point of view, was infinitesimal in comparison with copper, lead, and other more valuable minerals. Not till within the last year or so, has any attempt been made to utilize these ores, if I may except the pyrites deposit of Pilley's Island, which has been mined chiefly for its high percentage of sulphur. The ore is chiefly used in the manufacture of sulphuric acid. It however yields a considerable percentage of very excellent pig iron, both for forge and foundry work.

Of this class of iron ores there is a great abundance in many parts of the Island. It occurs in all the copper mines of Nôtre Dame Bay, forming considerably more than half the bulk of the deposits. At Tilt Cove, a mass of pyrites, said to be about 200 feet thick, and containing about two or three per cent. of copper, has been worked for some time. Another enormous mass of similar ore occurs at the Terra Nova Mine, Bay Vert, which has been abandoned for a number of years. It was worked as a copper mine only, but the percentage of that metal was found to be too low to render it a paying speculation. Another large deposit of pyrites occurs in Port au Port Bay, West Coast. It has not yet been operated, but gives promise of being fully equal to that of Pilley's Island. Pyrites occur in very many localities and in almost every one of our great bays in more or less quantity. Magnetic Pyrites, Pyrrhotite, is also a pretty abundant ore, especially in association with the copper deposits, and chloritic slates and serpentines. It has been found, on analysis, almost invariably to contain a small percentage of nickel, and in this respect might well be worthy the attention of capitalists. It is from a similar class of ore in the Sudbury District of Lake Huron, Canada, that so much nickel is now derived. Arsenical Pyrites, or Mispickel, is rather a common mineral also, but not in any such proportion as the preceding.

With regard to the more generally useful ores of iron the island possesses the following: Magnetite, Chromite, Hematite of several varieties, such as Specular iron, Red Hematite, Red Ochre, Jaspery iron ore, and clay ironstone. Bog iron ore is not infrequent in some parts of the interior.

The deposits of magnetite are sometimes enormous. One band at Union Mine, Tilt Cove, ranges from 4 to 30 feet in thickness and is of a very superior quality. Another large body of this ore occurs at Mings Bight. It is also found in many other localities, both on the coast line and in the interior, but the most extensive deposits known are found on the west coast near the Bay of St. George. One enormous mass of this ore has

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been located about three miles inland from the head of this bay. It is over fifty feet thick, and is seen cropping out on both sides of a ravine running up the steep sides 700 feet or more. Millions of tons of loose ore in huge blocks, which have become detached from the mass, encumber the bottom of the ravine. An analysis of this ore, furnished me by Mr. Bishop, the owner of the property, gives 65·05 per cent. metallic iron; but it contains a varying percentage of titanic acid, which is considered a very deleterious ingredient. It is however absolutely free from sulphur and phosphorus. Here is a copy of the analysis by Mr. W. H. Pike:—

Metallic iron	- - -	65·05 per cent.
Titanic acid	- - -	4·00 „
Silica	- - - -	5·00 „
Sulphur	- - -	free.
Phosphorus	- - -	free.

This is probably about the most favourable assay obtained. I do not know what the average may show.

That the ore is not confined to this one locality is attested by the fact that numerous boulders of a similar character are strewn over the surface of the country along the seashore, and especially along the courses of the many streams flowing from the mountainous district to the eastward known as the Long Range. The mountains are chiefly of Laurentian age, composed of various granitic, syenitic, gneissic rocks from whence the ore has been derived. Judging from the scattered *débris*, it would appear to range from Port au Port Bay to the Highlands of St. George's Bay, or perhaps to the Codroy Valley, a distance of some 50 or 60 miles. Quite a large deposit of magnetic iron is indicated at a point in the interior near the head of the Bay D'East River, amongst a set of serpentine and chloritic rocks. Many large fragments of the ore were observed there some few years ago, but the deposit was not traced out.

Chromic iron, chromite, occurs very frequently, especially associated with the Magnesian group of rocks, usually termed here the Serpentines—more properly the Quebec Group of the Canadian geologists. It has been found in Nôtre Dame Bay in the vicinity of the copper deposits, and in several other parts. It was observed in the interior on the Bay East River, and at Port au Port Bay quite an extensive deposit has recently been discovered. I understand this latter property is now in the hands of an American company, who are about to open it up next spring.

Hematite and its varieties are also of common occurrence in various parts of the island. A good class of this ore occurs at the Tilt Cove location, but I am not aware of the extent of the deposit. It analyses 69·41 per cent. of metallic iron. The ore is known to exist in Trinity and Conception Bays at several points; but by far the largest and most important deposit yet discovered is that on the Great Bell Island, already fully reported upon. Here, four well-defined bands, ranging from 2 feet to 12 feet thick, form regular layers of the stratification. The analyses

of three of these show 48 per cent. 56 per cent. and 58 per cent. of metallic iron respectively. The mode of occurrence, facilities for working and shipping this ore, have been all set forth in the report alluded to.

Jaspery iron ore, mostly of a low grade, is abundant, and there is reason to believe this class of ore will be found, upon further investigation, of better quality, and of considerable importance. It occurs chiefly in a similar set of rocks to those holding the extensive deposits of Minnesota: the Keewatin Series.

Clay ironstone, which is confined to the carboniferous areas of Bay St. George, and the Grand Lake Region, forms extensive deposits, especially in the latter region. Nodular bands of several feet in thickness are frequent amongst the coal measures on the south side of Grand Lake. In one of the sections on Alderv Brook, the strata for a thickness of 124 feet is more than half made up of this ore in layers of from a few inches to 3 feet in thickness. The ore has not as yet been analysed, and I cannot therefore give the percentage of metallic iron it contains. Bog iron ore is met with in several parts of the interior in the form of irregular layers or incrustations, usually in marshy or peaty ground. Some of these deposits are pretty extensive, though not usually very thick. Magnetic iron sand has been frequently seen on the West Coast, or on the shores of the larger lakes, but not in very extensive deposits. Rarer varieties of iron, such as Spathic iron, Siderite, Vivianite, Ilmenite, &c. occur sparingly, mere specimens only having been met with.

In the vicinity of Conception Bay there is a pretty extensive deposit of an earthy iron ore, containing about 50 per cent. manganese, which might be available for the manufacture of spiegeleisen.

I have little doubt that should more interest be manifested in the working of our iron ores in the near future, many hitherto neglected deposits will be found on investigation to be of considerable value; while a systematic search for such ores will, I am convinced, result in the discovery of many others as yet unheard of.

I have, &c.
JAMES P. HOWLEY.

No. 4.

Sir H. MURRAY to Mr. CHAMBERLAIN.
(Received January 21, 1896.)

Government House, St. John's, Newfoundland,
SIR, January 3, 1896.

1. As so many statements have appeared in the newspapers respecting the coal seams in this Colony, it may be your wish to be put in possession of the facts relating to it which have been ascertained up to the present date by the Geological Department of the Colony.

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2. I therefore enclose copy of a report, dated 29 November last, from Mr. Howley, the head of the Geological Department, to the Colonial Secretary, with two tracings in illustration of the report.

3. It will be seen from the report that there are at present two distinct coal areas, one on St. George's Bay, and one in the Grand Lake district.

4. The railway has been already built a good distance beyond the Grand Lake district. The coal area is on both sides in close proximity to the line; but the coal obtained in it will have to be conveyed over 45 miles of the line before it will reach a point on the Humber river at which it could be shipped; the gradient of the line is, however, on this part very favourable for its transit.

5. The railway has not yet reached the St. George's Bay area, but it will probably do so this year; but when it does, it will keep within reasonable proximity of the area, and its course may be deflected so as to come still nearer to it. But there will be under any circumstances not less than 35 miles of railway carriage for the coal before it can be shipped at Port au Basque.

6. For any continuous shipment of coal all the year round Port au Basque will have to be used, as it is free from ice all the year round.

7. It is believed, after local tests, that the Newfoundland is a stronger and better coal than the Sydney coal, with which in the market it will have to compete, but as the latter coal is run straight from the mine into the ship, the former will be heavily handicapped by the cost of the railway carriage, unless mining labour can be obtained more cheaply in Newfoundland than in Sydney. It therefore remains a question whether Newfoundland coal—plentiful as it may be—can compete with the Sydney coal even for the supply of the wants of the Colony.

8. It is very desirable that this question should be tested at as early a date as possible. Mr. Reid, the railway contractor, has tendered to work a certain portion of the Grand Lake area, but no terms have as yet been agreed upon between him and the Government. I hope, however, that one will shortly be arrived at so as to enable Mr. Reid to commence working in the spring. This would give additional employment in the Colony, besides that which will be afforded next year, and during part of 1897, in the construction of the railroad.

9. As Mr. Reid is bound under his contract to operate the line for ten years after its completion, he has, as it seems to me, the practical control of the conditions under which the coal can be worked, as he can regulate the rate at which coal can be carried on the line by any competitor during the period of his contract.

10. Specimens of the coal appear to have been analysed in 1892 by Mr. Fitton, a mining engineer in England; *see* page 53 of the pamphlet* on the mineral resources of the island by Mr. Howley which I enclose.

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* The Mineral Resources of Newfoundland." By James P. Howley F.G S., 1892.

Var^{n} 28° 50' W.

SANDY LAKE

Little Deer Lake

Sandy Lake River

Goose Pond

Kitty's Brook

Junction Brook

Telegraph Station

Goose Brook

Kelvin Brook

TROUGH OF COAL MEASURES

Mt Mc NEIL

CONICAL HILL

GRAND LAKE

Coal Brook

Little Brook

Aldery Brook

Hind's Pt.

Hind's Brook

Whetstone Pt.

OLD HARRY

GEOLOGICAL SURVEY
OF
NEWFOUNDLAND

Scale $\frac{1}{126720}$ or 1 Inch = 2 Miles

1 3/4 1/2 1/4 0 1 2 3 4 5 STAT. MILES

Reduced from a map signed James P. Howley. Director, on the scale of 1 Inch = 1 Statute Mile.

I. D. W. O.-N° 1185 1e1

Lith^{d} at the Intell: Div: War Office, July 1896.

GEOLOGICAL SURVEY OF NEWFOUNDLAND

Scale $\frac{1}{126720}$ or 1 Inch to 2 Miles

1 ½ 0 1 2 3 4 5 Miles

Reduced from a Plan signed J. P. Howley F.G.S. Director: on a Scale of 1 Inch = 1 Statute Mile.

Var. 28°50' W.

G E O R G E B A Y

S. E.

Flat Island

Flat Bay

Young's Cove

Muddy Hole

Irishman's Brook

Bank Head

Journois Brook

Middle Brook

Barry Brook

Fishel's Brook

Rattling Brook

Seal Brook

Red Brook

Robinson Head

Robinson Brook

Barachois Brook

Pond Pt

Crabb Brook

Highland Brook

Harbour Hd

Butter Bk

TROUGH OF COAL MEASURES

SHEARS SEAM

HOWLEY SEAM

CLEARY SEAM

SUTHERLAND SEAM

I.D.W.O. Nº 1185(d)

Lith^d at the Intell. Div^n, War Office, July 1896.

11. I had intended to forward with this report some of the latest specimens of the coal which has been received in St. John's, but on the whole I am indisposed to do so, as it is not clear whether the specimens in hand fairly represent the quality of the coal which may be obtained at a greater depth. That it is a *strong* coal there seems no reason to doubt, but it seems at present open to doubt whether it is of the anthracite quality sufficiently to make it suitable for use in the Royal Navy or in the mail steamers on the North American or the West India Stations. If it should prove to be so, there will probably be a good opening for it.

12. If it is considered desirable that specimens should be sent to enable the Admiralty to form some, though perhaps not a final, opinion on the subject, I will do so on the receipt of instructions to that effect.

13. While on the subject of the coal areas in this Colony, it may be satisfactory to you to be informed that actually on the line of railway—the line passing through them in cuttings—there are very extensive deposits or formations of the finest sand for use in metal mouldings, and of the clay which is used in the manufacture of terra cotta. The sand has been tested in the foundry near, and is found to be far superior to that imported from the States. Mr. Reid hopes to place this sand before long on the English market, samples having been sent to Glasgow. As to the terra cotta clay, no steps have, I believe, been as yet taken by him.

I am, &c.

H. MURRAY.

Enclosure in No. 4.

Geological Survey of Newfoundland,
St. John's, Newfoundland,
November 29, 1895.

SIR,

IN compliance with your request, I beg to furnish you with the following condensed report upon the coal areas of the St. George's Bay and Grand Lake districts, with the accompanying tracings to illustrate the same. These comprise all the facts relating to this subject, so far as has yet been ascertained from actual study in the field. It will be seen that the full extent and importance of these coal areas remains yet to be determined. In a country beset with so many obstacles to successful exploration, the intricate problem of working out all the details of the extensive carboniferous series of rocks, and locating the minor troughs of true coal-bearing measures, is no small task. It will take several seasons' work to place us in a position to say positively how much coal is really available for use in either locality.

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But one season, that of 1889, was actually devoted to developing the extent of the coal measures in the Bay St. George area, with the following results:—

Sixteen coal seams were uncovered on the Middle Barachois River, all of which, owing to the doubling up of the strata in the form of a trough, are repeated, by being again brought to the surface with an opposite inclination. The trough is narrow, being, so far as is ascertained, about two miles wide on this brook.

On Robinson's Head River, two miles distant, the south side only of the trough was seen, and three seams of coal uncovered.

On Northern Feeder, a tributary of the latter river, and at two and a half miles further eastward, four seams were seen which would appear to be near the centre of the trough. The extreme points, east and west, at which coal was actually observed in place, are about six miles apart. How much further the trough may extend has still to be determined; nor is the full width known with any degree of certainty. Of the twenty-three coal seams mentioned above, the greater number are of small dimensions, ranging from a few inches only to a foot in thickness. Those over a foot in thickness are the following:—

(1.) On Middle Barachois River:—

	Ft.	in.	
Juke's Seam, containing -	4	6	of coal.
Cleary „ „ -	2	2	„
18 inch „ „ -	1	6	„
Slaty „ „ -	1	4	„
Rocky „ „ -	1	8	„
Murray „ „ -	5	4	„
(2.) On Robinson's Head River:—			
Howley Seam, containing -	4	2	„
(3.) On Northern Feeder:—			
Shears Seam, containing -	1	2	„

The Juke's Seam, which is the best in the section, averages as above, 4 feet 6 inches of good, bright, clean coal; but at one point it was found to swell out to 14 feet, containing 8 feet of coal. It was traced for about a quarter of a mile along the strike.

The Howley Seam comes next, and contains 4 feet 2 inches of excellent coal. The Cleary Seam, 2 feet 2 inches, is also a good quality of coal, while the Shears Seam, though only 1 foot 2 inches at its outcrop, is of a superior character, being almost a semi-anthracite. The Murray Seam, though the largest in the section, is not so good as the others. All the known seams in this trough aggregate a total thickness of 27 feet. This should give, for every square mile of area there may be found to occupy, 25,920,000 tons.

A small trough of the coal measures occurs on the north side of St. George's Bay also, in which two seams of coals were uncovered. They were not, however, of workable dimensions. The country here is very flat, and covered with so much drift material that very little rock is exposed; and without the use of

the boring rod it will be impossible to ascertain the extent of the trough.

The carboniferous area at the head of the Grand Lake on the Humber River has received more attention, and has been more fully studied out than either of the above; yet, owing to the very flat character of the country, and the enormous accumulation of superficial deposits over the greater part of it, much remains to be accomplished before it can be definitely determined how much of the region is occupied by the true coal measures. It is a most difficult region to explore, with very few exposures of the bed rocks, and as a consequence, the progress of our knowledge regarding the actual coal deposits has been necessarily slow. What has been ascertained up to the present time may be summed up as follows:—

On the south side of the Grand Lake a long, narrow, sharp trough of the coal measures has been traced from a point about four miles up the lake, extending eastward towards the head of the lake, and into the flat country beyond for a total distance of eleven miles. Several small brooks flowing into the lake intersect this trough at right angles, and some good sections are exposed on their banks. On Aldery Brook, the most westerly of these, thirty outcrops of coal were uncovered by coasteaning the surface. So sharp is the trough here, that the coal seams are crowded into a very narrow compass. Here also, as in St George's Bay, the doubling up of the strata repeats the coal seams, which in reality are only fifteen in number. Most of them are again very small, and average only a few inches in thickness. The following are the best in the section:—

	Ft.	in.	
No. 6 seam, containing - -	2	0	of coal.
No. 7 „ „ - - -	1	6	„
„ 8 „ „ - - -	1	8	„
Big seam in centre of trough - -	14	0	„
No. 14 seam, containing - -	2	10	„
„ 15 „ „ - - -	2	2	„
„ 16 „ „ - - -	2	9	„
„ 25 „ „ - - -	1	7	„

(Nos. 16 and 25 are on the southern side of the trough.)

All the outcrops exposed in this section aggregate about thirty-six feet of coal.

On Coal Brook, two miles further east, the section uncovered shows 16 outcrops of coal, aggregating about 18 feet in all. Some of the upper and lower seams of Aldery Brook are not visible here. The trough is considerably wider, and the angle of inclination of the strata much lower. No. 4 seam, Coal Brook, from which was obtained the car-load of coal brought in on the Northern and Western Railway, is a good seam, containing 3 feet 5 in. of coal.

NEWFOUNDLAND. MINERAL RESOURCES.

On Kelvin Brook, three miles still further eastward, eleven outcrops of coal were uncovered, all apparently on the southern side of the trough. One of these seams contains 7 feet of excellent coal, another 2 feet 6 inches, and another 3 feet 8 inches. The northern side of the trough could not be reached on this brook, owing to the depth of superficial deposits; nor do we know as yet what width it attains here.

During the past season, coal was again struck close to the railway track, four and a half miles eastward of Kelvin Brook, on the line of strike. Only two actual seams were uncovered; one containing 3 feet 4 inches of coal, another 1 foot 6 inches. Indications of the presence of other seams, which could not however be reached with pick and shovel, were also seen. These again are all on the southern side of the trough, with a northerly inclination. The much lower angle of dip here gives rise to the supposition that the trough widens out very considerably as it leaves the hill range and enters the low flat country. Altogether it has now been traced for 11 miles east and west. How much further east it extends has yet to be determined, but there are good reasons for believing it runs out at least to Sandy Lake, four miles further.

That another and independent trough occurs about four miles to the north, in the vicinity of Sandy Lake River, and probably spreads out westward underneath the waters of the Grand Lake, there is no room for doubt. The boring operations of 1879–80 proved the existence of coal seams near the mouth of the above river, where it enters the lake, and numerous fragments of coal are continually being washed up from the bottom of the lake. On the other hand, the boring of 1893, near the mouth of Kelvin Brook, revealed the presence of an anticlinal ridge, of lower and unproductive measures, separating the northern and southern troughs.

The above contains the actual facts, so far as our knowledge of these coal areas enables me to state with certainty. Much has yet to be accomplished before it would be judicious to hazard an opinion as to the full extent and value of these two promising coal fields.

Hoping the information contained herein may prove satisfactory,

I have, &c.

The Hon. R. Bond,
Colonial Secretary.

JAMES P. HOWLEY.

No. 5.

Sir H. MURRAY to Mr. CHAMBERLAIN.
(Received January 24, 1896.)

Government House, St. John's, Newfoundland,
January 8, 1896.

SIR,

WITH reference to my letter of 3rd instant, enclosing a report from Mr. Howley, the head of the Geological Department

in this Colony on the subject of the mineral formations in it, I forward herewith a specimen of iron ore which was only brought to him yesterday, but which he states to be of a valuable quality. NEWFOUNDLAND MINERAL RESOURCES.

He calls it "limonite iron" or "Brown Hematite," and he believes that it will average as much as 65 per cent. of iron.

The ore comes from the western coasts of the Island near Bonne Bay, but the amount of it is at present unknown.

I think it right, however, to forward it you at once, while such steps are being taken as you may consider best to make known to English capitalists the value of the mineral formations in this Colony.

I am, &c.

H. MURRAY.

No. 6.

GEOLOGICAL SURVEY to COLONIAL OFFICE.

(Received February 3, 1896.)

28, Jermyn St., S.W.,

February 1, 1896.

SIR,

WITH reference to your letter of the 24th ultimo,* on the subject of the mineral resources of Bell Island, Newfoundland, I have read Mr. Howley's report, and have the following observations to make regarding it.

Mr. Howley is a geological surveyor of long experience who has done great service in the exploration of Newfoundland. I would therefore put implicit trust in his observations contained in this report. From these observations it is clear that a large area of workable iron ore occurs in Bell Island; that owing to the low angle of inclination much of the ore can be worked at the surface and that the several seams are thick enough to be easily mined when surface workings are no longer practicable. It appears from the report that a company has already started to work the ore. If this company can profitably do so, and ship it from the mines, I think that other companies may probably be induced to take concessions. There is evidently ore enough to furnish workings for a number of companies for many years to come.

I am, &c.

ARCH. GEIKIE,

Director-General.

Report and relative documents returned herewith.

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* No. 2.

NEWFOUNDLAND. MINERAL RESOURCES.

No. 7.

Sir H. MURRAY to Mr. CHAMBERLAIN.
(Received February 5, 1896.)

Government House, St. John's, Newfoundland,
January 15, 1896.

SIR,

WITH reference to my report of the 8th instant,* in which I enclosed a specimen of brown hematite ore (limonite), I have to state that since that date I have ascertained that a large quantity of that ore is imported from Spain by Sir W. Armstrong's Company.

2. I stated in that report on the authority of the head of the Geological Department in this Colony (who, however, has no means at his disposal of testing ore) that that ore would produce 65 per cent. or more of iron.

3. I find that there is a very large deposit of this iron ore on the south side of the Bay of Islands, close to the coast, which, if the Treaty Shore question caused no difficulty, could be easily worked and shipped at York Harbour in the Bay of Islands.

4. I was informed this morning by a man who is interested in getting this mine worked, and who has had, he stated, considerable mining experience both at the mines at Lake Superior, and at Marquette in Michigan, that at Lake Superior the ore of the quality which I now forward, which is the same as that sent with my report of 8th instant,* yielded 75 per cent.

5. As the cost of freight to England must decide whether it is possible for the minerals of this island to compete with the ore now imported from Spain and from Sweden, I have inquired as to the rate per ton paid for freight on copper ore sent to Swansea. Of this there has been considerable experience.

6. Mr. Smith, formerly agent for Messrs. Bennett, who were the owners of the Union Mine in Tilt Cove, Notre Dame Bay (on the east coast of the island), informs me that when he was agent for the mine some years ago, the rate per ton of the copper ore to England was between 6*s.* and 7*s.*, but that he believes it is less now; this is probably the case, as freight at present is low.

7. This agrees with the statement made to me this morning by the man above-mentioned, that the iron ore from the Bay of Islands on the west coast could be shipped to England at the rate of $\$1\frac{1}{2}=6s.\ 3d.$

8. It also agrees with a statement made to me by Mr. Reid, that sand for moulding purposes (minerals) could be shipped from the west coast at 6*s.* a ton.

9. I hope that this information may be of use in case you should think it worth while to communicate with the Crown Agents respecting the mineral resources of this Island.

I am, &c.
H. MURRAY.

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* No. 5.

No. 8.

COLONIAL OFFICE to the GEOLOGICAL SURVEY.

SIR, Downing Street, February 8, 1896.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 1st instant,* with some observations on a report by Mr. James P. Howley upon the mineral resources of Bell Island, Newfoundland.

2. Mr. Chamberlain desires me to thank you for your letter, and to say that as some further despatches have now been received relating to this subject and to discoveries of minerals in various other parts of the Colony, he will be much obliged if you will be so kind as to favour him with any remarks that may occur to you upon these despatches also, which are enclosed herewith,† together with the specimens of iron ore referred to. The Governor has been requested by telegraph to send home authenticated specimens of coal as soon as possible.

I am, &c.
EDWARD FAIRFIELD.

No. 9.

Sir H. MURRAY to Mr. CHAMBERLAIN.
(Received February 26, 1896.)

Government House, St. John's, Newfoundland,

SIR, February 7, 1896.

WITH reference to my report of the 3rd ultimo,‡ respecting the coal areas in this island, and to your telegram of this day's date, I forward by the S.S. "Ulunda" a box containing specimens of coal, which has been labelled by Mr. Howley, the head of the Geological Survey. Should it be considered by you desirable, I will send a similar parcel of coal specimens direct to the London Chamber of Commerce.

2. I also forward a small specimen of chromic iron ore, which I am told is very valuable for pigment production. It was brought me by an experienced mining agent, who is in difficulty about working it on account of the French Treaty Shore question.

3. Mr. Howley informs me "that its principal use—at least one "of them—is the extraction of oxide of chromium for the manu- "facture of pigments, such as chrome green and yellow, which "are used largely in dyeing, calico printing, glass and porcelain "painting, &c. As an iron ore it is of little value owing to the "small percentage of iron it contains, and the abundance of "richer ores. I have mentioned this mineral in my report on "the iron ores. It is found in several parts of the island."

* No. 6. † Nos. 3, 4, 5, and 7. ‡ No. 4.

NEWFOUNDLAND. MINERAL RESOURCES.

This report is the one (printed)* which I forwarded with my Despatch dated 3rd January 1896 *See* pages of the printed report numbered 19, 20, and 22.

I am, &c.
H. MURRAY.

No. 10.

GEOLOGICAL SURVEY to COLONIAL OEFICE.
(Received March 3, 1896.)

28, Jermyn Street, S.W.,
March 3, 1896.

SIR,

I REGRET that an unavoidable delay has occured in my reply to your letter of 8th February last regarding the mineral fields of Newfoundland.

I have now considered the various papers enclosed with your letter. As stated in my communication of 1st ultimo† on the same subject, I believe Mr. Howley to be so experienced and reliable a geologist that his reports may be accepted as quite trustworthy. From his account of the iron ores of the Colony, it is clear that there must be great abundance of these ores and that they include a considerable variety. The pieces of limonite forwarded with your letter are undoubtedly good specimens of ore, though the average percentage of metallic iron which this ore would yield in practice may possibly not be so high as Mr. Howley estimates. Sir Herbert Murray's informant (letter of 15th January) must have been under a serious misapprehension as to the percentage of iron which this ore would give, 75 per cent. being above the possible yield even of the richest iron ore.

With regard to the coal seams of the Colony enough is known to prove that coal exists in a number of seams of varying quality, but the exact extent of these seams and the geological structure of the ground in which they lie do not appear to have been yet satisfactorily ascertained. There can be no doubt that the development of the coal-fields will be of the utmost importance in the progress of the Colony.

If the question is to be considered whether any money is to be expended in opening up the mineral-fields of Newfoundland, I would strongly advise that the first object to be aimed at should be a thorough exploration of the areas containing coal. Upon the development of the coal-field all the other mineral industries will largely depend.

With regard to the iron ores, they may, of course, be shipped to England or other centres of manufacture. But I am afraid that in the present state of the iron industry there would need to be some

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* Not reprinted. *See* footnote at p. 14. † No. 8.

exceptional circumstances in favour of Newfoundland to enable the Colony to compete successfully with other regions.

The various documents that accompanied your letter are returned herewith.

I am, &c.
ARCH. GEIKIE,
Director-General.

No. 11.

COLONIAL OFFICE to the GEOLOGICAL SURVEY.

SIR, Downing Street, May 29, 1896.

WITH reference to your letter of the 3rd March,* respecting the mineral resources of Newfoundland, for which I am to express to you Mr. Chamberlain's thanks, I am directed to forward to you a box containing specimens of coal that has been received from the Governor, together with a specimen of iron ore, the nature of which is described in the despatch† of which a copy is enclosed.

2. Mr. Chamberlain will be much obliged if you will be so kind as to favour him with any remarks that may occur to you in reference to these specimens.

I am, &c.
JOHN BRAMSTON.

No. 12.

GEOLOGICAL SURVEY to COLONIAL OFFICE.
(Received June 5, 1896.)

28, Jermyn Street, London, S.W.,
SIR, June 4, 1896.

I HAVE received your letter of 29th ultimo‡ with the specimens of coal and chromic iron ore therein referred to. As stated in my letter of 3rd March, the coal seams of Newfoundland are known to exist in various places, their qualities have been analysed, and judging from the specimens now sent and from these published analyses, I have no doubt that the coal, if worked, would be a valuable source of revenue to the Colony. I have already pointed out that the extent and structure of the coal field do not appear to have been, as yet, adequately ascertained. Possibly Mr. Howley may be in possession of this knowledge. But if not, I presume it does not exist and, in that case, if it is proposed to expend any money for the development of the

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* No. 10. † No. 9. ‡ No. 11.

NEWFOUNDLAND. MINERAL RESOURCES.

mineral resources of the Colony, I would suggest that a small preliminary expense should be incurred in making a general survey of the coal-field, with the idea of guiding the proper opening up of the ground for mining purposes.

The chromic iron ore is undoubtedly a valuable mineral. If the deposit from which the specimen now sent is easily accessible, of sufficient magnitude, and capable of being successfully worked, it would probably be a more valuable enterprise than the working of any of the hematite and brown iron ores, of which specimens were received early in the present year.

I have meanwhile retained here the various collections of specimens for reference.

I am, &c.

ARCH. GEIKIE,
Director-General.

No. 13.

Mr. CHAMBERLAIN to Sir H. MURRAY.

SIR, Downing Street, June 23, 1896.

I HAVE the honour to acknowledge the receipt of your despatches* regarding the mineral resources of Newfoundland.

Your despatches, and the mineral specimens which you have from time to time sent to me, were forwarded to the Director-General of Geological Surveys in this country, and I now enclose, for the information of your Ministers, copy of the replies† received from Sir Archibald Geikie.

I propose to have all the correspondence on this subject printed and to send copies to the Imperial Institute, to the different Chambers of Commerce, and to the Press, in order that these discoveries, of which I have learnt with great satisfaction, and which I trust will materially increase the prosperity of the Island, may become generally known to the public and may in particular be brought to the notice of business men.

A copy of the printed correspondence will also be sent to the Admiralty, and the attention of the Lords Commissioners will be invited to the remarks contained in your despatch‡ of the 3rd of January, respecting the possible use of Newfoundland coal by the Royal Navy.

I have, &c.

J. CHAMBERLAIN.

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* Nos. 1, 3, 4, 5, 7, and 9. † Nos. 6, 10, and 12. ‡ No. 4.

No. 14.

SIR H. MURRAY to MR. CHAMBERLAIN.
(Received July 3, 1896.)

Government House, St. John's,
June 17, 1896.

SIR,

I HAVE the honour to enclose to you herewith six copies of the speech with which I opened the Fifth Session of the Seventeenth General Assembly of this Colony on the 11th instant.

I have, &c.
H. MURRAY,
Governor.

Enclosure in No. 14.

OPENING OF THE LEGISLATURE.

Legislative Council, June 11, 1896.

His Excellency the Governor Sir Herbert Harley Murray, K.C.B., opened the Fifth Session of the Seventeenth General Assembly on Thursday, 11th instant, at 2 o'clock, p.m., with the following

SPEECH:

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

In addressing you for the first time as the representative of our Most Gracious Sovereign the Queen, I desire to express the gratification I feel in being associated with you for the promotion of the prosperity and advancement of this Colony.

In reviewing the events of the year that has nearly elapsed since the close of your last session, I would first call your attention to the satisfactory condition of our financial affairs.

The policy of retrenchment in the public expenditure, which was adopted by the Legislature last year, has been faithfully carried out by my Government, and, I am pleased to observe, without in any way affecting the efficiency of the Public Service.

The honest and conscientious fulfilment of this trust has resulted in the restoration of the credit of the Colony abroad, and in increased thrift and enterprise on the part of the people of this Colony.

The interest due to holders of our Colonial Bonds has been and will be promptly met, and after all obligations in connexion with the Public Service for the present quarter have been provided for, there will be a considerable balance to the credit of the Treasury. The change that has taken place in the condition of

NEWFOUNDLAND MINERAL RESOURCES.

the Colony within the past twelve months, and after one of the most severe financial disasters that ever fell upon any community shows that its recuperative powers are phenomenal. I most heartily congratulate you upon this aspect of affairs which, I consider, justifies our taking a hopeful view of the economic condition of the Island.

The success that attended the prosecution of the fisheries last year, although to some extent limited by reason of low prices, was an important factor in removing the commercial depression. Had the seal fishery of the past spring been an average one, no doubt the revival in trade would have been still more marked.

The shortage in the catch of codfish this season by foreign competitors has already had the effect of improving the markets for our staple, and the prospect thus afforded of better markets next year has encouraged suppliers to make large advances for the approaching fishing season.

The progress made by the railway contractor last year on the work of the western extension was entirely satisfactory. Seventy miles of railway were completed. It is probable that by the end of the present year the line will be built to Port-aux-Basques, which is the southern terminus. We cannot fail to recognise the importance of the railway system of the Colony, and the great and beneficent influence it is likely to exert upon the development of our material wealth.

It affords me pleasure to observe that the mining industry of this country is attracting the increased attention of foreign capitalists. The deposit of iron ore on Bell Island in Conception Bay is pronounced to be practically inexhaustible. A large amount of foreign capital has been invested in this property and a considerable amount of employment may therefore be anticipated in connexion with the working of the mine. I am informed that other mineral deposits will be developed during the present year.

My Government expected to have been in a position to invite the Legislature to ratify an agreement for the working of the coal area near Grand Lake, but the action of the Newfoundland Railway Company in placing an injunction upon the disposition of the property may possibly retard the completion of the negotiations. The claim set up by the Newfoundland Railway Company is now before the Supreme Court, and it is to be earnestly hoped that there will be an early settlement of the question at issue.

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

The Receiver-General estimates the total receipts for the fiscal year which will end on the 30th June 1896, at $1,550,000, and the total expenditure at $1,350,000, in which sum is included the interest on the Public Debt. This would leave a surplus for the entire year of about $200,000. The public accounts and estimates will be submitted to you at an early date, and I am confident you will make needful provision for the public service.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

My Government, appreciating that the mining and agricultural interests of the Colony demand just recognition and liberal encouragement, will recommend an enlargement of the free list.

You will be invited to make an increased vote for educational purposes so as to supplement the teachers' salaries, and also an allocation for the repair of roads and bridges.

In now leaving you to your deliberations I commend to your wise care and thoughtful attention the needs, the welfare, and the aspirations of the people whom you have the honour to represent, and I trust that Providence may direct your counsels to the furtherance of those ends.

HERBERT HARLEY MURRAY,
Governor.

COLONIAL REPORTS.

The following, among other, Reports relating to Her Majesty's Colonial Possessions have been issued, and may be obtained for a few pence from the sources indicated on the title page :—

ANNUAL.

No.	Colony.	Year.
138	Bermuda	1894
139	Bahamas	,,
140	Barbados	,,
141	Turks and Caicos Islands	,,
142	Malta	,,
143	Gambia	,,
144	Leeward Islands	,,
145	Trinidad and Tobago	,,
146	Gibraltar	,,
147	Falkland Islands	,,
148	Hong Kong	,,
149	Straits Settlements	,,
150	Lagos	,,
151	Seychelles	,,
152	Basutoland	1894–5
153	Fiji	1894
154	St. Helena	,,
155	Ceylon	,,
156	Mauritius	,,
157	Labuan	,,
158	Gold Coast	,,
159	British Guiana	,,
160	Sierra Leone	,,
161	Jamaica	,,
162	British Honduras	,,
163	British Bechuanaland	1894–5
164	Newfoundland	1894
165	Gambia	1895
166	Bermuda	,,
167	Leeward Islands	1894
168	British New Guinea	1894–5
169	Zululand	1895
170	Sierra Leone	,,
171	Gibraltar	,,
172	Malta	,,

MISCELLANEOUS.

No.	Colony.	Subject.
1	Gold Coast	Economic Agriculture.
2	Zululand	Forests.
3	Sierra Leone	Geology and Botany.
4	Canada	Emigration.
5	Bahamas	Sisal Industry.
6	Hong Kong	Bubonic Plague.

CROFTER COLONISATION.

SEVENTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND;

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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SEVENTH REPORT

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HER MAJESTY'S COMMISSIONERS APPOINTED TO CARRY OUT A SCHEME

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COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY:

WE, the undersigned Commissioners appointed under Your Majesty's Sign Manual for the purpose of carrying out a scheme of colonisation in the Dominion of Canada, of crofters and cottars from the Western Highlands, and islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to Your Majesty the following Report:—

Reports have been received from the agent of the Board in Canada, relating to the settlements at Killarney, in Manitoba, and at Saltcoats, in the North-West Territories of Canada, for the year 1895. The former was established in the summer of 1888, prior to the constitution of the Board, and the latter in the spring of 1889, most of the families also having been selected before the first meeting of the Board.

Statements are appended containing extracts from the agent's reports (Appendix A.) and statistics (Appendix B.) showing the position of the settlements in 1895, and giving the acreage under various crops, live stock on the farms, and other information.

Killarney Settlement.

There are 54 homesteads under cultivation in the Killarney Settlement, which numbers about 160 persons. The area under cultivation in 1895 was 2,304¾ acres, and the additional area broken and under summer fallow was 1,299¼ acres, or a total of 3,604 acres, as compared with 3,520 acres in 1894. Dividing this area among the 30 families forming the settlement, the average is about 120 acres per family. It includes 1,130 acres under crop and in summer fallow, on the homesteads of 20 younger members of the various families, an average of about 56 acres each.

It will be seen that the yield of wheat in the settlement in 1895 was 49,112 bushels as compared with 21,797 in 1894. There were also 14,588 bushels of oats raised, and 4,226 bushels of potatoes, as compared with 4,263 bushels and 3,207 bushels in the previous year respectively. The agent reports the reasons which led to the area of land under wheat being rather smaller than in the previous year. However, owing to a favourable season, the total product of grain and potatoes was 67,926 bushels, as compared with 29,267 bushels last year. The value of the wheat raised was $19,644, of oats $2,188, and of potatoes $845, as compared with $8,718, $639, and $641, in 1894.

It will be seen that, in addition to the animals remaining of those originally supplied by the Board, now in the possession of the crofters, they have acquired 58 horses, 51 oxen, 82 cows, 63 heifers, 18 steers, 31 bulls, and 92 pigs. The number of chickens and other poultry owned by the various families is 1,484. These figures show a satisfactory increase over the previous year, while, as will be seen from the returns, the increase as compared with 1890 is remarkable. Some of the horses and horned stock are believed to be encumbered by mortgages, but the larger proportion, especially of the latter, are reported by the agent as belonging to the wives or younger members of the families.

The families in the settlement have cut 749 tons of hay, rather less than was prepared in 1894, for the use of the stock during the winter.

In the report last year it was mentioned that a proportion of the homesteads in the settlement had been nominally sold by the Municipality for taxes. It became necessary for the Board to pay those taxes on behalf of the crofters, in order to maintain its security. If this had not been done the nominal sales would have become a reality, the crofters would have been ejected from their holdings, and the land would have passed into the hands of new owners.

Acting on the instructions of the Treasury, the crofters were informed that, unless they made certain payments to the Board in November, on account of overdue instalments and of the unpaid taxes foreclosure proceedings would be commenced. Some payments were made as the result, but they were little more than nominal, and the lawyers were instructed to take action with a view to enable the Board to gain possession of the lands.

The object the Board has in view is not the ejectment of the settlers, but to obtain possession of the lands; and then under a new arrangement to lease them to the crofters. The intention is that the repayments in the form of rent should be spread over a number of years, and be a first charge upon the crops and chattels of the crofters. A measure of the kind will, it is believed, commend itself to the crofters, as it possesses many advantages from their standpoint

During the year a delegation from the settlement waited upon the Secretary for Scotland to explain the position of the crofters. They referred to the large indebtedness they had incurred in addition to their obligations to the Board. They pointed out that year by year judgments were obtained against them, and that in view of the expenses incurred, and of the large interest they had to pay, all their earnings, or nearly all, were swept away annually to satisfy their creditors, without decreasing, to any considerable degree, the extent of their obligations. This is not only a serious matter for them personally, but it makes it almost impossible for them to repay the money advanced by the Board.

The delegates were informed that they had better endeavour to arrange a compromise with their creditors, and that if it were very feasible the matter might be taken into consideration by the Board, with a view to see if arrangements were possible by which the settlement could again be placed in a sound financial condition.

The delegates represented that certain of the crofters were also in need of seed grain, and, in response to these urgent representations, the Treasury authorised the expenditure of a sum not exceeding 200*l.* for the purpose. It is believed, however, that the whole of this amount was not expended.

There appears to have been some dissatisfaction in the settlement, on the part of the crofters, in regard to various matters; but inquiry has shown that the grievances largely arose from the non-payment of the municipal taxes, and advances for seed grain, and from the steps which were taken by the local authorities, and by the Board to protect their respective interests.

The position of the various families in the settlement, their liabilities to the Board, and to other creditors, and the extreme consideration shown to them by the Board since the date the settlements were formed, were so fully mentioned in the last report that it is unnecessary to refer to them again in detail.

The Saltcoats Settlement.

There are 14 families at Saltcoats, and 8 younger members of the families who have taken up land, making altogether 22 settlers. The settlement contains about 90 persons. They had 162 acres under cultivation, and during the year had breaking, or land in summer fallow, to the extent of 29 acres, or a grand total of 191 acres, as compared with 272 acres in the preceding year. The value of the various crops in 1895 was $1,391 as compared with $652 in 1894.

The crofters have not, it is stated, sown a larger area of grain, because they prefer to devote more attention to the raising of live stock, which besides being more profitable enables them to go out and earn money during the seeding and harvest seasons.

It will be seen that the crofters now have 21 horses, as against 9 in 1894; 8 oxen, 54 cows, 57 heifers, 11 steers, 34 bulls, 14 sheep, 4 pigs, and 464 chickens. These figures show a slight decrease as compared with the previous year, except in the case of horses. The agent in this connexion states: "Owing to the damage done to the "crops by frost, the small acreage of grain under cultivation, and the high prices "paid for stock for shipment to England, the number of live stock in the Colony "during the period 1894 and 1895 has slightly decreased."

It is gratifying to the Board to learn that the Saltcoats settlers have not incurred outside debts to any appreciable extent; that they rarely ask for credit, and that where credit is given they seldom allow the promised date of payment to pass without discharging their obligations.

At the same time none of the crofters have repaid the instalments due to the Board or any part of them. Indeed, they all profess their inability to do so. They wish to give up their farms and to enter for new holdings in other districts, and the Board is in communication with the Canadian Government, in order to see whether an arrangement of the kind can be effected without impairing the security of the Board.

In view of the difficulties connected with the Saltcoats settlement, and of the possibility of a removal being arranged, foreclosure proceedings have not been instituted against the crofters at Saltcoats.

Conclusion.

It cannot be denied that, in the case of the Killarney settlement, it would probably have been at the present time in a flourishing condition but for the debts contracted by the crofters in the early days of the settlement. They incurred obligations which they have never been able to get rid of, and which continue to increase notwithstanding the payments that are made on account. Had they paid their taxes, and for the municipal advances of seed grain, when the payments became due, they would also have saved themselves legal and other expenses that have been incurred in connexion with the matter. If the serious obligations which now press upon the crofters, and for which the Board is in no way responsible, can be modified, and the land leased to the crofters on a system of easy repayments, there is still reason to believe that the settlement may achieve the success it ought long ago to have attained.

The position of the Saltcoats settlers is not so satisfactory. The district has not turned out to be as favourable as was anticipated, but, on the other hand, the crofters have no creditors outside the Colonisation Board.

In considering the progress of affairs at both Killarney and Saltcoats, regard must be had to the general agricultural depression in every part of the world, and to the considerable reduction that has taken place in the prices of different kinds of agricultural produce.

All of which we humbly submit to Your Majesty's gracious consideration.

BALFOUR OF BURLEIGH.
HORACE PLUNKETT.
JAMES KING.
DONALD A. SMITH.
COLIN SCOTT-MONCRIEFF.
JOHN ROSS OF BLADENSBURG.
JAMES BELL.
THOMAS SKINNER.

J. G. Colmer, Secretary.
September, 1896.

APPENDIX A.

I.—Extract from the Report of the Agent of the Board respecting the Killarney Settlement.

I have the honour to inform you that the reports on the Killarney Settlement have been sent to you under separate covers by registered mail.

Statements.

The various statements have been compiled with the view of showing the fullest possible information, in what is hoped may be found a convenient form for reference. They contain a record of the lien number, name, age, and location of each settler, together with the name and age of each member of every family. The number of acres under cultivation of wheat, oats and potatoes, average per acre, yield and market value of the same, total acres under cultivation, breaking, backsetting, and summer fallow done during the year, and grand total of acres that can be brought under cultivation for the spring of 1896, as well as the live stock on the farms, value of improvements, &c. on each homestead, present approximate value of homestead, total approximate value of the Board's security, debts owing to the municipalities and board, amounts paid thereon and general remarks.

Recapitulation.

A comparative statement has been added for the years 1890 and 1895. In former statements the 14 Canada North-West Land Company settlers were shown (in the year 1890) as assisted by the Imperial Colonisation Board. These names are now omitted.

This statement also shows that the total acres, brought under the plough in 1890 was 2,182, and 3,604 for 1895, an increase of 1,422, or an average of over 66 acres to each settler. Also that the total number of acres under cultivation for 1890 was 1,323, and for 1895, 2,304¾, an increase of 981¾ acres. In 1890 the acreage under wheat was 1,239 acres, with an average yield of 15 bushels; and in 1895, 1,924, with an average yield of over 25 bushels to the acre. In 1890 the acreage under oats was 74 acres, with an average yield of over 29 bushels to the acre, and in 1895, 357 acres, with an average yield of over 40 bushels to the acre. The number of acres under potatoes in 1890 was 10, with an average yield of over 176 bushels to the acre, and in 1895, 23¾ acres, which yielded 4,226, or nearly an average of 176 bushels to the acre. Crofters could have disposed of their crops, during the autumn of 1895, at an average of 40 cents for wheat, oats 15 cents, and potatoes 20 cents per bushel. It will be seen by comparing this statement with the one received by you last year (1894) that the settlers have not sown the same area of wheat this year (1895) as they did the previous (1894). Reasons: Some of the settlers were unable to purchase seed grain; in other cases the settlers were unable to prepare and seed the land, as their animals, purchased under Chattel Mortgage had been taken from them, for not meeting their payments. The low price they had the previous autumn received for their grain also deterred some from sowing a larger area. The increase of grain this season (wheat 25 and oats 40 bushels to the acre) has taught the settlers that to gain a good crop it is necessary to thoroughly prepare the soil. It will be further observed that in 1890 the crofters purchased one horse, and in 1895 they had in their possession 58, an increase of 57 horses. In 1890 the number of oxen (I.C.B.) were 57, and in 1895, 10, a decrease of 47. Again, in 1890, they purchased 24 oxen, and in 1895 they had in their possession 51, an increase of 27 oxen. Cows (I.C.B.) in 1890, 37, and in 1895, 4, a decrease of 33 cows. Cows purchased by settlers in addition to those supplied by the Board in 1890 numbered 25, and in 1895 this number was increased by 57. The number of young stock, &c. is as follows:—Heifers, 1890, 50; 1895, 63, an increase of 13. Steers, 1890, 37; 1895, 18, a decrease of 19. Bulls, 1890, 5; 1895, 31, an increase of 26. Poultry, 1890, 813; 1895, 1,484, an increase of 671. Pigs, 1890, 38; 1895, 92, an increase of 54. The cause of the decrease in the live stock originally supplied to the settlers is accounted for by death and sale. Several of the crofters have had their teams, purchased under Chattel Mortgage, taken from them for not meeting their payments. In such cases the agent considers it advisable to find out whether there are teams available for hire, during the seeding season, arranging that the expense thus incurred be paid out of the 1896 crops.

Seed Grain.

The agent finds it necessary to supply seed grain to those settlers who have only smutty seed to sow, also to those who have had their grain seized for debts, compelling them to dispose of their exemptions (seed grain) for provisions, &c. for their families.

Repayments I.C.B.

As instructed in your letter of the 27th March 1895, every crofter in the settlement was personally called upon by the agent for the amounts due to the Board. Their payments and replies will be found in their individual reports.

Municipal Repayments.

As instructed in your letter of the 27th March 1895, the agent several times called upon every crofter in the settlement, and urged upon him the necessity of his paying his municipal indebtedness. Their payments and replies will be found in the individual reports. The agent is informed by the municipal authorities that seizures were only made upon the crops of those settlers who they considered did not intend to pay their taxes or seed grain notes.

Foreclosing Liens.

In accordance with instructions received the Board's solicitors have instituted legal proceedings in the Court of Queen's Bench, foreclosing those liens upon which default of payment has been made. This procedure was necessary to enable the Board to obtain an indefeasible right to those lands upon which default of payment has been made, and with the view of subsequently leasing the lands to the settlers. The solicitors have informed the agent that the proceedings in questions are being put through the court as expeditiously as the law will permit.

II.—Extract from the Report of the Agent of the Board respecting the Saltcoats Settlement.

I have the honour to inform you that the reports on the Saltcoats Settlements have been sent to you under separate covers by registered mail.

The various statements have been compiled with the view of showing the fullest possible information in what is hoped may be found a convenient form for

reference. They contain a record of the lien number, name, age and location of each settler, together with the name and age of each member of every family. The number of acres under cultivation of wheat, oats, and potatoes, average per acre, yield and market value of the same. Total acres under cultivation, breaking, backsetting and summer fallow done during the year, and grand total of acres that can be brought under cultivation during the spring of 1896, as well as the live stock on the farms, value of improvements, &c. on each homestead, present approximate value of the Board's security, amount advanced (principal) by the Board and general remarks.

Recapitulation.

A comparative statement has been added for the years 1890 and 1895, which shows that the total acres brought under the plough in 1890 was 188, and for 1895, 191, an increase of 3 acres, also that the total number of acres under cultivation for 1890 was 129, and for 1895, 162 acres, an increase of 33 acres. In 1890 the acreage under wheat was 47½, which yielded over 16 bushels, and in 1895, 58 acres, which is estimated would yield 25 bushels to the acre. In 1890 the number of acres under oats was 73¼, with an average yield of over 23 bushels to the acre, and in 1895, 86 acres, with an estimated average yield of 35 bushels to the acre. In 1890 the acreage under potatoes was 8½, which yielded 1,480 bushels, and in 1895, 18 acres, which yielded 4,365 bushels.

The cause of the crofters not having sown a larger area of grain is explained by the settlers having practically given up grain growing, and devoting their attention to the raising of live stock, which they say "pays best, and allows us to go out and earn money "during the sowing and harvest seasons."

As already pointed out in my letter of the 15th October last, the crops sown in the Colony were almost a total failure owing to hail (15th June) and frost (25th August). The hail storm not only retarded the growth of the new wheat and oat blades, but was directly the cause of the crops not ripening before the first general frost (25th August). Owing to the small acreage of grain sown by each crofter the owners of threshing machines refused to thresh the settlers' crops; they have, therefore, had no threshing done, and any grain required for gristing purposes has had to be flailed. Although the wheat and oat crop has been damaged, it is estimated the former would yield 25, and the latter 35 bushels to the acre, and should sell respectively for 35 and 12 cents per bushel.

The potato crop has fortunately been an abundant one, and nearly every crofter has more than sufficient for his requirements. Last autumn they were selling for 12 cents, and at the present time are worth 25 cents per bushel.

It will be further learned from the comparative statement that in 1890 the crofters had no horses, and in 1895 they had in their possession 21 horses. In 1890 the number of I.C.B. oxen was 28, and in 1895 15, a decrease of 13. Again, in 1890 they had no other oxen than those supplied to them by the Board, while in 1895 they had 8. I.C.B. cows, 1890, numbered 19, and in 1895, 12, a decrease of 7 cows. Cows purchased by the settlers, in addition to those supplied by the Board in 1890, numbered 6, and in 1895 this number was increased to 54, an increase of 48 cows. The number of young stock, poultry, &c. is as follows:—Heifers, 1890, 15; 1895, 57, anincrease of 42. Steers, 1890, 14; 1895, 11, a decrease of 3. Bulls, 1890, 1; in 1895, 34, an increase of 33. Poultry, 1890, 176; 1895, 513, an increase of 337. Pigs, 1890, 0; 1895, 4. Sheep, 1890, 0; 1895, 14. In 1890 the settlers put up in stack 290 tons of hay, and in 1895, 664 tons.

Owing to the damage done to the crops by frost, and the small acreage of grain under cultivation, and also the high prices paid for stock (2¾ to 4 cents per pound live weight) by cattle buyers for shipment to England, the number of live stock in the Colony during the period 1894 and 1895 has slightly decreased.

Repayments to I.C.B.

As instructed in your letter of the 27th March 1895, every crofter in the settlement was personally called upon by the agent for the amount due to the Board. Their replies will be found in the individual reports.

As mentioned in the agent's letter of the 15th October last, the settlers had, previous to their visit to the Colony, decided amongst themselves that they never would be in a position to pay off their obligations to the Board, and that on his visiting the Colony they requested him, as their agent, to ask the Board to take over their present homesteads for the amount they owed, and to arrange with the Dominion Government to allow them to make entries for new homesteads. In accordance with the instructions contained in your letter, 30th November last, the crofters have been notified that the matter has been under the consideration of the Board, and that negotiations are taking place with the Government on the subject. The solicitors of the Board (Macdonald Tupper, Phippen and Tupper) have informed the agent that, owing to the introduction of important Government Bills, which occupied the time of the Minister of the Interior, they were unable to complete arrangements with his department—which is hoped will eventually grant the crofters' request.

Patents and Sale Abandoned Lands.

The solicitors of the Board have informed the agent that the department of the interior at Ottawa are issuing the patents for the abandoned lands as quickly as the procedure exacted by that department will permit.

With a view of disposing the abandoned lands by sale, lists have been made and posted in the different post offices in the district in which they are situated, stating that for particulars of sale apply to the agent of the Board, Winnipeg.

School Taxes.

In accordance with instructions received from the Board's solicitors, the agent offered the trustees of the Meadowvale school district the taxes due upon those sections on which the settlers earned a patent prior to abandoning their lands, by cultivation and residence. To date the trustees have not accepted the agent's offer, and the matter remains in *statu quo*.

General Remarks.

It is gratifying for the agent to be able to inform the Board that he has been told by a Saltcoats citizen whose store the crofters patronise that, with very few exceptions, the crofters now never ask for credit, and where credit is given they seldom allow the promised date of payment to pass without discharging the debt.

APPENDIX B. - - - -

KILLARNEY CROFTERS - - - -

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation, &c. of								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
					$ c.			$ c.			$ c.
1	—	William McLeod -	36	756	302 40	8	320	48 00	1	160	32 00
	34	Malcolm McIver -	—	—	—	—	—	—	—	—	—
2	—	Donald McDonald -	50	1,250	500 00	30	1,380	207 00	1	169	33 80
—	54	Samuel Graham -	—	—	—	—	—	—	—	—	—
4	—	John McKay - -	7	161	64 40	7	294	44 10	1	153	30 60
5	—	Norman Graham -	30	750	300 00	12	432	64 80	½	83	16 60
—	35	William McLeod -	40	1,000	400 00	10	380	57 00	1	147	29 40
6	—	John Nicholson -	30	780	312 00	20	900	135 00	1	164	32 80
—	36	John Maclean -	26	624	249 60	—	—	—	¼	58	11 60
7	—	John Campbell -	40	1,160	464 00	14	490	73 50	½	83	16 60
—	37	Angus Graham -	50	1,350	540 00	—	—	—	—	—	—
8	—	John McKenzie -	35	875	350 00	10	390	58 50	½	83	16 60
9	—	John McLeod -	30	840	336 00	—	—	—	1	158	31 60
—	39	William MacLeod -	20	540	216 00	—	—	—	—	—	—
—	40	John Macleod -	50	1,150	460 00	20	840	126 00	—	-	—
—	57	Lewis MacLeod -	35	910	364 00	20	900	135 00	—	—	—
10	—	Kenneth McAuley -	35	945	378 00	—	—	—	½	73	14 60
—	53	John McAuley -	35	910	364 00	—	—	—	—	—	—
—	73	Neil Munro - -	—	—	—	—	—	—	—	—	—
11	—	Angus McDonald -	40	960	384 00	14	532	79 80	1	183	36 60
—	58	John McKenzie -	—	—	—	—	—	—	—	—	—
13	—	Angus McLeod -	10	230	92 00	—	—	—	½	83	16 60
—	41	Donald McLeod -	30	750	300 00	20	860	129 00	—	—	—
14	—	John Morrison -	50	1,300	520 00	9	387	58 05	1	173	34 60
—	59	Murdo Morrison -	60	1,620	648 00	—	—	—	¼	62	12 40
15	—	John Graham - -	25	575	230 00	4	152	22 80	½	110	22 00
—	60	John Graham - -	35	875	350 00	—	—	—	—	—	—
16	—	Allen McLeod -	44	1,144	457 60	5	195	29 25	½	93	18 60
—	42	Murdo Stewart -	7	189	75 60	—	—	—	1	181	36 20
17	—	John McKenzie -	40	880	352 00	20	760	114 00	½	91	18 20
—	43	Donald McKenzie -	20	540	216 00	—	—	—	—	—	—
—	61	Kenneth McLeod -	30	780	312 00	—	—	—	—	—	—
18	—	William McDonald	60	1,380	552 00	12	564	84 60	½	97	19 40
—	44	Donald Murray -	40	960	384 00	5	215	32 25	½	105	21 00
—	55	Alexander McDonald	—	—	—	—	—	—	—	—	—

APPENDIX B.

KILLARNEY CROFTERS.

IN THE INDIVIDUAL CROFTERS' REPORTS, 1895.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, and Summer Fallow, 1895.	Grand Total for 1896.	Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
45	50	95	1	—	2	—	2	2	—	—	41	6	11	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Abandoned.
81	11	92	2	—	1	—	3	1	3	1	35	8	12	
—	70	70	—	—	—	—	—	—	—	—	—	—	—	
15	12	27	—	—	—	—	1	2	—	—	42	—	7	
42½	42½	85	—	—	2	—	2	3	—	1	17	2	13	
51	19	70	—	—	2	—	3	2	—	1	—	—	15	
51	100	151	2	—	1	—	2	1	1	2	105	2	17	
26¼	20¾	47	—	—	2	—	1	2	—	1	27	1	14	
54½	15½	70	—	2	1	—	3	3	—	—	17	2	17	
50	25	75	1	—	1	—	1	1	—	—	—	—	12	
45½	34½	80	2	—	—	—	2	1	—	1	35	3	21	
31	14	45	—	—	3	—	3	2	1	3	55	—	27	
20	—	20	—	—	—	—	—	—	—	—	—	—	—	
70	10	80	2	—	1	—	1	—	—	—	—	—	12	
55	—	55	1	—	—	—	1	—	—	—	—	—	12	
35½	49½	85	—	—	2	—	1	3	—	—	43	2	16	
35	—	35	4	—	—	—	—	—	—	—	—	—	12	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Abandoned.
55	40	95	2	—	—	—	1	1	—	1	23	7	22	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Abandoned.
10½	49½	60	—	—	—	—	1	1	—	—	45	—	18	
50	10	60	7	—	—	—	1	—	—	—	—	—	19	
60	30	90	—	—	2	—	2	—	—	2	49	6	17	
60¼	29¾	90	—	—	—	—	1	2	—	—	—	—	14	
29½	20½	50	—	—	2	—	2	1	1	—	63	3	9	
35	25	60	—	—	—	—	—	—	—	—	—	—	—	
49½	30½	80	—	—	—	—	2	—	—	2	45	2	12	
8	40	48	—	—	2	—	1	1	—	—	42	5	10	
60½	12½	73	—	—	2	—	—	—	—	—	57	3	14	
20	40	60	7	—	—	—	3	2	—	1	—	—	15	
30	20	50	—	—	2	—	—	—	—	—	—	—	9	
72½	2½	75	—	—	—	—	2	2	—	1	42	—	16	
45½	29½	75	—	—	3	—	2	—	—	2	34	1	19	
—	—	—		—	—	—	—	—	—	—	—	—	—	Abandoned.

APPENDIX B.—*continued*

Lien Number. Heads.	Lien Number. Others.	Names.	Number of Acres under Cultivation, &c. of — Wheat. Acres.	Wheat. Yield.	Wheat. Value.	Oats. Acres.	Oats. Yield.	Oats. Value.	Potatoes. Acres.	Potatoes. Yield.	Potatoes. Value.
					$ c.			$ c.			$ c.
19	—	Murdo Graham -	50	1,440	576 00	4	144	21 60	½	73	14 60
21	—	Norman McKenzie -	25	700	280 00	10	420	63 00	½	87	17 40
—	45	William McKenzie -	40	920	368 00	—	—	—	½	117	23 60
—	62	James McIver - -	24	648	259 20	5	170	25 50	1	149	29 80
22	—	John McDonald -	45	1,115	446 00	5	200	30 00	½	167	33 40
—	46	Norman McDonald -	30	750	300 00	—	—	—	½	79	15 80
—	64	Duncan McDonald -	20	460	184 00	—	—	—	—	—	—
23	—	John McDonald -	55	1,375	550 00	12	480	72 00	¼	63	12 60
24	—	Angus McLeod -	60	1,380	552 00	10	380	57 00	½	82	16 40
25	—	Angus Morrison -	50	1,350	540 00	2	80	12 00	½	92	18 40
26	—	Donald McKinnon -	50	1,250	500 00	—	—	—	—	—	—
—	67	Catherine McKinnon -	30	810	324 00	—	—	—	1	147	29 40
27	—	Donald Stewart - -	80	2,000	800 00	—	—	—	½	98	19 60
28	—	Ronald McKay -	60	1,680	672 00	20	840	126 00	½	99	19 80
29	—	Dugal McKenzie -	40	1,040	416 00	20	660	99 00	½	87	17 40
30	—	Roderick McKay -	60	1,620	648 00	15	645	96 75	½	101	20 20
31	—	Bannatyne McKinnon	80	2,080	832 00	4	188	28 20	1	187	37 40
32	—	Kenneth McLeod -	70	1,890	756 00	10	390	58 50	½	89	17 80
33	—	John Fraser - -	15	420	168 00	—	—	—	—	—	—
30	24		1,924	49,112	$19,644 80	357	14,588	$2,188 20	23¾	4,226	$845 20

RECAPITULATION

KILLARNEY CROFTERS

1890 AND 1895

Assisted Settlers, 1890 = 56. , „ 1895 = 54.	Wheat. Acres.	Wheat. Yield.	Oats. Acres.	Oats. Yield.	Potatoes. Acres.	Potatoes. Yield.	Total Acres under Cultivation.	Breaking, Backsetting, Summer Fallow.	Grand Total.
For year 1895 - - -	1,924	49,112	357	14,588	23¾	4,226	2,304¾	1,299¼	3,604
„ 1890 - - -	1,239	18,585	74	2,168	10	1,761	1,323	859	2,182
Increase - -	685	30,527	283	12,420	13¾	2,465	981¾	440¼	1,422
Decrease - - -	—	—	—	—	—	—	—	—	—

APPENDIX B.—*continued.*

Grand Total of Acres under Cultivation.	Breaking, Back setting, and Summer Fallow, 1895.	Grand Total for 1896.	Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
54½	10½	65	—	—	2	—	2	1	—	2	29	6	20	
35½	40½	76	—	2	2	1	3	2	1	—	48	2	23	
40½	24½	65	—	—	2	—	2	—	—	2	29	1	14	
30	—	30	—	—	—	—	—	—	—	—	31	—	—	
50½	19½	70	3	—	2	1	—	1	1	—	15	2	16	
30½	19½	50	—	—	2	—	1	1	—	—	—	—	9	
20	—	20	—	—	2	—	1	—	—	—	—	—	5	
67¼	2¾	70	2	—	—	—	2	2	—	—	39	—	17	
70½	29½	100	—	—	2	—	2	3	2	1	46	—	25	
52½	42½	95	2	2	—	—	6	5	2	2	70	2	27	
50	20	70	3	—	—	—	2	3	1	—	40	3	29	
31	39	70	—	—	—	—	—	—	—	—	—	—	—	
80½	39½	120	3	—	—	—	3	—	—	1	39	—	30	
80½	34½	115	3	2	—	—	1	2	—	1	47	9	22	
60½	24½	85	3	—	2	1	4	2	—	1	103	3	26	
75½	14½	90	5	—	—	—	5	4	3	2	55	5	30	
85	30	115	3	—	2	—	2	2	1	—	43	3	21	
80½	14½	95	—	2	2	1	2	2	1	—	33	3	23	
15	40	55	—	—	—	—	—	—	—	—	—	—	—	
2,304¾	1,299¼	3,604	58	10	51	4	82	63	18	31	1,484	92	749	

RECAPITULATION.

KILLARNEY CROFTERS.

1890 AND 1895.

Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
58	10	51	4	82	63	18	31	1,484	92	749	
1	57	24	37	25	50	37	5	813	38	518	
57	—	27	—	57	13	—	46	671	54	231	
—	47	—	33	—	—	19	—	—	—	—	

G. B. BORRADAILE,
Agent of the Board in Canada.

APPENDIX B.—*continued* - - - - -

SALTCOATS CROFTERS, 1895 - - - -

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation, &c.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
					$ c.			$ c.			$ c.
—	95	Neil McKay -	—	—	—	8	280	33 60	1	260	31 20
6	—	Donald Morrison -	—	—	—	—	—	—	1	280	33 60
11	—	Charles Docherty -	3	75	26 25	7	245	29 40	1	300	36 00
—	58	John Docherty -	—	—	—	—	—	—	—	—	—
12	—	Alexander McDonald	—	—	—	2	70	8 40	1	240	28 80
25	—	Donald McDonald -	—	—	—	3	105	12 60	1	193	23 16
28	—	Robert McKay -	2	50	17 50	—	—	—	1	167	20 04
31	—	Donald Morrison -	3	75	26 25	6	210	25 20	1	211	25 32
32	—	John McKay -	3	75	26 25	8	280	33 60	1	214	25 68
—	74	Malcolm McKay -	3	75	26 25	8	280	33 60	1	204	24 48
35	—	Peter Morrison -	—	—	—	—	—	—	1	263	31 56
36	—	Donald McDonald -	—	—	—	—	—	—	1	257	30 84
—	77	Alexander McDonald	—	—	—	—	—	—	—	—	—
—	96	Mary McDonald -	—	—	—	4	140	16 80	1	236	28 32
37	—	Roderick McKay -	—	—	—	9	315	37 80	1	271	32 52
—	78	Angus McKay -	10	250	87 50	—	—	—	1	218	26 16
39	—	Ewen McKay -	12	300	105 00	8	280	33 60	1	255	30 60
40	—	Neil McSween -	8	200	70 00	5	175	21 00	1	217	26 04
43	—	Archibald Ferguson -	10	250	87 50	15	525	63 00	1	297	35 64
47	—	John McIver -	—	—	—	—	—	—	1	282	33 84
—	85	John McIver -	—	—	—	—	—	—	—	—	—
—	88	Donald McIver -	4	100	35 00	3	105	12 60	—	—	—
14	8	= 22 settlers.	58	1,450	$507 50	86	3,010	$361 20	18	4,365	$523 80

RECAPITULATION - - - -

SALTCOATS CROFTERS - - - -

1890 AND 1895 - - - - -

Homesteads for	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking, Backsetting Summer Fallow done 1895.	Grand Total for 1896.
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
Year 1895, settlers 22 - -	58	1,450	86	3,010	18	4,365	162	29	191
1890, „ 22 - -	47¼	778	73¼	1,700	8½	1,480	129	59	188
Increase - -	10¾	672	12¾	1,310	9½	2,885	33	—	3
Decrease - -	—	—	—	—	—	—	—	30	—

APPENDIX B.—*continued.*

SALTCOATS CROFTERS, 1895.

IN THE INDIVIDUAL CROFTERS REPORTS, 1895.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, and Summer Fallow, done, 1895,	Grand Total for Season 1896.	Live Stock on Homesteads.												Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Sheep.	Pigs.	Chickens.	Turkeys.		
9	—	9	1	—	—	—	1	2	—	—	—	—	20	—	30	
1	—	1	2	—	—	—	4	3	4	1	2	—	37	—	30	
11	—	11	3	—	—	—	5	3	—	3	—	—	23	6	60	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Abandoned.
3	—	3	4	—	2	—	4	5	—	1	—	—	17	5	50	
4	—	4	2	—	—	1	4	6	2	3	—	—	5	2	70	
3	—	3	—	—	2	1	2	2	1	1	—	—	21	—	30	
10	—	10	1	—	2	—	3	4	—	4	—	—	33	—	27	
12	10	22	—	2	—	1	4	4	—	3	2	—	39	6	33	
12	—	12	2	1	—	1	2	4	—	2	—	1	26	6	30	
1	—	1	—	2	—	1	3	6	1	2	—	—	15	—	40	
1	—	1	—	—	—	—	2	—	—	2	—	—	31	—	33	
—	—	—	—	1	1	—	—	1	—	—	—	—	—	—	23	
5	—	5	—	—	—	—	2	2	—	—	—	—	38	15	22	
10	—	10	2	—	—	1	1	—	—	1	—	—	10	—	15	Dead.
11	—	11	—	2	—	1	2	1	—	—	—	—	16	—	25	
21	15	36	1	2	—	1	2	2	—	1	—	—	49	7	39	
14	4	18	—	2	—	2	3	1	1	4	—	—	33	—	27	
26	—	26	—	1	1	1	3	5	2	1	10	3	32	2	36	
1	—	1	3	2	—	1	3	3	—	3	—	—	19	—	23	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Dead
7	—	7	—	—	—	—	4	3	—	2	—	—	—	—	21	
162	29	191	21	15	8	12	54	57	11	34	14	4	464	49	664	

RECAPITULATION.

SALTCOATS CROFTERS.

1890 AND 1895.

Live Stock on Homesteads.											Tons of Hay cut.
Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Sheep.	Pigs.	Chickens.	Turkeys.	
21	15	8	12	54	57	11	34	14	4	464	49	664
—	28	—	19	6	15	14	1	—	—	176	—	290
21	—	8	—	48	42	—	33	14	4	288	49	374
—	13	—	7	—	—	3	—	—	—	—	—	—

G. B. BORRADAILE,
Agent, Colonisation Board, Canada.

TREATY SERIES. No. 15.

1895.

AGREEMENT

REGULATING THE

COMMERCIAL RELATIONS

BETWEEN

CANADA AND FRANCE

IN RESPECT OF

CUSTOMS TARIFFS.

Signed at Paris, February 6, 1893.

[*Ratifications exchanged at Paris, October* 4, 1895.]

Presented to both Houses of Parliament by Command of Her Majesty.
February 1896.

LONDON:
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS & Co., Limited, 104, Grafton Street, Dublin.

[C.—7928.]

AGREEMENT REGULATING THE COMMERCIAL RELATIONS BETWEEN CANADA AND FRANCE IN RESPECT OF CUSTOMS TARIFFS.

Signed at Paris, February 6, 1893.

[*Ratifications exchanged at Paris, October* 4, 1895.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, being alike desirous of facilitating and extending commercial relations between Canada and France, have resolved to conclude an Agreement to this end, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency the Marquis of Dufferin and Ava, a Peer of the United Kingdom, a member of the Most Honourable Privy Council, Vice-Admiral of Ulster, Warden and Keeper of the Cinque Ports, Constable of the Castle of Dover, &c., &c., Her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic; and Sir Charles Tupper, Baronet, High Commissioner for Canada in London;

The President of the French Republic, his Excellency M. Jules Develle, Deputy and Minister for Foreign Affairs, and his Excellency M. Seigfried, Deputy, Minister for the Department of Commerce, Industry, and of the Colonies;

SA Majesté la Reine du Royaume-Uni de Grande-Bretagne et d'Irlande, et le Président de la République Française, également animés du désir d'améliorer et étendre les relations commerciales entre le Canada et la France, ont résolu de conclure un Arrangement à cet effet, et ont nommé pour leurs Plénipotentiaires respectifs:

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, son Excellence M. le Marquis de Dufferin et Ava, Pair du Royaume, membre du Conseil Privé, Vice-Amiral d'Ulster, Protecteur et Gardien des Cinque Ports et Connétable du Château de Douvres, &c., &c., son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française; et Sir Charles Tupper, Baronet, Haut Commissaire du Canada à Londres;

Le Président de la République Française, son Excellence M. Jules Develle, Député, Ministre des Affaires Étrangères, et son Excellence M. Siegfried, Député, Ministre du Commerce, de l'Industrie, et des Colonies;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.

Wines, sparkling and non-sparkling, common soaps, "savons de Marseille" (Castile soaps), and nuts, almonds, prunes, and plums of French origin entering Canada shall enjoy the following advantages :

1. Non - sparkling wines gauging 15 degrees by the centesimal alcoholmeter, or less, or according to the Canadian system of testing, containing 26 per cent., or less, of alcohol, and all sparkling wines, shall be exempted from the surtax or *ad valorem* duty of 30 per cent. ;

2. The present duty charged on common soaps, " savons de Marseille " (Castile soaps), shall be reduced by one-half ;

3. The present duty charged on nuts, almonds, prunes, and plums shall be reduced by one-third.

ARTICLE II.

Any commercial advantage granted by Canada to any third Power, especially in Tariff matters, shall be enjoyed fully by France, Algeria, and the French Colonies.

ARTICLE III.

The following articles of Canadian origin imported direct from that country accompanied by certificates of origin shall receive the advantage of the

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

A l'entrée en Canada les vins mousseux et non mousseux, les savons communs, savons de Marseilles (" Castile soaps "), et les noix, amandes, prunes, et pruneaux d'origine Française bénéficieront des avantages suivants :

1. Les vins non mousseux, titrant 15 degrés de l'alcoomètre centésimal ou moins (soit d'après l'équivalent Canadien, 26 pour cent d'alcool ou moins), et tous les vins mousseux, seront affranchis de la surtaxe, ou droit *ad valorem* de 30 pour cent ;

2. Le droit actuellement applicable aux savons communs, savons de Marseille (" Castile soaps "), sera réduit de moitié ;

3. Le droit actuellement applicable aux noix, amandes, prunes, et pruneaux sera réduit d'un tiers.

ARTICLE II.

Tout avantage commercial accordé par le Canada à un État tiers, notamment en matière de Tarifs, sera, de plein droit, étendu à la France, à l'Algérie, et à ses Colonies.

ARTICLE III.

A l'entrée en France, en Algérie, et dans les Colonies Françaises, les articles suivants originaires du Canada, importés directement de ce pays et ac-

Minimum Tariff on entering France, Algeria, or the French Colonies :

Canned meats ;

Condensed milk, pure ;
Fresh-water fish, eels ;

Fish preserved in their natural form ;
Lobsters and crayfish preserved in their natural form ;
Apples and pears, fresh, dried, or pressed ;
Fruits preserved, others ;

Building timber, in the rough or sawn ;
Wood pavement ;
Staves ;
Wood pulp (cellulose) ;
Extract of chestnut, and other tanning extracts ;
Common paper, machine made ;
Prepared skins, others, whole ;

Boots and shoes ;
Furniture of common wood ;
Furniture other than chairs, of solid wood, common ;
Flooring, in pine or soft wood ;

Wooden sea-going ships.

It is understood that the advantage of any reduction of duty granted to any other Power on any of the articles enumerated above shall be extended fully to Canada.

ARTICLE IV

The present Agreement having received the sanction of the Parliament of Canada and of the French Chambers, shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible. It shall come

compagnés de certificats d'origine seront admis au bénéfice du Tarif Minimum :

Conserves de viandes en boîtes ;
Lait concentré pur ;
Poissons d'eau douce, anguilles ;
Poissons conservés au naturel ;
Homards et langoustes conservés au naturel ;
Pommes et poires fraîches, sèches, ou tapées ;
Fruits de table, conservés, autres ;
Bois à construire, bruts ou sciés ;
Pavés en bois ;
Merrains ;
Pâte de bois (cellulose) ;
Extrait de chataigniers et autres sucs tannins ;
Papiers communs à la mécanique ;
Peaux préparées, autres, entières ;
Bottes, bottines, et souliers ;
Meubles en bois commun ;
Meubles autres que sièges, massifs en bois, commun ;
Lames de parquet en sapin ou en bois tendre ;
Bâtiments de mer en bois.

Il est entendu que le bénéfice de toute réduction de droit accordée à un État quelconque sur l'un des articles énumérés ci-dessus, sera étendu, de plein droit, au Canada.

ARTICLE IV.

Le présent Arrangement après avoir été adopté par le Parlement du Canada et par les Chambres Françaises, sera ratifié et les ratifications en seront échangées à Paris aussitôt que faire se pourra. Il

into operation immediately after this formality has been accomplished, and shall continue in force until the expiration of twelve months after either of the Contracting Parties shall have given notice of their intention of terminating the same.

It is agreed likewise that if non-sparkling wines gauging 15 degrees at the most, or sparkling wines become subject later on to an increase of duty in Canada, the French Government by denouncing the present Agreement could terminate its operation immediately without waiting until the expiration of the twelve months' delay provided for above.

In witness whereof the respective Plenipotentiaries have signed the present Agreement and affixed thereto the seals of their arms.

Done in duplicate at Paris, this 6th day of February, 1893.

(L.S.) DUFFERIN AND AVA.
(L.S.) CHARLES TUPPER.

entrera en vigueur immédiatement après l'accomplissement de cette formalité et demeurera exécutoire jusqu'à l'expiration d'un délai de douze mois après que l'une ou l'autre des Parties Contractantes aura notifié son intention d'en faire cesser les effets.

Il est, d'ailleurs, convenu que si les vins non mousseux titrant au plus 15 degrés ou les vins mousseux étaient ultérieurement l'objet d'un relèvement de droit à l'entrée au Canada, le Gouvernement Français pourrait, en dénonçant le présent Arrangement, en faire cesser immédiatement les effets, sans attendre l'expiration du délai de douze mois prévu ci-dessus.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Arrangement et y ont apposé leurs cachets.

Fait à Paris, en double expédition, le 6 Février, 1893.

(L.S.) JULES DEVELLE.
(L.S.) JULES SIEGFRIED.

COLONIAL REPORTS.—ANNUAL.

No. 191.

CANADA.

DIGEST OF THE STATISTICS FOR 1895.

Presented to both Houses of Parliament by Command of Her Majesty.
March 1897.

LONDON:
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1897.

C.—8279.-15.]

COLONIAL REPORTS.

The following among other Reports relating to Her Majesty's Colonial Possessions have been issued, and may be obtained for a few pence from the sources indicated on the title page:—

ANNUAL.

No.	Colony.	Year.
156	Mauritius	1894
157	Labuan	"
158	Gold Coast	"
159	British Guiana	1894–95
160	Sierra Leone	1894
161	Jamaica	1894–95
162	British Honduras	1894
163	British Bechuanaland	1894–95
164	Newfoundland	1894
165	Gambia	"
166	Bermuda	"
167	Leeward Islands	"
168	British New Guinea	1894–95
169	Zululand	1895
170	Sierra Leone	"
171	Gibraltar	"
172	Malta	"
173	Barbados	"
174	Turks and Caicos Islands	"
175	Falkland Islands	"
176	St. Helena	"
177	Bahamas	"
178	Hong Kong	"
179	Windward Islands	"
180	Labuan	"
181	Trinidad and Tobago	"
182	Seychelles	"
183	Mauritius and Rodrigues	1894 and 1895
184	British Honduras	1895
185	Lagos	"
186	Basutoland	1895–96
187	Ceylon	1895
188	British Guiana	1895–96
189	Gold Coast	1895
190	Jamaica	1895–96

MISCELLANEOUS.

No.	Colony.	Subject.
1	Gold Coast	Economic Agriculture.
2	Zululand	Forests.
3	Sierra Leone	Geology and Botany.
4	Canada	Emigration.
5	Bahamas	Sisal Industry.
6	Hong Kong	Bubonic Plague.
7	Newfoundland	Mineral Resources.

No. 191.

CANADA.

The ACTING GOVERNOR GENERAL to M. CHAMBERLAIN.

SIR, Ottawa, December 15, 1896.

I HAVE the honour to forward herewith a copy of a communication from the office of the Privy Council of Canada relative to a Digest of the Fiscal Statistics of the Dominion for the year 1895, which was forwarded to the Canadian High Commissioner some time since.

The Digest in question was transferred by that gentleman to the Colonial Office, as will be observed from the terms of the letter now enclosed.

I have, &c.
HENRY STRONG,
Deputy Governor.

Privy Council, Ottawa,
SIR, December 15, 1896.

THE High Commissioner for Canada having transferred a Digest of the Statistics of Canada for the fiscal year of 1895, which was forwarded to him under Order in Council of the 21st October 1896, to the Colonial Office, suggests that a Despatch from his Excellency the Governor General should be sent to the Colonial Secretary to serve as an introduction to it in the printed paper, to make the matter uniform with the reports of other Colonies that have already been published.

I have, &c.
To the Governor General's Secretary. JOHN J. McGEE,
Clerk of the Privy Council.

---

o 95450. Wt. 20348.

CANADA. 1895.

DIGEST of the STATISTICS of CANADA, 1895, by GEORGE JOHNSON, F.S.S. (Hon.), Government Statistician.

1. Canada was discovered by John and Sebastian Cabot sailing under commission from King Henry VII. of England in 1497, the point of landing being Cape Breton.

2. Jacques Cartier, of St. Malo, France, landed at port of Brest, near the Straits of Belle Isle in 1534, and discovered those portions of Canada now called new New Brunswick, Prince Edward Island, and Quebec.

3. Colonisation was practically begun in 1605–8. In 1605 Baron de Poutrincourt established Port Royal (now Annapolis Royal in Nova Scotia), the first actual settlement by Europeans. In 1608 Champlain founded Quebec.

4. The name "Canada" first appears in the Bref récit de la Navigation faite en 1536–37 par Capt. Jacques Cartier. It was originally the name of the chief town of the Indians who had possession of the river bank from the River Saguenay to the citadel of Quebec.

5. The Dominion of Canada consists of the following provinces, given in alphabetical order :—

British Columbia.
Manitoba.
New Brunswick.
Nova Scotia.
Ontario.
Prince Edward Island.
Quebec.
The North-west Territories.

Provisional names have been given to the Territories chiefly for convenience in postal arrangements. These are :—

Alberta.
Assiniboia.
Athabasca.
Franklin.
Keewatin.
Mackenzie
Saskatchewan.
Ungava.
Yukon.

6. The Dominion of Canada has an area of 3,456,383 square miles of which 3,315,647 are land surface and 140,736 water surface.

It is about 3,500 miles from east to west and 1,400 miles from north to south. It comprises the whole of the northern half of North America, with the exception, on the west, of Alaska and on the east, of Labrador, which latter is under the jurisdiction of Newfoundland, this Colony not yet having entered the Confederation.

7. Canada is bounded on the north by the Arctic Ocean; on the west by Alaska and the Pacific Ocean; on the east by the Gulf of St. Lawrence and Labrador, and on the south by the Atlantic Ocean and the United States of North America. The latter boundary, starting from the Atlantic seaboard, commences at the mouth of the St. Croix River, which empties into the Bay of Fundy, then follows this river and Lake Chiputnecook and passes due north until it strikes the St. John River; thence by that river and one of its western branches it reaches the watershed between the St. Lawrence River and the Atlantic, which it follows by a tortuous south-westerly course to the 45th parallel of North latitude in longitude 71° 30″ west; thence by this parallel it passes westward to the St. Lawrence River and along midchannel of that river and of the Lakes Ontario, Erie, Huron and the main portion of Lake Superior to the mouth of Pigeon River; thence by it and Rainy River it gains the north-west angle of the Lake of the Woods; thence it follows the 49th parallel to the Gulf of Georgia and thence passes by the Haro Straits and the Straits of Fuca to the Pacific Ocean. The length of this frontier line is 3,000 geographical miles, 1,400 miles being a water line by river, lake, and sea, and 1,600 miles being a boundary by land.

In addition to this boundary between Canada and the United States, there is the boundary between Canada and Alaska (belonging to the United States by purchase from Russia in 1867). This line is in process of delimitation by joint commission.

8. The following are the areas of the several provinces and districts of the Dominion, together with the dates of their creation or admission into the Confederation:—

Provinces and Districts.	Date of Organisation or Admission.	Statute or Order in Council.	Area.		
			Water.	Land.	Total.
Original Confederation—			Sq. Miles.	Sq. Miles.	Sq. Miles.
Ontario	July 1st, 1867	Act Imperial Parliament and Imperial Order in Council.	2,350	219,650	222,000
Quebec			1,400	227,500	228,900
Nova Scotia			50	20,550	20,600
New Brunswick			100	28,100	28,200
Provinces admitted—					
Manitoba	July 15th, 1870	Imperial O.C. Act Federal Parliament, Ch. 3, Acts of 1870 and B.N.A. Act, 1871.	9,890	64,066	73,956
British Columbia	July 20th, 1871	Imperial O.C. 16th May 1871, on address of the Legislature of B.C. and address of Federal Parliament, session of 1871.	1,000	382,300	383,300
Prince Edward Island.	July 1st, 1873	Act Federal Parliament, 23rd May 1873, and Imperial O.C., 24th June 1873.	—	2,000	2,000

Provinces and Districts.	Date of Organisation or Admission.	Statute or Order in Council.	Area.		
			Water.	Land.	Total.
Districts created—			Sq. Miles.	Sq. Miles.	Sq. Miles.
Keewatin	April 12th, 1876	Act Federal Parliament, Chap. 21, 1876.	15,000	267,000	282,000
Assiniboia	May 17th, 1882	Minute of Canadian Privy Council concurred in by Federal Parliament, May 17, 1882.	1,001	88,534	89,535
Saskatchewan			6,000	101,092	107,092
Alberta			745	105,355	106,100
Athabasca			1,200	103,300	104,500
Arctic Archipelago	Sept. 1st, 1880	Imperial Order in Council, 1st Sept. 1880.	—	—	—
Ungava	Oct. 2nd, 1895	Order in Council P.C. of Canada.	54,600	1,706,200	1,760,800
Franklin					
Mackenzie					
Yukon					
Great lakes and rivers	- - -	- - - -	47,400	—	47,000
Total	- - -	- - - -	140,736	3,315,647	3,456,383

9. The principal physical features of Canada are the Rocky Mountains and the Laurentian range, the plains of the North-west Territories, the great inland lakes and Hudson Bay, and the Bay of Fundy.

10. The great inland lakes, five in number, form, with their connecting rivers, a complete system of navigation from the head of Lake Superior to the Atlantic Ocean, a distance of 2,384 miles. They cover an area of about 100,000 square miles.

11. Other lakes of large size are Great Bear, 11,200 square miles; Great Slave, 10,100 square miles; Winnipeg, 9,400 square miles; Athabasca, 4,400 square miles.

12. The principal mountains are the Rocky Mountains in the west, extending from the Arctic Ocean to the United States; they contain the highest points in the Dominion, among the chief being Mount Hooker, 16,760 feet; Mount Brown, 16,000 feet, and Mount Murchison, 15,700 feet.

13. The principal rivers are the St. Lawrence (with its tributaries, the Ottawa, the St. Maurice, the Richelieu, and the Saguenay), the St. John, the Restigouche, and the Miramichi rivers flowing into the Atlantic Ocean; the Mackenzie, Coppermine, and Great Fish rivers emptying into the Arctic Ocean; the Saskatchewan and Red, the Nelson, Churchill and Albany rivers flowing into Hudson Bay; the Fraser and the Columbia emptying into the Pacific Ocean.

14. Hudson Bay is a large inland sea having an area of 350,000 square miles. Including its two arms it has an extreme length north and south of about 1,300 miles, and a width across the Bay proper of about 600 miles.

15. The Bay of Fundy, 170 miles long and from 30 to 50 miles wide, nearly separates Nova Scotia from New Brunswick, the connecting Isthmus of Chignecto being about 15 miles wide.

16. The principal islands in Canada are Baffin's Land, Prince Albert land (which are the principal islands in the new district of Franklin) Vancouver and Queen Charlotte Islands in British Columbia; Prince Edward Island, Cape Breton Island and Anticosti in the Gulf of St. Lawrence.

17. The climate varies greatly. The average mean temperature is in Prince Edward Island, summer 61·9 degrees F. and 19·5 in winter; New Brunswick, summer 60 degrees and winter 19·0; Nova Scotia, summer 65·2 and winter 25·0; Quebec, 58·3 summer and 15 winter; Ontario, 63·0 summer and 19·8 winter; Manitoba 60·1 summer and 0·8 winter; British Columbia, summer 61, and winter 32·4.

The extremes of mean temperature in 1894 were:—

——	Maximum.	Minimum.
	Degrees.	Degrees.
Ontario - - -	52·62	32·66
Quebec - - -	43·83	32·79
Nova Scotia - -	44·95	40·84
New Brunswick - -	42·92	35·87
Manitoba - -	36·55	29·90
British Columbia -	48·79	32·60
Prince Edward Island -	40·98	—
The Territories - -	41·67	36·88

The number of hours of bright sunshine in 1894 in specified places was:—Esquimalt, Vancouver Island, 1,675 hours out of a possible 4,466 hours; Winnipeg, 2,180 hours out of a possible 4,356; Fredericton, 2,055 hours out of a possible 4,474; Toronto, 2,017 hours out of a possible 4,474.

Rain and Snowfall in Canada 1874–1894

Year.	Ontario.		Quebec.		Nova Scotia.		New Brunswick.		P. E. Island.		Manitoba.		British Columbia.*		N.W. Territory.	
	Rain.	Snow.	Rain.	Snow.	Rain.	Snow.	Rain.	Snow.	Rain.	Snow.	Rain.	Snow.	Rain.	Snow.	Rain.	Snow.
	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.	Ins.
1874 - -	19·40	75·0	25·93	107·1	36·95	86·5	26·81	107·1	39·53	117·1	13·74	62·6	11·49	43·0	—	—
1875 - -	21·91	97·5	30·03	123·0	30·61	104·6	32·53	126·6	29·86	136·0	12·19	41·6	21·93	19·3	—	—
1876 - -	23·10	91·4	25·77	124·3	35·09	87·6	31·51	106·0	26·13	105·7	19·89	66·8	14·20	9·5	—	—
1877 - -	22·16	52·3	23·52	92·3	38·36	67·8	31·03	87·3	31·95	89·7	19·17	20·9	31·48	5·4	—	—
1878 - -	34·14	60·4	29·62	96·5	43·82	30·3	34·16	87·4	40·15	78·3	21·22	27·6	24·47	11·8	—	—
1879 - -	21·68	87·7	24·50	113·9	27·70	113·1	32·46	115·2	24·92	152·4	21·01	41·2	37·80	60·8	—	—
1880 - -	27·23	66·3	24·08	103·9	33·94	94·7	26·50	92·3	21·88	132·0	19·62	34·6	26·98	73·2	—	—
1881 - -	22·63	64·0	23·62	86·4	32·59	77·2	35·36	77·3	31·12	116·4	13·63	63·8	33·64	33·64	—	—
1882 - -	22·70	73·5	26·00	107·4	35·37	115·2	29·69	139·0	28·07	169·2	13·62	61·4	21·24	31·3	—	—
1883 - -	28·30	91·5	24·54	117·7	36·82	87·2	28·27	95·6	27·59	110·3	13·13	34·1	14·06	29·0	—	—
1884 - -	23·37	91·6	26·12	130·3	41·73	79·1	38·82	89·5	38·83	75·0	18·09	45·2	14·19	17·8	—	—
1885 - -	29·70	91·4	24·44	137·0	38·27	95·7	33·00	118·3	29·49	102·5	11·76	31·5	19·49	18·7	—	—
1886 - -	24·76	90·4	24·98	121·3	35·05	49·3	30·92	102·1	32·92	60·7	9·01	28·2	33·31	34·7	—	—
1887 - -	19·81	85·1	21·36	147·9	39·07	58·5	32·85	128·9	33·73	96·1	13·33	45·5	48·12	33·5	—	—
1888 - -	22·82	59·0	27·35	155·2	41·11	60·6	40·44	105·5	31·66	74·5	11·43	37·9	43·53	56·4	—	—
1889 - -	24·58	78·5	26·99	105·5	34·29	35·7	30·25	72·3	25·59	49·4	9·37	37·5	33·60	27·2	6·02	32·1
1890 - -	28·62	66·4	26·52	96·3	40·66	46·8	30·77	102·3	41·26	85·4	17·92	30·8	42·32	41·9	12·49	36·1
1891 - -	27·09	64·7	23·46	85·9	44·26	51·8	34·86	83·7	29·96	62·2	15·54	46·5	45·56	43·1	12·91	33·3
1892 - -	26·47	70·6	26·02	112·1	43·42	61·4	32·99	67·9	35·07	50·5	13·07	52·8	41·26	98·0	9·75	44·8
1893 - -	25·59	99·3	23·84	107·5	42·46	81·8	28·89	109·0	29·82	92·6	12·84	54·4	50·58	70·3	8·54	46·7
1894 - -	23·30	55·1	22·39	84·8	29·31	80·3	23·74	103·3	28·65	105·8	12·62	47·9	41·92	70·4	9·24	41·7

* Any average rain or snow for British Columbia is misleading. The various parts of the province seem to have an amount of precipitation dependent on the position of the particular locality. As far as can be ascertained the following division may convey a somewhat definite idea :—

——	Rain.	Snow.	Total.	——	Rain.	Snow.	Total.
	Ins.	Ins.	Ins.		Ins.	Ins.	Ins.
Coast - - -	56·56	34·8	60·04	Vancouver Island -	32·43	22·2	34·65
South Interior - -	6·06	26·2	8·68	North Part of Coast -	99·98	51·8	105·16
North Interior - -	18·67	134·2	32·09				

18. By the Treaty of Utrecht (1713) and the Treaty of Paris (1763) all the country comprised in the Dominion of Canada as at present constituted became part of the British Empire.

19. Representative institutions were granted by the British Government to Nova Scotia in 1758, to Prince Edward Island in 1770, to New Brunswick in 1785. Upper and Lower Canada were separated in 1791, each province receiving a Legislature. The Imperial Act creating the two provinces contained the germ of responsible government which was brought into active exercise in 1841 when the two provinces were reunited. Responsible government was definitely established in the Province of Canada in 1847. It was granted by the Imperial Parliament to Nova Scotia and New Brunswick in 1848, to Prince Edward Island in 1851, and to British Columbia in 1871.

20. The North-west Territories were governed at first under the administration of the Lieutenant-Governor of Manitoba; then by a Lieutenant-Governor and Council nominated by the Dominion Government (Act 1880); then by a Lieutenant-Governor and Council part elected and part nominated; then in 1888 by a Lieutenant-Governor and elective assembly. In the session of 1890 the Federal Parliament provided for the adoption of responsible government.

21. The system of government established in Canada under the Union Act of 1867 is a Federal Union (the first of the kind in the British Empire), having a general or central government controlling matters essential to the general development, the permanency and the unity of the whole Dominion, and a number of local or provincial governments having the control and management of certain matters naturally and conveniently falling within their defined jurisdiction, while each government is administered in accordance with the British system of parliamentary institutions.

22. The chief executive government and authority is vested in the Queen, in whom is also vested the chief command of the militia and of all naval and military forces in Canada. Her Majesty is represented by a Governor-General, appointed by the Queen in Council but paid by Canada.

23. The Parliament of Canada consists of, 1st, the Queen, 2nd. an Upper House called the Senate, and 3rd., a Lower House called the House of Commons.

24. The Governor General governs under the advice of a council or Ministry known as the Privy Council of Canada, which is responsible to the Parliament.

25. The Senate, as at present constituted, consists of 81 members, 24 each from Ontario and Quebec, 10 each from Nova Scotia and New Brunswick, four each from Prince Edward Island and Manitoba, three from British Columbia and two from the North-west Territories.

26. The House of Commons, which is elected by the people for term of five years, consists of 213 members.

This number is fixed under the provisions of the Act of Confederation, and the representation is arranged, after each decennial census, by Act of Parliament, the basis being that the Province of Quebec is always to have 65 representatives, and each of the other provinces such a number as will give the same proportion of representatives to its population as the number 65 bears to the population of Quebec as ascertained by the census. British Columbia, by the terms of the agreement made between the Dominion and the province prior to the Union, is never to have less than six members.

The number of representatives and the population to each member are as under:—

Province.	Number of Representatives.	Population to each Member.
Ontario - - -	92	22,982
Quebec - - -	65	22,900
Nova Scotia - - -	20	22,520
New Brunswick - -	14	22,947
Prince Edward Island -	5	21,815
Manitoba - - -	7	21,786
British Columbia - -	6	16,269
North-west Territories -	4	16,700
	213	22,688

THE FRANCHISE.

27. In addition to those of age and citizenship, the further qualifications of electors are set forth in the following statement:—

Qualification of Voters.

Title of Voter.	Occupation of Premises or Residence in the Electoral District.	Value.
Real Property Franchise.		
(1.) Owner— (*a.*) In his own right - (*b.*) In right of wife - (*c.*) His wife owner -	Ownership prior to or at the date of the revision of the voters' lists.	Cities, $300; towns, $200 other places, $150.
(2.) Occupant— (*a.*) In his own right - (*b.*) In right of wife - (*c.*) His wife occupant -	—	—

Title of Voter.	Occupation of Premises or Residence in the Electoral District.	Value.
(3.) Farmer's son— (*a.*) Father owner - (*b.*) Mother owner -	Both occupation and residence for one year next before:—(1) The date of his being placed upon the voters' list; or (2) The date of the application for the placing of his name on the list of voters.	Farm or other real property is equally divided among the father and sons, or if mother owner among the sons sufficient according to above values to give each a vote.
(4.) Owner's son— (*a.*) Father owner - (*b.*) Mother owner -	——	——
(5.) Tenant.	——	——
(6.) Tenant, farmer's son— (*a.*) Father tenant - (*b.*) Mother tenant -	- - - -	$2 monthly, or $5 quarterly, or $12 half yearly, or $20 yearly.
(7.) Fisherman (owner)	Prior to or at the date of the revision of the voters lists.	$150 land, boats, and fishing tackle.
(8.) Indian - -	- - - -	Possessed of land on a reserve with improvements valued at $150 and upwards, and those outside of reserve on same conditions as white.
(9.) Income franchise -	Prior to or at the date of the revision of the voters' list and one year's residence in Canada.	——
(*a.*) Income - -	——	$300 a year.
(*b.*) Annuitant - -	——	$100 a year.

Persons specially disqualified are (1) aliens not naturalised, (2) convicts, (3) lunatics, (4) judges of the various courts, (5) revising and returning officers and election clerks, counsel, agents and attorneys, and clerks employed either before or during the election and who have received or expect to receive any sum of money, fee, office, place, or employment from any candidate. (These are disqualified from voting in the district in which they have been so engaged, but not elsewhere.) (6) Indians outside of the four original provinces of the Dominion, (7) Mongolians or Chinese.

Voting in elections is by ballot. The North-west Territories, previously to 1894, had open voting; chap. 15 of Acts of 1894 changed that mode to the one adopted in all the other provinces.

No property qualification is demanded from the member of the Commons, nor is he limited to a residence in the district for which he is elected.

Electors having votes in different electoral districts can exercise their privilege in one or all.

General elections are simultaneous throughout the Dominion of Canada.

CANADA. 1895.

28. The number of voters on the voters' lists in different years is as under:—

Canada.

Year.	Voters on Electoral List.	Increase.		Proportion to Population.
		Number.	Per Cent.	
1887 - -	993,914	180,012	22·40	21·49
1891 - -	1,132,201	138,287	13·81	23·43
1895 - -	1,353,735	221,498	19·57	27·04

According to provinces the number of voters on the lists in the years named was:—

NUMBER of VOTERS on the Electoral Lists by Provinces.

—	Ontario.	Quebec.	Nova Scotia.	New Brunswick.	P. E. Island.	Manitoba.	N.W.T.	British Columbia.
1882	406,096	229,067	65,885	54,003	*20,042	23,533	—	4,961
1887 -	495,514	272,564	79,077	68,294	21,462	39,051	10,315	7,637
1891 -	568,799	301,658	90,045	70,521	24,065	46,669	16,044	14,400
1895 -	650,021	351,076	111,124	91,697	25,245	65,684	20,878	38,010

* No voters' lists in 1882; figures approximate.

29. The constitutions of the four provinces, viz., Ontario, Quebec, Nova Scotia, and New Brunswick, which composed the Dominion in 1867 (when the Act of Confederation was passed), are the same in principle and details except that Ontario and New Brunswick have only one chamber, a legislative assembly, the other two being bicameral. Of the provinces since created or admitted each has only one house, an elective assembly.

In details the Dominion Parliament is closely copied.

The members of the Legislatures as well as members of Parliament are paid an indemnity for attendance.

30. Municipal institutions are general. In the complete form as adopted by Ontario, Manitoba, British Columbia, and other provinces, the whole municipal organisation comprises (*a*) the townships, being rural districts, of an area of eight or ten square miles, (*b*) villages with a population over 750, (*c*) towns with a population of over 2,000. Such of these as are comprised within a large district, called a county, constitute (*d*) the county municipality. (*e*) Cities are established from the growth of towns when their population exceeds 15,000.

The townships and villages are administered by a reeve and councillors; the towns by a mayor and councillors. The

governing body of the county municipality is composed of the reeves and deputy reeves of the townships, villages, and towns within the county, the presiding officer being styled warden.

31. By the Act of Confederation it is provided that the Governor General shall appoint the judges of the superior, district, and county courts, the salaries, allowances, and pensions for whom are fixed by the Dominion Parliament.

The highest court in Canada is known as the Supreme Court of Canada. It has an appellate, civil and criminal jurisdiction in and throughout Canada. It has also appellate jurisdiction in controverted elections' cases, and may examine and report upon any private Bill or petition for the same. It has jurisdiction in cases of controversies between the Dominion and the provinces, and between the provinces themselves on condition that the Legislatures pass Acts agreeing to such jurisdiction. Under Act of the Canadian Parliament passed in 1891 the Governor in Council may refer to the Supreme Court for an opinion upon any matter which he deems advisable in the public interest.

The Court is presided over by a Chief Justice and 5 Puisne Judges. From its decision an appeal lies to the Judicial Committee of the Privy Council of England except in criminal cases; in these the judgment of the Supreme Court is final.

32. The following is a list of the Governors General of Canada since Confederation with the dates of their respective appointments :—

GOVERNORS GENERAL OF CANADA.

Name.	Date of Appointment.	Date of Assumption of Office.
The Rt. Hon. Viscount Monck, G.C.M.G. -	June 1, 1867 -	July 1, 1867
The Rt. Hon. Lord Lisgar, G.C.M.G. (Sir John Young).	Dec. 29, 1868 -	Feb. 2, 1869
The Rt. Hon. the Earl of Dufferin, K.P., K.C.B., G.C.M.G.	May 22, 1872 -	June 25, 1872
The Rt Hon. the Marquis of Lorne, K.T., G.C.M.G., P.C., &c.	Oct. 5, 1878 -	Nov. 25, 1878
The Most Hon. the Marquis of Lansdowne, G.C.M.G., &c	Aug. 18, 1883 -	Oct. 23, 1883
The Rt. Hon. Lord Stanley of Preston,* G.C.B.	May 1, 1888 -	June 11, 1888
The Rt. Hon. the Earl of Aberdeen, K.T., G.C.M.G.	May 22, 1893 -	Sept. 18, 1893

* Succeeded to the Earldom of Derby on the death of his brother, April 21st, 1893.

Since Confederation there have been three changes of Government and eight Ministries. There have been seven Premiers, the Right Hon. Sir John A. Macdonald, Hon. Alex. Mackenzie, Hon. Sir John Abbott, Right Hon. Sir John Thompson, Hon. Sir Mackenzie Bowell, Hon. Sir Charles Tupper, Bart., and Hon. Wilfrid Laurier.

33. The following table shows the number of sessions in each Parliament, the dates of opening and of closing, of dissolution, also the duration of each session and Parliament :—

Dominion Parliaments since 1867.

No. of Parliaments.	Session.	Date of Opening.	Date of Prorogation.	Date of Dissolution.
1st Parliament	*1st	Nov. 6, 1867	May 22, 1868	July 8, 1872.
	2nd	April 15, 1869	June 22, 1869	
	3rd	Feb. 15, 1870	May 12, 1870	
	4th	„ 15, 1871	April 14, 1871	
	5th	April 11, 1872	June 14, 1872	
2nd Parliament	†1st	March 5, 1873	Aug. 13, 1873	Jan. 2, 1874.
	2nd	Oct. 23, 1873	Nov. 7, 1873	
3rd Parliament	1st	Mar. 26, 1874	May 26, 1874	Aug. 17, 1878.
	2nd	Feb. 4, 1875	April 8, 1875	
	3rd	„ 10, 1876	„ 12, 1876	
	4th	„ 8, 1877	„ 28, 1877	
	5th	„ 7, 1878	May 10, 1878	
4th Parliament	1st	Feb. 13, 1879	May 15, 1879	May 18, 1882.
	2nd	„ 12, 1880	„ 7, 1880	
	3rd	Dec. 9, 1880	Mar. 21, 1881	
	4th	Feb. 9, 1882	May 17, 1882	
5th Parliament	1st	Feb. 8, 1883	May 25, 1883	Jan. 15, 1887.
	2nd	Jan. 17, 1884	April 19, 1884	
	3rd	„ 29, 1885	July 20, 1885	
	4th	Feb. 25, 1886	June 2, 1886	
6th Parliament	1st	April 13, 1887	June 23, 1887	Feb. 3, 1891.
	2nd	Feb. 23, 1888	May 22, 1888	
	3rd	Jan. 31, 1889	„ 2, 1889	
	4th	„ 16, 1890	„ 16, 1890	
7th Parliament	1st	April 29, 1891	Sept. 30, 1891	April 24, 1896.
	2nd	Feb. 25, 1892	July 9, 1892	
	3rd	Jan. 26, 1893	April 1, 1893	
	4th	Mar. 15, 1894	July 23, 1894	
	5th	April 18, 1895	„ 22, 1895	
	6th	Jan. 2, 1896	April 23, 1896	
8th Parliament	1st	Aug. 1, 1896	—	

* Adjourned from 21st Dec. 1867 to 12th March 1868, to allow the Local Legislatures to meet.
† Adjourned 23rd May till 13th August.

On the 27th April 1896 his Excellency sent for Hon. Sir Charles Tupper, Bart., and entrusted him with the work of forming the Seventh Ministry.

EIGHTH MINISTRY.

34. The general elections were held on the 23rd June 1896, and resulted in the defeat of the Administration. The Eighth Ministry was formed soon after, and is as follows :—

Office.	Name.	Date of Appointment.
Premier and President of Privy Council.	Hon. Wilfrid Laurier - -	July 11, 1896.
Secretary of State - -	Hon. Richd. W. Scott (Senator)	July 13, 1896.
Minister of Trade and Commerce	Hon. Sir Richard Cartwright, K.C.M.G.	„
Minister of Justice and Attorney General.	Hon. Sir Oliver Mowat, K.C.M.G.	„
Minister of Marine and Fisheries	Hon. Louis H. Davies - -	„
Minister of Militia and Defence -	Hon. Fred. W. Borden -	„
Postmaster General - -	Hon. Wm. Mulock - -	„
Minister of Agriculture - -	Hon. Sydney A. Fisher -	„
Minister of Public Works -	Hon. Joseph I. Tarte - -	„
Minister of Finance - -	Hon. Wm. S. Fielding -	„
Minister of Railways and Canals	Hon. A. J. Blair - -	„
Minister of Interior - -	- - - - -	—
Without Portfolio - -	Hon. Richard R. Dobell -	„
„ „ - -	Hon. C. A. Geoffrion - -	„
	Not in Cabinet.	
Solicitor General - -	Hon Chas. Fitzpatrick -	„
Controller of Customs - -	Hon Wm. Paterson - -	„
Controller of Inland Revenue -	Hon. Sir Henri G. Joly de Lotbiniere, K.C.M.G.	„

The Ministries in the several Provinces are as follows :—

Ontario

Lieut.-Governor, Hon. George A. Kirkpatrick, P.C.

Executive Council, 1896

Premier and Attorney General, Hon. A. S. Hardy.
Commissioner of Crown Lands, Hon. John M. Gibson.
Commissioner of Public Works, Hon. Wm. Harty.
Secretary and Registrar,
Treasurer, Hon. R. Harcourt.
Minister of Education, Hon. G. W. Ross.
Minister of Agriculture, Hon. J. Dryden.
Without Portfolio, Hon. E. B. Bronson.
„ „ Hon. E. J. Davis.

Quebec.

Lieut.-Governor, Hon. Sir Adolphe Chapleau, K.C.M.G.

Executive Council, 1896.

Premier and Commissioner of Public Works, Hon. E. J Flynn.

Commissioner of Agriculture, Hon. Louis Beaubien.
Commissioner of Crown Lands, Hon. G. A. Nantel.
Attorney General, Hon. L. A. Pelletier.
Treasurer, Hon. A. W. Atwater.
President of the Council, Hon. P. Chapais.
Provincial Secretary, Hon. M. F. Hackett.

Nova Scotia.

Lieut.-Governor, Hon. Malachy B. Daly.

Executive Council, 1896.

President of the Council and Provincial Secretary, Hon. Geo. H. Murray.
Attorney General and Commissioner of Crown Lands, Hon. J. W. Longley.
Commissioner of Works and Mines, Hon. C. E. Church.
Without Portfolio, Hon. Thomas Johnson.
„ „ Hon. A. H. Comeau.
„ „ Hon. Angus McGillivray.
„ „ Hon. Wm. Roche.
„ „ Hon. Thos. Black.

New Brunswick.

Lieut.-Governor, Honourable John J. Fraser.

Executive Council, 1896.

Premier and Attorney General, Hon. Jas. Mitchell.
Provincial Secretary, Hon. L. J. Tweedie.
Chief Commissioner of Public Works, Hon. A. R. Emerson.
Surveyor General, Hon. Albert T. Dunn.
Solicitor General, Hon. A. S. White.
Without Portfolio, Hon. Chas. H. La Billois.

Manitoba.

Lieut.-Governor, Hon. Jas. C. Patterson, P.C.

Executive Council, 1896.

Premier, President of Council and Minister of Agriculture, Hon. Thos. Greenway.
Attorney General and Provincial Lands Comm., Hon. C. Sifton.
Minister of Public Works, Hon. R. Watson.
Provincial Secretary, Hon. J. D. Cameron.
Provincial Treasurer, Hon. D. H. McMillan.

British Columbia.

Lieut.-Governor, Hon. Edgar Dewdney, P.C.

Executive Council, 1896.

Premier, Minister of Finance and Agriculture, Hon. John H. Turner.

President of the Council (without Portfolio) Hon. C. E. Pooley.

Attorney-General, Hon. D. M. Eberts.

Provincial Secretary, Minister of Mines and Minister of Education, Hon. Jas. Baker.

Chief Commissioner of Lands and Works, Hon. G. B. Martin.

Prince Edward Island.

Lieut.-Governor, Hon. Geo. W. Howlan.

Executive Council, 1896.

Premier and Attorney-General, Hon. Fred. Peters

Commissioner of Public Works, Hon. J. R. McLean.

Commissioner of Crown and Public Lands, Hon Angus McMillan.

Without Portfolio, Hon. P. Sinclair.

" " Hon. D. Farquharson.

" " Hon. A. Laird.

" " Hon. Jas. Richards.

" " Hon. George Forbes.

" " Hon. A. McLaughlin.

North-West Territories.

Lieut.-Governor, His Honour Charles Mackintosh.

Executive Committee.

F. W. Haultain. Hillyard Mitchell.

John Ryerson Neff. James H. Ross.

Population.

35. A census of Canada was taken on the 5th April 1891, on which date the census was also taken in the United Kingdom, Australasia, British India and other Colonies and Possessions of the British Empire

The following table gives the population of the several provinces according to the censuses of 1871, 1881, and 1891 :—

Provinces.	1871.	1881.	Increase Per Cent.	1891.	Increase Per Cent.
Ontario - - - -	1,620,851	1,926,922	18·6	2,114,321	9·73
Quebec - - - -	1,191,516	1,359,027	14·0	1,488,535	9·53
Nova Scotia - - -	387,800	440,572	13·6	450,396	2·23
New Brunswick - - -	285,594	321,233	12·4	321,263	0·00
Manitoba - - - -	18,995	62,260	247·2	152,506	144·95
British Columbia - - -	36,247	49,459	36·4	98,173	98·49
Prince Edward Island - -	94,021	108,891	15·8	109,078	0·17
The Territories - - -	—	56,446	--	98,967	75·33
Total - - -	3,635,024	4,324,810	18·9	4,833,239	11·76

36. The following gives the chief of the particulars gathered from the census of 1891, the results of that of 1881 being added for purposes of comparison :—

In each census group of 10,000 persons there were—

	1891.	1881.
Males - - - - - -	5,091	5,080
Females - - - - -	4,909	4,920
Infants - - - - - -	249	280
Children, 1 year to 5 years - - -	1,000	1,060
Boys and Girls 5 to 15 - - -	2,350	2,452
Youths and maidens, 15 to 20 - - -	1,061	1,100
Young men and women, 20 to 30 - -	1,781	1,760
Middle-aged people, 30 to 50 - - -	2,105	2,000
Elderly persons, 50 and over - - -	1,325	1,210
Ages not ascertained - - - -	129	138
Single persons - - - - -	6,317	6,443
Married persons - - - -	3,286	3,191
Widowed persons - - - -	397	366
Single males - - - - -	3,313	3,347
„ females - - - - -	3,004	3,096
Married males - - - - -	1,647	1,597
„ females - - - - -	1,639	1,594
Widowers - - - - -	130	118
Widows - - - - - -	267	248
Families, number of - - - -	1,907	1,878
„ persons in each - - -	5·2	5·3
Bachelors, 20 and over - - - -	949	956
Spinsters „ - - - -	684	689
Houses, number of occupied - - -	1,770	1,707
„ families in each - - -	1·08	1·10
„ persons in each - - -	5·6	5·8
„ number of 1 story - - -	1,124	No record.
„ „ 2 „ - - - -	595	„
„ „ 3 „ - - - -	44	„
„ „ 4 „ and over - -	7	„
French or Acadian - - - -	2,907	2,993
Others - - - - - -	7,093	7,007
Canadian-born - - - - -	8,661	8,591
Born in other countries - - - -	1,339	1,409

	1891.	1881.
Born in other parts of British Empire	1,014	1,106
Born in Foreign countries	325	303
Occupations :—		
Agricultural, mining and fishing	1,635	1,600
Trade and transportation	386	249
Manufacturing	662	596
Domestic and personal	509	173
Professional	131	122
Non-productive classes	110	475
Farmers	1,521	1,518
Fishermen	56	53
Miners	31	15
Lumbermen	27	19
Religions :—		
Protestant	5,680	5,634
Roman Catholic	4,122	4,143
Jews	13	6
Pagans and not specified	185	217
Presbyterians	1,563	1,563
Church of England	1,337	1,335
Methodists	1,754	1,718
Baptists	629	685
Deaths in the year—Total	140	147
Infants under 1 year	38	38
Causes of death :—		
Disease :		
Zymotic	33	—
Parastic	0·16	
Dietetic	0·07	—
Constitutional	19	—
Developmental	14	—
Local	47	—
Violent	5	—
Ill-defined and not specified	22	—
Lung diseases	12	8
Diarrhœal	8	2
Phthisis	15	15
Old age	9	7
Atrophy and debility	9	3
Drowned	1·34	1·31
Railway accidents	0·38	0·22
No. of horses to each 10,000	2,982	2,449
„ cattle	8,402	7,942
„ sheep	5,201	7,049
No. of persons can read	7,001	No record.
„ „ write	6,573	„
„ insane	28	23
„ blind	7	7
„ deaf mutes	10	12
City folk	2,878	2,110
Country folk	7,122	7,890
Men of working age, 15 to 55	2,693	2,677
Women „ „	2,609	2,546
Life insurance, amount at risk, per 10,000 (1892)	$562,549	$238,833
Lives exposed to risk, per 10,000 (1892)	374	88
Fire insurance, amount at risk, per 10,000 (1892)	$1,655,559	$1,068,743
Savings in banks (Savings bank) per 10,000 (1892)	105,569	54,390
Occupiers of Land	1,284	1,073

37. The following table gives the religions of the people by Provinces :—

Religions of the People, by Provinces, 1891.

Denomination.	Ontario.	Quebec.	Nova Scotia.	New Brunswick.	Manitoba.	British Columbia.	Prince Edward Island.	N.-W. Territories.	Canada.
Roman Catholics	358,300	1,291,709	122,452	115,961	20,571	20,843	47,837	14,344	1,992,017
Church of England	385,999	75,472	64,410	43,095	30,852	23,619	6,646	15,966	646,059
Presbyterians	452,712	52,659	108,520	40,530	38,977	15,260	32,988	12,547	754,193
Reformed Presbyterians	142	12	415	96	20	3	9	11	708
Other Presbyterians	293	2	17	13	4	21	75	—	425
Methodists	647,518	30,416	54,731	35,386	28,210	14,193	13,301	8,110	839,815
Bible Christians	5,889	99	420	159	188	97	294	37	7,183
Primitive Methodists	138	4	1	—	6	—	--	11	160
Other Methodists	488	25	43	9	33	8	1	—	607
Baptists	96,969	6,854	72,731	54,960	15,829	2,960	5,749	1,397	257,449
Baptists, Free Will	7,869	1,127	10,377	24,674	278	130	512	149	45,116
Tunkers	1,209	10	14	15	5	8	4	9	1,274
Brethren	9,343	1,129	242	234	389	166	—	134	11,637
Lutherans	45,029	1,385	5,882	377	6,545	2,083	3	2,678	63,982
Congregational	16,879	4,296	3,112	1,036	1,815	775	11	233	28,157
Disciples	9,106	20	1,728	1,003	261	62	531	52	12,763
Adventists	447	3,364	1,651	715	32	109	22	14	6,354
Unitarians	776	554	115	147	74	79	10	22	1,777
Universalists	1,094	1,426	326	259	5	45	24	7	3,186
Protestants	2,938	2,342	47	22	1,874	286	9	4,735	12,253
Salvation Army	10,320	297	1,377	993	399	298	180	85	13,949
Quakers	4,350	38	41	17	124	38	8	34	4,650
Jews	2,501	2,703	31	73	743	277	1	85	6,414
Other denominations	29,934	710	482	376	448	597	620	589	33,756
Not specified	24,078	2,882	2,231	1,163	4,824	16,216	243	37,718	89,355
Totals	2,114,321	1,488,535	450,396	321,263	152,506	98,173	109,078	98,967	4,833,239

38. The degree to which intermingling of the people has taken place is seen in the following:—

Provinces.	Born.			
	In the Province.	In other Provinces.	In other British Possessions.	In Foreign Countries.
British Columbia -	36,701	20,150	21,109	20,213
Manitoba - -	50,648	57,369	28,294	16,195
New Brunswick -	286,926	12,228	16,744	5,365
Nova Scotia - -	415,221	8,669	21,689	4,817
Ontario - -	1,640,131	68,571	320,037	76,582
Quebec - - -	1,387,206	19,298	54,796	27,225
Prince Edward Island -	99,386	3,266	6,703	723

39. *Population of Cities and Towns in Canada of* 5,000 *Inhabitants and upwards*, 1881 *and* 1891.

Cities and Towns.	1881.	1891.	Increase or Decrease.	
			Number.	Per Cent.
Montreal - -	155,237	*216,650	61,413	39·5
Toronto - -	96,196	*181,220	85,024	88·4
Quebec - - -	62,446	63,090	644	1·0
Hamilton - -	35,960	*48,980	13,020	36·2
Ottawa - -	31,307	*44,154	12,847	41·0
St. John - -	41,353	*39,179	—2,174	—5·2
Halifax - - -	36,100	†38,556	2,456	6·8
London - - -	26,266	*31,977	5,711	21·7
Winnipeg - -	7,985	25,642	17,657	221·1
Kingston - -	14,091	19,264	5,173	36·7
Victoria, B.C. - -	5,925	16,841	10,916	184·2
Vancouver, B.C. -	—	13,685	13,685	—
St. Henri - -	6,415	13,415	7,000	109·1
Brantford - -	9,616	12,753	3,137	32·6
Charlottetown - -	11,485	11,374	—111	—0·9
Hull - - -	6,890	11,265	4,375	63·5
Guelph - - -	9,890	10,539	649	6·5
St. Thomas - -	8,367	10,370	2,003	23·9
Windsor - -	6,561	10,322	3,761	57·3
Sherbrooke - -	7,227	10,110	2,883	39·9
Belleville - -	9,516	9,914	398	4·2
Peterboro' - -	6,812	9,717	2,905	42·6
Stratford - -	8,239	9,501	1,262	15·3
Ste. Cunégonde -	4,849	9,293	4,444	91·7
St. Catharines - -	9,631	9,170	—461	—4·7
Chatham, O. - -	7,873	9,052	1,179	15·0
Brockville - -	7,609	8,793	1,184	15·5
Moncton - -	5,032	8,765	3,733	74·2
Woodstock, O. - -	5,373	8,612	3,239	60·3

* The population in the 1881 column includes the same boundaries as in the 1891 column and consequently differs in these cases where annexations have taken place since 1881 from the population as given by 1881.

† The Imperial troops stationed in Halifax, and their families (when on the strength of the regiment) are not included in these figures.

Cities and Towns.	1881.	1891.	Increase or Decrease.	
			Number.	Per Cent.
Three Rivers - -	8,670	8,334	—336	—3·8
Galt - - -	5,187	7,535	2,348	45·2
Owen Sound - -	4,426	7,497	3,071	69·4
Berlin - - -	4,054	7,425	3,371	83·1
Lévis - - -	7,597	7,301	—296	—3·9
St. Hyacinthe - -	5,321	7,016	1,695	31·9
Cornwall - -	4,468	6,805	2,337	52·3
Sarnia - - -	3,874	6,693	2,819	72·7
Sorel - - -	5,791	6,669	878	15·2
New Westminster -	1,500	6,641	5,141	342·7
Fredericton - -	6,218	6,502	284	4·5
Yarmouth - -	3,485	6,089	2,604	74·7
Lindsay - -	5,080	6,081	1,001	19·7
Barrie - - -	4,854	5,550	696	14·3
Valleyfield - -	3,906	5,516	1,610	41·2
Truro - -	3,461	5,102	1,641	47·4
Port Hope - -	5,581	5,042	—539	—9·6

NATURAL RESOURCES.

40. These are lands, forests, fisheries and minerals.

There is a very large area of land throughout Canada available for settlement either for agricultural or for mining purposes, the disposition of which is in the hands of the Dominion Government and of the several Provincial Governments. These lands are known as Crown Lands.

The Hudson's Bay Company, the Canadian Pacific Company and some other railway companies have received large grants of land which are open for settlement.

41. The total area set out for settlement, by the Dominion Government, which has control of the Dominion Lands situated in Manitoba, the North-West Territories and the Railway Belt in British Columbia, in each year since 1873, is as under :—

Area set out for Settlement.

Year.	Acres.	Number of Farms of 160 acres each.
Previous to June 1873 -	4,792,292	29,952
In 1874 - - -	4,237,864	26,487
1875 - - -	665,000	4,156
1876 - -	420,507	2,628
1877 - - -	231,691	1,448
1878 - - -	306,936	1,918
1879 - - -	1,130,482	7,066
1880 - - -	4,472,000	27,950
1881 - - -	8,147,000	50,919

Year.	Acres.	Number of Farms of 160 acres each.
In 1882 - - -	10,186,000	63,662
1883 - - -	27,234,000	170,212
1884 - - -	6,435,000	40,218
1885 - - -	391,680	2,448
1886 - - -	1,379,010	8,620
1887 - - -	643,710	4,023
1888 - - -	1,131,840	7,074
1889 - - -	516,968	3,231
1890 - - -	817,075	5,106
1891 - - -	76,560	476
1892 - - -	1,395,200	8,720
1893 - - -	2,928,640	18,304
1894 - - -	300,240	1,876
1895 - - -	406,240	2,539
Total - -	78,245,935	489,033

At the rate of five persons to a homestead of 160 acres, the surveyed lands would sustain an agricultural population of over 2,400,000 souls.

42. The following are the comparative figures for the past eight years of transactions in Dominion Lands. The pre-emption system was terminated on 1st January 1890.

—	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Homesteads - -	420,333	696,050	471,040	563,680	774,400	650,720	507,840	383,040
Pre-emptions -	70,521	212,651	57,600	—	—	—	—	—
Sales - - -	197,140	177,092	133,030	189,704	62,800	46,873	18,275	32,843

43. The total receipts on account of Dominion Lands under the various heads, from 1st July 1872 to 30th June 1895, have been :—

	$
Homestead fees - - - -	645,810
Pre-emption - - - -	206,741
Sales - - - - -	5,838,490
Timber grazing and mineral -	1,656,509
Colonisation - - - -	887,922
Miscellaneous - - - -	528,236
	9,763,702
Less refunds - -	202,957
	9,560,951

Fuller information can be obtained at the office of the High Commissioner for Canada, 17, Victoria Street, London S.W., England.

CANADA. 1895.

44. The area of forest and woodland in Canada cannot be definitely stated for want of adequate data at present. The following approximate estimate is based upon returns of the Provincial and Dominion Governments, reports of surveyors of the Crown Lands and other departments, the Geological Survey and other trustworthy sources :—

Provinces.	Total Area.	Forest and Woodland.	Woodland.
	Sq. Miles.	Sq. Miles.	Per Cent.
Ontario - - - -	219,650	102,118	46·49
Quebec - - - -	227,500	116,521	51·22
New Brunswick - - -	28,100	14,766	52·55
Nova Scotia - - - -	20,550	6,464	31·45
Prince Edward Island - -	2,000	797	39·85
Manitoba - - - -	64,066	25,626	40·00
British Columbia - - -	382,300	285,554	74·69
Territories - - - -	2,371,481	696,952	29·39
Total - - -	2,315,647	1,248,798	37·66

It must not be supposed that this area is all forest, much, though wooded, being covered with small trees.

45. *Census.—Forest Products*, 1890.

Timber.	Ontario.	Quebec.	New Brunswick.	Nova Scotia.	P. E. Island.	Manitoba.	British Columbia.	Territories.	Total Canada.
White pine, square - Cub. Ft.	6,884,808	1,665,231	414,727	202,938	1,550	550	19,000	2,440	9,191,244
Red „ „ - „	595,879	317,609	2,805	148,055	2,651	100	336,890	2,410	1,406,399
Oak, square - - - „	1,765,544	68,863	1,412	26,226	400	32,035	600	—	1,895,080
Tamarack, square or sided „	562,728	2,595,980	266,320	19,600	1,400	189,508	16,333	13,265	3,665,134
Birch and maple „ „	1,133,790	959,304	636,161	670,478	237,713	295	—	4,728	3,642,073
Elm „ „	2,686,725	166,781	430	1,040	1,880	6,334	—	1,232	2,864,422
Black walnut „ „	38,042	7,696	—	—	—	—	—	—	45,738
Other walnut „ „	30,736	71,477	5,040	1,674	—	—	—	—	108,927
Hickory „ „	316,977	49,786	—	9,192	3,500	700	6,300	—	386,455
All other „ „	4,811,878	11,437,966	883,679	2,206,675	338,503	323,110	740,905	763,488	21,506,204
Pine logs - } Census standard,	10,293,171	2,560,298	532,017	402,021	20,144	613	1,194,156	88,138	15,090,528
Spruce and other logs - - } 100 ft. B.M.	11,660,690	10,757,148	4,619,901	4,798,477	469,310	270,384	908,053	59,594	33,538,557
Spars and masts - - No.	40,685	50,498	187,965	22,836	2,318	200	18,638	—	323,140
Staves - - - - M.	29,550	44,628	8,026	9,103	788	2	163	—	92,260
Lathwood - - - Cords.	97,684	172,594	11,471	9,598	1,011	716	313	25	293,412
Tanbark - - - „	110,124	148,851	56,268	12,574	610	1,040	320	23	329,810
Firewood - - - „	5,192,399	3,380,389	616,049	703,809	160,532	274,992	157,003	69,988	10,555,164
Fence Posts - - - No.	6,528,980	10,670,437	1,494,484	2,541,881	2,120,486	1,508,353	2,284,660	1,213,974	28,363,255
Railway ties - - „	4,813,666	2,404,593	1,483,334	317,222	42,130	473,672	940,690	209,600	10,684,907
Telegraph posts - - „	220,818	97,265	12,634	40,777	10	305	22,002	50	393,861
Pulpwood - - - Cords.	114,959	131,191	11,372	3,334	24	—	267	—	261,155
Shingles - - - M.	610,374	175,625	34,359	88,267	19,169	548	10,386	1,008	939,736

CANADA. 1895.

46. The value of forest products consumed in Canada per capita may be estimated approximately. The value of Canada's forest products, calculated from the Census returns of 1891, was $80,071,415. For the fiscal year 1890–1 the imports of wood articles amounted to $3,132,516, while for the same period the exports were $27,707,547, leaving for consumption in Canada $55,996,384, or a value of $15·59 per head. With respect to the quantity used, the census returns show an aggregate of 2,045,073,072 cubic feet as the total cut of the year.

About 30 per cent. of this is exported leaving 1,431,551,150. This is equal to 296·2 cubic feet per head of population.

Value of Forest Products exported.

Articles.	1893.		1894.		1895.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
From the Forest.						
Bark, for tanning	Cords. 41,872	$ 205,495	Cords. 30,602	$ 148,078	Cords. 41,778	$ 193,727
Basswood, butternut and hickory.	M. feet. 782	25,366	M. feet. 804	28,080	M. feet. 2,473	54,518
Cedar for shingle bolts	Cords. 7	64	Cords. 355	900	Cords. 8,474	8,548
Firewood	181,417	354,429	149,078	287,036	115,566	222,184
Hop, telegraph and other poles	—	114,030	—	71,789	—	39,730
Knees and futtocks	Pieces. 22,195	14,056	Pieces. 16,510	11,673	Pieces. 12,180	7,653
Lathwood	Cords. 2,590	6,491	Cords. 1,210	2,685	Cords. 600	1,459
Logs, elm	M. feet. 33,615	219,065	M. feet. 23,560	152,221	M. feet. 34,141	205,084
„ hemlock	6,042	27,496	5,233	19,769	2,260	9,144
„ oak	1,347	21,030	795	16,397	199	3,737
„ pine	127,084	1,957,005	279,707	2,495,354	212,251	1,860,725
„ spruce	21,103	123,254	17,930	107,282	25,095	90,990
„ all other	9,422	69,307	13,321	106,229	9,786	63,735
Masts and spars	Pieces. 1,805	7,933	Pieces. 4,089	7,138	Pieces. 1,979	3,539
Piles and pile timber	—	63,957	—	61,815	—	67,996
Posts, cedar, &c.	—	70,485	—	65,717	—	67,358
Shingle bolts	Cords. 234	1,722	Cords. 29	249	Cords. 15	105
Sleepers and railway ties	Pieces. 1,410,701	214,892	Pieces. 891,254	131,765	Pieces. 881,143	130,208
Stave bolts	Cords. 37,567	103,365	Cords. 31,403	86,296	Cords. 24,167	64,802
Timber, square, ash	Tons. 4,956	57,471	Tons. 5,897	70,543	Tons. 4,192	47,576
„ birch	26,672	211,996	16,808	127,591	14,841	111,305
„ elm	14,367	190,362	19,478	140,367	12,239	159,036
„ maple	303	3,634	273	3,828	140	3,241
„ oak	28,805	508,638	25,338	570,675	17,991	396,275
„ pine, red	8,044	78,130	6,849	74,458	3,568	31,834
„ „ white	97,656	1,368,971	109,312	1,568,835	70,263	1,037,696
„ all other	2,560	32,172	4,938	34,245	2,923	37,296
Wood, for pulp	—	386,092	—	393,260	—	468,009
Other forest products	—	55,985	—	85,909	—	129,841
Total from the forest	—	5,592,893	—	6,870,184	—	5,517,342

Articles.	1893.		1894.		1895.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
From the Factory.		$		$		$
Ashes	—	120,886	—	109,764	—	123,222
Lumber, battens	—	3,095	—	5,152	—	5,922
„ deals, pine	St. Hun. 70,104	3,114,822	St. Hun. 65,654	2,751,069	St. Hun. 60,518	2,311,915
„ „ spruce, &c.	181,608	4,647,453	219,724	5,567,631	208,068	5,271,898
„ deal ends	12,190	295,478	16,614	484,324	16,670	464,260
„ laths, palings and pickets.	M. 310,354	506,827	M. 357,134	552,171	M. 360,224	492,944
„ planks and boards	M. feet. 854,446	9,640,683	M. feet. 1,134,231	7,947,001	M. feet. 667,723	7,407,584
„ joists	5,596	48,185	2,215	17,052	1,018	7,534
„ scantling	13,360	108,538	20,328	170,386	21,609	177,146
„ staves and headings	—	606,571	—	641,077	—	638,272
„ other lumber	—	799,454	—	415,655	—	632,130
Shingles	M. 371,377	755,813	M. 388,586	754,743	M. 360,935	687,391
Shooks, box	No. 730,603	75,824	No. 787,619	70,399	—	121,487
„ other	—	43,388	—	34,840	—	32,119
Charcoal	—	48,700	—	33,191	—	21,823
Extract hemlock bark	Brls. 6,398	108,885	Brls. 9,254	127,692	Brls. 7,796	115,894
Maple sugar	Lbs. 738,514	50,151	Lbs. 452,411	29,844	Lbs. 142,725	9,040
Wood, barrels, empty	No. 55,140	16,928	No. 24,767	8,127	No. 38,131	9,012
„ household furniture	—	174,621	—	132,650	—	97,005
„ doors, sashes and blinds	—	130,349	—	158,196	—	139,402
„ matches and match-splints.	—	204,410	—	216,035	—	172,153
„ moulding and other house furnishings.	—	22,883	—	35,481	—	26,378
„ pails and other hollow ware.	—	10,901	—	5,614	—	7,026
„ spool wood and spools	—	82,863	—	66,484	—	75,125
„ wood pulp	—	455,893	—	547,217	—	590,874
„ other manufactures	—	182,142	—	178,395	—	172,647
Total from the factory	—	22,255,743	—	21,060,190	—	19,982,766
From the Shipyard.	Tons.		Tons.		No. 31. Tons.	
Ships sold to other countries, No. 42.	31,317	363,916	21,960	243,429	16,567	172,563
Grand total, forest products	—	28,212,552	—	28,173,813	—	25,672,671

CANADA. 1895.

47. Our chief customers for these exports are the United Kingdom and the United States. They took from us as follows in 1893, 1894, and 1895 :—

Countries.	The Forest.	The Factory.	The Shipyard.	Total.
1893.	$	$	$	$
United Kingdom -	3,094,593	11,612,166	—	14,606,759
United States - -	2,469,436	8,841,393	115,633	11,426,462
Other countries -	28,864	1,802,184	248,283	2,179,331
Total - -	5,592,893	21,255,743	363,916	28,212,552
1894.				
United Kingdom -	2,722,605	9,603,621	6,500	12,332,726
United States - -	4,115,632	9,788,354	35,300	13,903,586
Other countries -	31,747	1,668,215	201,629	1,937,491
Total - -	6,870,184	21,060,190	243,429	28,173,813
1895.				
United Kingdom -	1,543,224	8,999,165	6,635	10,549,024
United States - -	3,959,305	9,512,895	10,000	13,482,200
Other countries -	14,813	1,470,706	155,928	1,641,447
Total - -	5,517,342	19,982,766	172,563	25,672,671

48. The total amount of hewn wood imported by the United Kingdom in 1895 from all countries was 2,278,548 loads of 50 cubic feet, against 2,338,036 loads in 1894, 2,126,883 loads in 1893 and 2,469,139 loads in 1892. Of this quantity, 142,738 loads were from Canada in 1895, 118,148 loads in 1894, 136,364 loads in 1893 and 194,654 loads in 1892. The total import of sawn-wood by the United Kingdom was as follows: 1895, 5,065,798 loads; 1894, 5,446,265 loads; 1893, 4,761,717 loads; 1892, 5,090,798 loads; of which 1,167,947 loads in 1895, 1,263,668 loads in 1894, 1,119,409 loads in 1893 and 1,211,696 loads in 1892 were from Canada, or 23·0 per cent., 23·2 per cent., 23·5 per cent. and 23·8 per cent. respectively.

49. A marked feature of the export to the United States is the great increase in the number of pine saw-logs they take from us. This may be seen by taking periods of four years : —

Period.	Feet B.M.	Value.	Yearly Average.	Value.
		$		$
1882–85 -	4,335,000	37,943	1,083,750	9,483
1886–89 - -	20,526,000	171,856	5,131,500	42,964
1890–93 - -	269,868,000	2,282,802	67,467,000	570,700
1894 - - -	—	—	277,947,000	2,359,951
1895 - - -	—	—	212,231,000	1,860,725

50. The wood-pulp industry with a rapid growth has attained large proportions. By the census of 1891 the produce of pulp wood was 261,155 cords, but as it was then recorded for the first time there can be no comparison with the previous decades. Pulp mills did not appear in the census of 1871; by that of 1881 the invested capital amounted to $92,000, the wages to $15,720 and the product to $63,300; by the census of 1891 the invested capital had increased to $2,900,907, the wages to $292,099 and the value of the product to $1,057,810.

51. There has been a similar great increase in the exports of wood for pulp. The article did not appear in the customs returns of 1889. In 1890 its export was valued at $80,005, in 1891 at $188,198, in 1892 at $219,548, in 1893 at $386,092, in 1894 at $393,260 and in 1895 at $468,009. The export of wood-pulp also made great strides, amounting in 1890 (its first appearance in the returns) to $168,180, in 1891 to $208,619, in 1892 to $355,303, in 1893 to $455,893, in1894 to $547,217, and in 1895 to $590,874.

The Government of Canada has issued a report on the forest wealth of Canada, prepared by Mr. George Johnson, Statistician, Department of Agriculture, copies of which may be obtained from the Queen's Printer, Ottawa, price 20 cents. The Provincial Government of Ontario has issued a report on the forests of that province.

AGRICULTURE.

52. According to the census of 1891, the area of improved lands in Canada was 28,537,242 acres, of which 19,904,826 acres were under crop. There were 464,462 acres in gardens and orchards and 15,284,788 acres in pasture. The increase in lands under crop in 1891 compared with 1881 was 4,792,542 acres, or over 30 per cent. Relatively to the whole area, the area under crop and pasture was about 10 per cent.

The ranching grounds of the North-West Territories in 1895 covered 904,187 acres.

CROPS.

53. The Census returns of 1891 give the following information for the Dominion:—

——	1891.	1881.
	Bushels.	Bushels.
Wheat	42,144,779	32,350,269
Barley	17,148,198	16,844,868
Oats	82,515,413	70,493,131
Rye	1,328,322	2,097,180
Pease and beans	15,514,836	13,749,662
Buckwheat	4,886,122	4,901,147
Corn	10,675,886	9,025,142
Potatoes	52,653,704	55,268,227
Turnips and other roots	49,555,902	48,251,414
Grass and clover	340,650	324,317

	1891.	1881.
	Lbs.	Lbs.
Fruits, grapes, &c.	68,864,181	45,957,458
Tobacco	4,277,936	2,527,962
Hops	1,126,230	905,207
	Bushels.	Bushels.
Flax seed	137,015	108,694

Only two of the provinces make an annual statement of their crops.

The following is a statement of the province of Ontario:—

	1895.	1894.	1882–95.
	Bushels.	Bushels.	Bushels.
Fall wheat	14,155,282	16,512,106	17,806,963
Yield per acre	19·0	21·2	20·1
Spring wheat	3,472,543	3,367,854	7,724,774
Yield per acre	15·5	14·6	15·2
Barley	12,090,507	10,980,404	17,046,059
Yield per acre	25·3	22·6	25·5
Oats	84,697,566	70,172,516	61,594,192
Yield per acre	35·7	30·0	34·3
Rye	1,900,117	1,386,606	1,589,008
Yield per acre	15·8	15·4	16·0
Pease	15,568,103	14,022,888	14,095,782
Yield per acre	19·5	17·9	20·2
Buckwheat	2,791,749	2,534,335	1,740,483
Yield per acre	20·6	17·4	19·8
Beans	1,494,179	827,514	586,847
Yield per acre	20·5	14·0	17·3
Potatoes	29,390,884	17,163,130	18,582,991
Yield per acre	159·2	102·6	118·5
Mangel-Wurzels	15,961,502	11,532,127	9,414,830
Yield per acre	464	417	438
Carrots	4,581,373	3,716,140	3,692,128
Yield per acre	352	332	350
Turnips	63,496,702	61,694,487	48,251,499
Yield per acre	418	418	418
Corn for husking	24,819,899	16,275,352	16,599,428
Yield per acre	81·9	60·9	68·5
	Tons.	Tons.	Tons.
Corn for silo and fodder	1,775,654	1,049,765	1,205,963
Yield per acre	11·84	9·43	10·75
Hay and clover	1,849,914	3,575,200	3,271,488
Yield per acre	·73	1·39	1·38

The following is the statement for the province of Manitoba:—

CROPS IN MANITOBA, 1892, 1893, 1894, and 1895.

Crops.	1892.	1893.	Average yield per Acre, 1893.	1894.	Average yield.	1895.	Average yield.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.
Wheat	14,453,835	15,615,923	15·6	17,172,883	17·0	31,775,038	27·8
Oats	11,654,090	9,823,935	25·3	11,907,854	28·8	22,555,733	46·7
Barley	2,831,676	2,547,653	22·1	2,981,716	24·2	5,645,036	36·7
Potatoes	2,000,600	1,649,384	133·0	2,035,336	153·0	4,042,562	243·5

The wheat crop of Canada for 1895, partly estimated, is as follows :—

	Bushels of 60 lbs.
Ontario - - - -	17,627,825
Quebec - - - -	1,568,289
Manitoba - - - -	31,775,038
Territories (east) - - -	5,000,000
New Brunswick - - -	210,000
Prince Edward Island - -	113,373
Nova Scotia - - -	165,806
British Columbia - - -	383,300
Total - -	56,848,631

The total exports and imports of wheat and wheat flour since 1876, by three year periods (average) :—

——	Imports.	Exports.
	Bush.	Bush.
1876-7-8 - -	7,427,027	9,064,943
1879-80-81 - -	7,650,858	13,082,634
1882-3-4 - -	5,611,425	8,927,698
1885-6-7 - -	4,609,582	8,598,246
1888-9-90 - -	4,103,107	4,921,110
1891-2-3 - -	4,186,620	12,117,408
1894 - - -	5,185,240	16,341,489
1895 - - -	4,517,995	13,409,638

FARM STOCK.

54. The Census return for 1891 gives the following information :—

HORSES, CATTLE, SHEEP, and SWINE in CANADA, 1881 and 1891.

Horses.

Provinces.	Over 3 Years.		Under 3 Years.		Total Horses.		Increase.
	1881.	1891.	1881.	1891.	1881.	1891.	
Ontario - - -	473,906	551,290	116,392	220,548	590,298	771,838	181,540
Quebec - - -	225,006	259,997	48,846	84,293	273,852	344,290	70,438
Nova Scotia - -	46,044	52,210	11,123	12,837	57,167	65,047	7,880
New Brunswick -	43,957	46,115	9,018	13,658	52,975	59,773	6,798
Manitoba - - -	14,504	61,926	2,235	24,809	16,739	86,735	69,996
British Columbia -	30,172	32,105	5,950	12,416	26,122	44,521	18,399
Prince Edward Island	25,182	25,674	6,153	11,718	31,335	37,392	6,057
The Territories - -	9,084	39,267	1,786	21,709	10,870	60,976	50,106
Canada - -	857,855	1,068,584	201,503	401,988	1,059,358	1,470,572	411,214

Cattle.

Provinces.	Working Oxen.		Milch Cows.		Total Horned Cattle.		Increase or Decrease.
	1881.	1891.	1881.	1891.	1881.	1891.	
Ontario - -	23,263	12,424	782,243	876,167	1,702,167	1,940,673	+ 238,506
Quebec - -	49,237	45,676	490,977	549,544	949,333	969,312	+ 19,979
Nova Scotia - -	33,275	28,424	137,639	141,684	325,603	324,772	— 831
New Brunswick -	8,812	7,510	103,965	106,649	212,560	204,692	— 7,868
Manitoba - -	12,269	19,199	20,355	82,712	60,281	230,696	+ 170,415
British Columbia -	2,319	2,631	10,878	17,504	80,451	126,919	+ 46,468
Prince Edward Island	84	116	45,895	45,849	90,722	91,695	+ 973
The Territories -	3,334	7,583	3,848	37,003	12,872	231.827	+ 218,955
Canada -	132,593	123,563	1,595,800	1,857,112	3,433,989	4,120,586	+ 686,597

Sheep and Swine.

Provinces.	Sheep.		Increase or Decrease.	Swine.		Increase or Decrease.
	1881.	1891.		1881.	1891.	
Ontario - - - -	1,359,178	1,021,769	—337,409	700,922	1,121,396	+420,474
Quebec - - - -	889,333	730,286	—159,547	329,199	369,608	+ 40,409
Nova Scotia - - -	377,801	331,492	— 46,309	47,256	48,048	+ 792
New Brunswick - -	221,163	182,941	— 38,222	53,087	50,945	— 2,142
Manitoba - - -	6,073	35,838	+ 29,765	17,358	54,177	+ 36,819
British Columbia - -	27,788	49,163	+ 21,375	16,841	30,764	+ 13,923
Prince Edward Island -	166,496	147,372	— 19,124	40,181	42,629	+ 2,448
Th Territories - - -	346	64,920	+ 64,574	2,775	16,283	+ 13,508
Canada - - -	3,048,678	2,563,781	—484,897	1,207,619	1,733,850	+526,231

55. The returns from the province of Ontario for 1895 give the following as the number of farm stock: —

Farm Stock.	Number.
Horses - . -	647,696
Cattle - - -	2,150,103
Sheep - -	2,022,735
Hogs - -	1,299,072

The yearly average exports of farm stock during 22 years 1874–95, with the exports of 1895, are as under :—

——	Number.	Value.
		$
Horses, average 22 years - - -	13,800	1,522,000
„ 1895 - - - - -	14,744	1,312,676
Cattle, average 22 years - - -	76,653	4,575,107
„ 1895 - - - - -	93,802	7,120,823
Sheep, average 22 years - - -	309,000	1,144,000
„ 1895 - - - - -	291,751	1,624,587

56. *Provisions exported from Canada.*

Produce of Canada by three year periods (average) :—

——	Quantities.	Value.	Cost per 1,000 lbs.
	lbs.	$	$
1867–8 - - -	74,312,230	8,639,220	11.62.5
1879–81 - -	84,805,170	8,611,680	10.15.4
1882–4 - -	98,690,013	11,526,355	11.68.0
1885–7 - - -	113,472,658	11,183,816	9.85.6
1888–90 - -	121,727,727	12,400,718	10.18.7
1891–3 - -	156,948,655	15,538,557	9.90.0
1894 - - -	209,638,105	21,292,733	11.57.0
1895 - - -	212,047,499	20,547,850	9.69.0

These provisions were exported to the United Kingdom in increasing proportion :—

	Per cent.
1876–8 - - - - -	81·86
1879–81 - - - - -	89·53
1882–4 - - - - -	78·24
1885–7 - - - - -	80·62
1888–90 - - - - -	81·10
1891–3 - - - - -	94·07
1894 - - - - -	97·63
1895 - - - - -	97·30

57. The following table from the Canadian returns gives the total imports for home consumption, and imports from Great

CANADA. 1895.

Britain and the United States into Canada, of agricultural produce in the year ended 30th June 1895 :—

Articles.	Imports entered for Home Consumption.					
	Total.		From Great Britain.		From United States.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	No.	$	No.	$	No.	$
*Horses	1,486	46,304	1	73	1,484	46,221
*Cattle	2,420	35,646	1	100	2,419	35,546
*Sheep	42,724	59,990	—	—	42,724	59,990
*Swine	—	1,488	—	8	—	1,463
Other animals, n.e.s.	—	21,463	—	863	—	19,714
	Lbs.		Lbs.		Lbs.	
Mutton	57,845	3,097	—	—	41,793	2,521
Pork	3,206,959	209,053	—	—	3,206,759	209,045
†Bacon and Hams	826,882	85,871	2,111	348	821,670	85,266
Beef	2,011,866	86,003	17,416	1,270	1,989,638	84,522
Meats, all other	1,476,274	151,828	28,135	3,608	1,285,054	133,036
Lard	190,921	14,756	3,119	314	184,131	14,192
Tallow	665,055	34,751	123,888	6,849	539,397	27,839
Hides	—	1,950,530	—	89,726	—	1,771,641
Wool	7,750,050	1,129,389	1,169,943	217,803	4,602,301	650,684
Butter	274,666	44,592	2,387	477	231,988	37,657
Cheese	147,224	22,813	19,080	3,633	106,735	14,829
Poultry	—	8,543	—	119	—	7,791
	Doz.		Doz.		Doz.	
Eggs	109,413	14,925	3	12	95,666	14,089
	Bush.		Bush		Bush.	
Wheat	499,720	326,412	—	—	499,712	326,388
Barley	10,539	3,475	449	390	10,090	3,085
Oats	220,059	69,152	453	354	219,606	68,798
Pease	10,547	11,435	1,814	2,444	8,657	8,877
Beans	7,334	12,464	135	290	6,492	11,809
Rye	1,170	561	—	—	1,170	561
Corn	1,485,980	751,233	—	—	1,485,980	751,233
	Brls.		Brls.		Brls.	
Cornmeal	25,780	63,320	3	19	25,777	63,301
	Lbs.		Lbs.		Lbs.	
Oatmeal	103,372	2,977	50,720	1,358	52,652	1,619
	Brls.		Brls.		Brls.	
Flour wheat	47,883	119,370	7	36	47,874	119,324
Bran, mill feed, &c.	—	90,280	—	—	—	90,280
	Bush.		Bush.		Bush.	
Potatoes	97,269	42,869	—	—	97,234	42,788
	Tons.		Tons.		Tons.	
Hay	1,796	13,170	—	—	1,796	13,170
	Lbs.		Lbs.		Lbs.	
Hops	872,314	138,886	128,185	23,859	500,648	71,758
	Bush.		Bush.		Bush.	
Seed, flax	44,513	37,400	310	1,549	44,035	33,251
Seeds, other	—	524,237	—	38,688	—	452,858
	Cwt.		Cwt.		Cwt.	
Hemp, undressed	173,439	622,396	29,352	123,469	143,637	497,534
Trees and plants, all kinds	—	137,278	—	5,544	—	113,004

* Animals for improvement of stock not included. † Including shoulders and sides.

Articles.	Imports entered for Home Consumption.					
	Total.		From Great Britain.		From United States.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Lbs.	$	Lbs.	$	Lbs.	$
Tobacco, raw	12,199,400	1,362,985	21,031	5,578	12,083,505	1,324,149
Fruits:—						
Apples, dried	49,605	3,630	56	8	48,755	3,604
	Brls.		Brls.		Brls.	
„ green or ripe	17,221	46,554	—	—	17,011	45,277
	Lbs.		Lbs.		Lbs.	
Currants	1,189	59	—	—	1,189	59
Cherries	122,179	9,767	—	—	122,179	9,767
Grapes	977,754	56,118	406,757	29,711	565,957	26,067
Peaches	1,160,955	38,092	—	—	1,160,955	38,092
	Bush.		Bush.		Bush.	
Plums	25,417	22,688	—	—	25,417	22,688
Cranberries	3,877	9,979	20	50	3,855	9,927
	Lbs.		Lbs.		Lbs.	
Berries, all kinds	645,168	48,950	—	—	645,168	48,950
All other articles	—	784,174	—	64,802	—	632,355
Total 1895	—	9,270,953	—	623,352	—	8,046,619
Total 1894	—	9,439,028	—	802,260	—	7,982,818

58. The following table from the Canadian Trade and Navigation Reports gives a statement of exports from Canada in the year ended 30th June 1895, of agricultural produce, showing total exports and exports to Great Britain and the United States:—

Articles.	Exports, the Produce of Canada.					
	Total.		To Great Britain.		To United States.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	No.	$	No.	$	No.	$
Horses	14,744	1,312,676	7,430	747,767	6,664	510,765
Cattle	93,802	7,120,823	85,863	6,797,615	882	19,216
Sheep	291,754	1,624,587	137,889	1,253,399	146,783	346,746
Swine	805	7,562	128	1,280	367	4,696
Other animals and poultry	—	45,848	—	5,021	—	36,574
	Lbs.		Lbs.		Lbs.	
Mutton	112,316	5,773	—	—	65,604	3,526
Pork	519,736	32,436	211,436	11,944	25,358	1,763
Bacon	37,526,058	3,546,107	37,505,934	3,544,015	6,934	718
Hams	2,607,968	260,602	2,547,852	254,326	10,927	1,069
Beef	5,673,592	438,053	5,324,793	418,440	151,260	6,066
Meats, canned	3,470,446	319,702	3,417,401	314,841	48,333	4,421
Lard	1,276,586	104,130	1,272,701	103,833	—	—
Tallow	24,017	907	—	—	19,978	640
Hides, horns, and pelts	—	961,267	—	12,624	—	945,699

Articles.	Exports, the Produce of Canada.					
	Total.		To Great Britain.		To United States.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Lbs.	$	Lbs.	$	Lbs.	$
Wool - - -	5,463,161	1,049,459	10,205	2,091	5,449,955	1,046,726
Butter - -	3,650,258	697,476	2,751,848	536,797	27,757	5,365
Cheese - -	146,004,650	14,253,002	145,726,022	14,220,505	32,292	5,058
Poultry and game dressed and undressed - -	—	20,091	—	1,824	—	11,167
	Doz.		Doz.		Doz.	
Eggs - - -	6,500,817	807,990	4,184,271	524,577	2,256,518	275,827
	Bush.		Bush.		Bush.	
Wheat - - -	8,825,689	5,359,109	8,786,798	5,339,085	20,190	10,258
Barley - - -	1,708,370	720,718	30,365	11,961	1,674,193	706,586
Oats - - - -	926,975	320,458	257,253	71,623	175,043	51,099
Pease - - -	2,259,124	1,730,659	1,688,657	1,184,883	329,633	357,937
Beans - - -	350,934	425,283	—	—	349,189	422,521
Buckwheat - - -	379,794	174,056	33,330	14,195	127,714	53,933
Rye - - - -	62,942	33,003	49,548	27,510	13,394	5,493
Corn - - -	120	112	—	—	72	79
	Brls.		Brls.		Brls.	
Cornmeal - - -	976	3,092	—	—	—	—
Oatmeal - - -	80,263	276,310	77,149	265,320	26	97
Flour - - -	222,975	839,112	104,501	420,983	2,818	10,706
	Cwt.		Cwt.		Cwt.	
Bran - - -	119,137	87,259	84,357	66,461	24,859	12,575
Flax - - - -	16,692	151,567	5,867	52,041	10,825	99,526
	Bush.		Bush.		Bush.	
„ seed - - -	65,152	71,308	22,891	28,245	42,261	43,063
Potatoes - - -	1,379,042	527,379	628	556	773,707	238,977
	Tons.		Tons.		Tons.	
Hay - - - -	199,072	1,539,691	54,933	492,683	137,514	979,914
	Lbs.		Lbs.		Lbs.	
Hops - - -	239,225	28,176	91,191	13,829	111,120	8,884
	Bush.		Bush.		Bush.	
Seeds, clover and grass -	164,670	823,059	114,430	625,996	35,202	115,463
	Lbs.		Lbs.		Lbs.	
Apples, dried - -	4,176,950	250,320	568,347	40,576	1,063,962	63,212
	Brls.		Brls.		Brls.	
„ green and ripe -	853,268	1,821,463	751,232	1,659,441	86,841	134,702
Berries, all kinds - -	—	107,817	—	219	—	107,330
Fruits, canned or preserved - - -	—	109,122	—	51,353	—	55,191
Fruits, all other - -	—	40,602	—	11,533	—	18,203
All other articles - -	—	483,178	—	153,089	—	289,455
Total - 1895	—	48,531,344	—	39,282,481	—	7,011,256
Total - 1894	—	47,802,859	—	40,181,644	—	4,599,211

FISHERIES.

59. The fishing industry in Canada in 1894 employed 70,719 men, using vessels, boats, nets and other gear valued at $9,439,116.

The following table gives the average in three-year periods of men employed:—

	Men in Vessels.	Men in Boats.	Total Fishermen.
1879–81 - - -	8,645	51,725	60,370
1882–4 - - -	9,487	52,299	61,786
1885–7 - - -	9,126	53,867	62,993
1888–90 - - -	9,307	54,497	63,714
1891–3 - - -	8,632	57,037	65,669
1894 - - - -	9,525	61,194	70,719

Under Act passed in 1882 to encourage sea-fishing and the building of fishing vessels, provision was made for the distribution of $150,000 annually among the fishermen. By Act of 1881 the amount was increased to $160,000.

60. The development of the fisheries is seen in the following statement, showing, by provinces, the value of the vessels, boats, nets, weirs, lobster traps, smoke and fish houses, piers and wharves, sailing and steam smacks:—

Provinces.	1883.	1884.	Increase.
	$	$	$
Nova Scotia - - -	2,490,965	3,361,972	871,007
New Brunswick - -	730,343	1,680,912	950,569
Prince Edward Island - -	126,314	468,736	342,422
Quebec - - -	733,571	904,811	171,240
Ontario - - -	271,089	839,022	567,933
British Columbia - -	768,245	1,984,943	1,216,698
Manitoba - - -	—	198,720	198,720
Totals - -	5,120,527	9,439,116	4,318,589

The value of the yield of the fisheries by three-year periods (yearly average) is given below:—

	$
1869–71 - - - -	6,175,705
1872–4 - - - -	10,669,000
1875–7 - - - -	11,175,977
1878–80 - - - -	13,748,304
1881–3 - - - -	16,533,149
1884–6 - - - -	17,722,888

	$
1887–9 - - - -	17,819,956
1890–2 - - - -	18,544,717
1893 - - - -	20,686,661
1894 - - - -	20,719,573
1895 - - - -	20,183,841

61. Statement of the value of exports of fisheries of Canada:—

Yearly average by three-year periods.

	$
1868–70 - - -	3,402,923
1871–3 - - - -	4,386,589
1874–6 - - - -	5,391,295
1877–9 - - - -	6,552,403
1880–2 - - - -	7,043,150
1883–5 - - - -	8,453,591
1886–8 - - - -	7,170,793
1889–91 - - - -	8,129,838
1892–4 - - - -	9,840,380
1895 - - - -	10,692,247

From the several fish-hatcheries of the Dominion there were distributed 125,840,000 fry in 1895.

62. The following particulars are given respecting the Canadian Pacific sealing industry:—

	1895.	1894.
Total catch - - - -	73,614	95,048
Distributed thus:—		
British Columbia Coast - -	9,853	11,703
Japanese Coast - - -	18,687	49,483
Copper Island Coast - -	6,281	7,437
Behring Sea - - -	35,918	26,425
Fleet:—		
Number of Vessels - -	64	59
„ Boats - - -	210	266
„ Canoes - -	421	259
Crews:—		
White - - - -	705	888
Indians - - - -	854	518

MINERALS.

63. *Mineral Production of Canada.*

Products.	1894.		1895.	
	Quantity.	Value.	Quantity.	Value.
	Tons.	$	Tons.	
Arsenic	7	420	—	—
Asbestos	7,630	420,825	8,756	368,175
Baryta	—	—		168
*Bricks	—	*1,800,000	—	*1,800,000
*Building stone	—	*1,200,000	—	*1,200,000
	Brls.		Brls.	
Cement	107,327	140,659	134,644	181,162
	Tons.		Tons.	
Chromite	—	—	3,177	41,301
Coal	3,853,235	8,447,329	3,512,504	7,774,178
Coke	57,768	147,861	53,356	143,047
	Lbs.		Lbs.	
Copper	8,481,685	805,760	8,789,162	949,229
	Tons.		Tons.	
Fire-clay	252	515	1,329	3,492
	Sq. ft.		Sq. ft.	
Flag-stones	152,700	5,298	80,005	60,867
	Oz.		Oz.	
Gold	52,992	954,453	—	1,910,921
	Tons.		Tons.	
Granite	16,392	109,936	19,188	90,129
Graphite	—	—	220	6,150
Grindstones	3,757	32,717	3,919	31,532
Gypsum	223,631	202,031	226,178	202,608
Iron ore	†109,991	226,611	102,797	238,070
„ chromic	2,215	36,946	—	—
	Lbs.		Lbs.	
Lead (fine, contained in ore)	5,792,700	188,262	23,075,892	749,966
	Tons.		Tons.	
Lithographic stones	180	30,000	—	—
*Lime	—	*900,000	—	*900,000
Limestone for flux	35,100	34,347	34,579	32,916
Manganese	74	4,180	125	8,464
Marble	—	—	200	2,000
Mercury	—	—	—	2,343
Mica	—	*50,000	—	65,000
	Galls.		Galls.	
Mineral water	511,460	95,040	707,382	111,048
	Tons.		Tons.	
Moulding sand	3,074	6,148	6,765	13,530
Natural gas	—	313,754	—	423,032
	Lbs.		Lbs.	
Nickel	4,907,430	2,061,120	—	1,360,984
	Tons.		Tons.	
Ochres	1,155	11,120	1,339	14,600
	Brls.		Brls.	
Petroleum (brls. of 35 imp. gallons.)	829,104	835,322	802,573	1,201,184
	Tons.		Tons.	
Phosphate	7,290	43,940	1,822	9,565
Platinum	—	1,000	—	—

* Estimated.

† Of the reported quantity of iron ore in 1894, 109,991 tons were converted into pig-iron producing 55,947 tons, valued at the furnaces at $646,447.

Products.	1894.		1895.	
	Quantity.	Value.	Quantity.	Value.
		$		$
*Potters' ware - - -	—	113,874	—	125,000
Precious stones - -	—	1,500	—	1,650
	Tons.		Tons.	
Pyrites - - - -	40,527	121,581	34,198	102,594
Roofing cement - -	565	1,978	—	3,153
Salt - -	57,199	170,687	60,018	180,417
Sands and gravel (exports) -	324,656	86,940	277,162	118,359
Sewer pipes - - -	—	250,325	—	257,045
	Oz.		Oz.	
Silver - - - -	649,586	409,239	1,775,683	1,158,633
	Tons.		Tons.	
Slate - - - -	—	75,550	—	58,900
Soap stone - - -	916	1,640	475	2,138
Terra cotta - - -	—	65,600	—	195,123
*Tiles - - - -	—	*200,000	—	200 000
	Brls.		Brls.	
Whiting - - -	500	750	—	—
Estimated value of mineral products not returned.	—	294,744	—	254,657
Total - -	—	20,900,000	—	22,500,000

* Estimated.

64. EXPORTS (DOMESTIC).

—	1894.	1895.
	$	$
Asbestos - - -	339,756	493,075
Coal - - -	3,321,565	3,578,195
Copper - - -	88,352	222,657
Gold - - -	318,258	612,729
Gypsum - - -	160,082	156,897
Iron Ore - - -	9,026	43,088
Iron and Steel - -	295,924	308,711
Mica - - -	26,553	47,469
Nickel - - -	808,799	559,568
Phosphates - -	40,400	33,810
Silver - - -	423,707	651,737
Stone and Marble -	46,884	60,405
Other Articles - -	441,456	663,244
Totals - -	6,320,761	4,471,585

These exports were distributed:—1894: to United States, 83 per cent.; Great Britain, 5·6 per cent.; British Possessions, 6·2 per cent. 1895: United States, 87 per cent.; Great Britain, 7 per cent.; British Possessions, 4 per cent. All other countries, in 1894, took 5·2 per cent.; and in 1895, 2 per cent.

COAL.

65. The coal area of Canada is estimated at 97,200 square miles, not including areas known but as yet undeveloped in the far North.

The following table gives the production, consumption, and export of coal for the year 1895 :—

	Tons of 2,000 lbs.
Production :—	
Nova Scotia - - - - -	2,339,614
British Columbia - - - -	1,052,412
Manitoba - - - - -	—
North West Territories - - -	120,318
New Brunswick - - - -	—
Total Production - - -	3,512,344
Exported, calendar year - -	1,011,235
Balance for Home consumption -	2,501,109
Imported :—	
Bituminous - - - - -	1,475,308
Anthracite - - - - -	1,599,749
Coal dust, n.e.s. - - - -	181,171
Coke - - - - -	45,040
	3,301,268
Re-exported - - - -	96,682
Balance for Home consumption - -	3,204,586
Total required for Home consumption -	5,705,695

IRON.

66. The iron ores of the Dominion have a wide range both geographically and geologically.

Magnetic ores, hematite iron ores, and chromic iron occur in abundance.

The following table gives the quantity and value of iron ore exported from Canada :—

Average three-year Periods.

Periods	Tons.	Value.
		$
1868–70 - - -	22,997	49,916
1871–3 - - -	33,397	45,103
1874–6 - - -	30,336	68,119
1877–9 - - -	5,579	11,929
1880–2 - - -	46,345	108,929
1883–5 - - -	41,539	112,466
1886–8 - - -	14,824	44,976
1889–91 - - -	17,737	41,412
1892–4 - - -	5,792	24,025
1895 - - - -	*4,729	43,088

* Includes 2,414 tons of chromic iron valued at $27,345.

CANADA. 1895.

67. The following table gives the production of pig-iron in Canada, the import of pig-iron, kentledge and cast scrap-iron, the total consumption and the per cent. of home produce to total consumption:—

Year ended June 30th.	Production.	Imports.	Total Consumption.	Per-centage of Home produce.
	Tons. 2,000 lbs.	Tons. 2,000 lbs.	Tons. 2,000 lbs.	
1884 - -	29,593	52,184	81,777	36·2
1885 - -	25,770	43,398	69,168	37·2
1886 - -	26,180	45,648	71,828	36·4
1887 - -	39,717	50,214	89,931	44·2
1888 - -	22,209	48,973	71,182	31·2
1889 - -	24,823	72,115	96,938	25·6
1890 - -	25,697	87,613	113,310	22·7
1891 - -	20,153	81,317	101,470	19·8
1892 - -	30,294	68,918	99,212	30·5
1893 - -	46,948	63,522	110,470	42·5
1894 - -	62,522	45,790	108,312	57·7
1895 - -	31,692	35,060	66,752	47·5
1896 - -	—	—	—	—

68. The following table shows the iron and steel imports into Canada:—

———	1894.	1895.
	$	$
From British Empire:—		
Dutiable - - - -	3,528,164	2,132,300
Free - - - - -	2,005,945	1,177,866
Total - - - -	5,534,109	3,310,166
Duty paid - - - -	895,717	439,810
Per-centage of duty on total - -	16·4	13·3
Proportion of dutiable - -	63·7	64·4
„ free - -	36·3	35·6
From all other Countries:—		
Dutiable - - - -	5,248,369	5,273,623
Free - - - - -	528,293	665,960
Total - - - -	5,776,662	5,939,283
Duty paid - - - -	1,560,969	1,507,864
Per-centage of duty on total - -	29·7	28·6
Proportion of dutiable - - -	90·8	88·8
„ free -	9·2	11·2

IMPORTS OF IRON AND STEEL.

	Yearly Average.	1894.	1895.
	$	$	$
Total imports, Home consumption, 1882-86	75,251,232	15,050,246	11,493,120	9,522,327
„ „ „ 1889-93	70,972,717	14,194,543	—	—
Imports from Great Britain - 1882-86	44,125,291	8,825,058	5,514,340	3,340,838
„ „ 1889-93	39,718,373	7,943,274	—	—
„ United States - 1882-86	29,683,187	5,956,637	5,295,415	5,680,539
„ „ - 1889-93	28,162,406	5,632,481	—	—
„ other Countries - 1882-86	1,442,754	288,551	683,365	500,950
„ „ 1889-93	3,091,938	618,387	—	—
	p.c.		p.c.	p.c.
Proport on from Great Britain - 1882-86	58·6	—	48·0	35·1
„ „ - 1889-93	56·0	—	—	—
„ United States - 1882-86	39·4	—	46·1	59·6
„ „ - 1889-93	39·6	—	—	—
„ other Countries - 1882-86	2·0	—	5·9	5·3
„ „ - 1889-93	4·4	—	—	—

Imports from Countries other than Great Britain and United States.

	1886.	1893.	1894.	1895.
	$	$	$	$
Interchangeable mechanism	15,109	24,559	33,892	27,158
Hardware, cutlery, and edged tools	149,734	205,690	252,887	162,105
Machinery	5,452	64,557	24,909	85,260
Castings and forgings	2,504	413	327	555
Rails and railway supplies	45,388	54,549	82,464	21,460
Other forms of iron and steel	131,563	275,229	288,279	203,637
Pig-iron	2,067	359	607	774
Total	351,817	625,356	683,365	500,949

GOLD.

69. Gold is found in the provinces of British Columbia, Nova Scotia, New Brunswick, Quebec, and Ontario, and in the North West Territories.

In New Brunswick the amount of the metal obtained is insignificant, but rocks very nearly resembling those of the auriferous belts of Nova Scotia, and believed to be of the same age, are largely developed.

In Quebec, though the evidence in the different reports of the Geological Survey is largely confirmatory of evidence presented through various sources, to the effect that there exists a very large extent of territory containing rich deposits of gold, not

more than three or four companies working in a very small way are engaged in prosecuting gold mining.

In Nova Scotia the gold-bearing quartz lodes occur in the Cambrian or Cambro-Silurian measures and belong chiefly to the class of "bedded" lodes from which by far the greater bulk of the gold produced has come.

The area of the gold measures in Nova Scotia has been variously estimated from five thousand to seven thousand square miles.

In British Columbia the year 1895 showed a marked increase in the practical development of the mining industry.

In Ontario there has also been a marked increase in development.

70. The value of the gold production in the two principal gold-producing provinces is as under:—

Year.	British Columbia.	Nova Scotia.	Total.
	$	$	$
1862 - -	4,246,266	141,871	4,660,585
1863 - -		272,448	
1864 - -	3,735,850	390,349	4,126,199
1865 - -	3,491,205	496,357	3,987,562
1866 - -	2,662,106	491,491	3,153,597
1867 - -	2,480,868	532,563	3,013,431
1868 - -	2,372,972	400,555	2,773,527
1869 - -	1,774,978	348,427	2,123,405
1870 - -	1,336,956	387,392	1,724,348
1871 - -	1,799,440	374,972	2,174,412
1872 - -	1,610,972	255,349	1,866,321
1873 - -	1,305,749	231,122	1,536,871
1874 - -	1,844,618	178,244	2,022,862
1875 - -	2,474,904	218,629	2,693,533
1876 - -	1,786,648	233,585	2,020,233
1877 - -	1,608,182	329,205	1,937,387
1878 - -	1,275,204	245,253	1,520,457
1879 - -	1,290,058	268,328	1,558,386
1880 - -	1,013,827	257,823	1,271,650
1881 - -	1,046,737	209,755	1,256,492
1882 - -	954,085	275,090	1,229,175
1883 - -	794,252	301,207	1,095,459
1884 - -	736,165	313,554	1,049,719
1885 - -	713,738	432,971	1,146,709
1886 - -	903,651	455,564	1,359,215
1887 - -	694,559	413,631	1,108,190
1888 - -	616,731	436,939	1,053,670
1889 - -	588,923	510,029	1,098,952
1890 - -	494,436	474,990	969,426
1891 - -	429,811	456,125	885,936
1892 - -	399,525	411,060	810,585
1893 - -	379,535	*273,585	653,120
1894 - -	456,066	358,839	814,905
1895 - -	636,545	431,184	1,067,729
Total -	47,955,562	11,808,486	59,764,048

* Nine months only.

NOTE—1 oz. of gold estimated at $19.50 per oz.

COPPER.

71. Copper occurs in Canada in the form of native or metallic copper and the sulphuretted ores.

The largest deposits are found in the neighbourhood of Sudbury in Ontario. In the same neighbourhood are the most valuable nickel mines in the world.

PRODUCTION OF COPPER IN CANADA.

Three-year Periods (Average).

Year.	Quantity.	Value.
	lbs.	$
1886–8 - -	4,144,322	454,629
1889–91 - -	7,250,781	982,745
1892–4 - -	7,877,912	841,071
1895 - -	8,789,162	949,229

The exports of copper (fine) in 1895 amounted to 1,722 tons valued at $222,657.

72. NICKEL PRODUCED IN CANADA.

Year.	Quantity.	Value.
	lbs.	$
1890–1, Two years (average)	3,031,184	1,854,004
1892–4, Three „ „ -	3,771,376	1,845,809
1895 - - - -	—	1,360,984

73. Petroleum is found in different parts of Canada, but the petroleum field of the county of Lambton in Western Ontario is the only considerable source of supply yet developed in the Dominion.

PRODUCTION OF PETROLEUM.

Product.	1893.		1894.	
	Quantity.	Value.	Quantity.	Value.
	Imp. gall.	$	Imp. gall.	$
Petroleum - - -	34,055,000	—	34,912,360	—
Illuminating oil - -	13,322,320	1,372,209	14,349,472	1,337,040
Lubricating „ - -	4,239,847	277,500	3,817,181	242,688
Other oils - - -	11,220,705	323,156	10,632,141	343,416
	lbs.		lbs.	
Paraffin wax - -	2,250,000	143,325	2,754,300	152,467
Fuel product - -	—	72,500	—	71,326

Canadian Petroleum and Naphtha inspected and corresponding Quantities of Crude Oil.

Year.	Refined Oils.	Crude. Equivalent calculated.
	Imp. gall.	Imp. gall.
1882 - -	5,910,787	13,134,993
1883 - -	6,970,550	15,490,111
1884 - -	7,656,011	19,140,027
1885 - -	7,661,617	19,154,042
1886 - -	8,149,472	21,445,979
1887 - -	8,243,962	21,694,637
1888 - -	9,545,895	25,120,776
1889 - -	9,462,834	24,902,195
1890 - -	10,121,210	26,634,763
1891 - -	10,270,827	27,028,492
1892 - -	10,238,426	26,943,227
1893 - -	10,683,806	28,115,278
1894 - -	10,825,350	28,487,763
1895 - -	10,928,894	28,760,247

SALT.

74. The salt produced in the Dominion is almost all manufactured in Ontario, the salt beds of Western Ontario covering an area of about 2,000 square miles. The Canadian Pacific Railway Company, in drilling for salt, bored through 40 feet of rock salt; then encountered rock 23 to 30 feet thick, then a second layer of salt 23 feet thick, then rock 5 feet thick, then 38 feet of salt

Production.

Year.	Tons.	Value.
		$
1886 - - -	62,359	227,197
1887 - - -	60,173	166,394
1888 - - -	59,070	185,460
1889 - - -	32,832	128,547
1890 - - -	43,754	198,897
1891 - - -	45,021	161,041
1892 - - -	45,486	162,041
1893 - - -	62,324	195,926
1894 - - -	57,199	170,687
1895 - - -	60,018	180,417

The imports of salt, free and dutiable, in the three years 1893–5, average 105,950 tons valued at $368,510.

SILVER.

75. The production of silver in the Dominion has increased in recent years. During the five years 1887–91 the amount produced averaged 388,647 ounces yearly. In 1894 it was 847,697 ounces, and in 1895, 1,775,683 ounces.

The Federal Parliament in 1895 passed an Act to encourage silver-lead smelting, and the smelting of other ores of gold and silver, to continue in effect till the 1st July 1900.

APATITE.

76. The occurrence of workable areas of apatite is known to cover a very extensive area in the Laurentian system of the Provinces of Quebec and Ontario, but those which have been worked to date are confined to the county of Labelle in Quebec, and to the counties of Lanark, Leeds, Frontenac, and Renfrew in Ontario.

During 1878–95, 297,342 tons, valued at over $5,000,000, have been exported.

The quantity exported in 1895 was 4,189 tons, or about one-fourth of the average of the previous eighteen years.

The decrease is due to Algerian and Tunisian phosphates having secured the market. The Canadian apatite is a most eligible material for the manufacture of a concentrated superphosphate.

ASBESTOS.

77. The mineral produced in Canada at the present time belongs to the Chrysolite variety. It occurs in veins in certain portions of the great belt of serpentine rocks of the Eastern townships of the province of Quebec.

The production by three-year periods, yearly average, has been:—

1886–8 - - - -	4,160 tons.
1889–91 - - - -	8,417 „
1892–4 - - - -	6,715 „
1895 - - - -	8,756 „

GYPSUM.

78. Gypsum is worked at present only in Ontario, New Brunswick, and Nova Scotia.

The average yearly production by three-year periods has been:—

1886–8 - - -	165,298 tons.
1889–91 - - -	214,462 „
1892–4 - - -	214,256 „
1895 - - -	226,178 „

TRADE AND COMMERCE.

79. The legal weights and measures of Canada are the imperial yard, imperial pound avoirdupois, imperial gallon (of 277·27384 cubic inches), and the imperial bushel. The hundredweight is by law declared to be 100 pounds, and the ton 2,000 pounds, avoirdupois.

In contracts for sale and delivery the bushel is determined by weight unless a bushel measure is specially agreed upon.

The weight equivalent to a bushel is as follows:—

Wheat, pease, beans, potatoes, turnips, carrots, parsnips, beets, onions, and clover seed, 60 pounds; Indian corn and rye, 56 pounds; barley, timothy, and buckwheat, 48 pounds; malt, 36 pounds; oats, 34 pounds; flax seed, 50 pounds; hemp, 44 pounds; castor beans, 40 pounds; bituminous coal, 70 pounds; and blue grass seed, 14 pounds.

80. *Imports and Exports, and Total Trade of Canada,* 1868 *to* 1895.

Year ended 30th June.	Total Imports.	Total Exports.	Excess of Imports.	Imports. Home Consumption.	Exports. Domestic.	Total Imports and Exports.
	$	$	$	$	$	$
1868 -	73,459,644	57,567,888	15,891,756	71,985,306	48,504,899	131,027,532
1869 - -	70,415,165	60,474,781	9,940,384	67,402,170	52,400,772	130,889,946
1870 - -	74,814,339	73,573,490	1,240,849	71,237,603	59,043,590	148,387,829
1871 - -	96,092,971	74,173,618	21,919,353	86,947,482	57,630,024	170,266,589
1872 - -	111,430,527	82,639,663	28,790,864	107,709,116	65,831,083	194,070,190
1873 - -	128,011,281	89,789,922	38,221,359	127,514,594	76,538,025	217,801,203
1874 - -	128,213,582	89,351,928	38,861,654	127,404,169	76,741,997	217,565,510
1875 - -	123,070,283	77,886,979	45,183,304	119,618,657	69,709,823	200,957,262
1876 - -	93,210,346	80,966,435	12,243,911	94,733,218	72,491,436	174,176,781

Year ended 30th June.	Total Imports.	Total Exports.	Excess of Imports.	Imports. Home Consumption.	Exports. Domestic.	Total Imports and Exports.
	$	$	$	$	$	$
1877 - -	99,327,962	75,875,393	23,452,569	96,300,183	68,030,546	175,203,355
1878 - -	93,081,787	79,323,667	13,758,120	91,199,577	67,989,800	172,405,454
1879 - -	81,964,427	71,491,255	10,473,172	†75,063,478	62,431,025	153,455,682
1880 - -	86,489,747	87,911,458	*	71,782,349	72,899,697	174,401,205
1881 - -	105,330,840	98,290,823	7,040,017	91,611,604	83,944,701	203,621,663
1882 - -	119,419,500	102,137,203	17,282,297	112,648,927	94,137,660	221,556,703
1883 - -	132,254,022	98,085,804	34,168,218	123,137,019	87,702,431	230,339,826
1884 - -	116,397,043	91,406,496	24,990,547	108,180,644	79,833,098	207,803,539
1885 - -	108,941,486	89,238,361	19,703,125	102,710,019	79,131,735	198,179,847
1886 - -	104,424,561	85,251,314	19,173,247	99,602,694	77,756,704	189,675,875
1887 - -	112,892,236	89,515,811	23,376,425	105,639,428	80,960,909	202,408,047
1888 - -	110,894,630	90,203,000	20,691,630	102,847,100	81,382,072	201,097,630
1889 - -	115,224,931	89,189,167	26,035,764	109,673,447	80,272,456	204,414,098
1890 - -	121,858,241	96,749,149	25,109,092	112,765,584	85,257,586	218,607,390
1891 - -	119,967,638	98,417,296	21,550,342	113,345,124	88,801,066	218,384,934
1892 - -	127,406,068	113,963,375	13,442,693	116,978,943	99,338,913	241,369,443
1893 - -	129,074,268	118,564,352	10,509,916	121,705,030	105,798,257	247,638,629
1894 - -	123,474,940	117,524,949	5,949,991	113,093,983	104,161,770	240,999,889
1895 - -	110,781,682	113,638,803	*	105,252,511	103,085,012	224,420,485
Total - -	3,017,924,147	2,493,202,380	525,121,767	2,848,090,259	2,181,807,087	5,511,126,530
Annual average	107,783,005	89,042,942	18,754,349	101,717,509	77,921,682	196,825,947

* Excess of exports, $1,421,711 in 1880 and $2,857,121 in 1895.

† $5,278,130 less than the figures given in Trade and Navigation Return, value of foreign grain and breadstuffs re-exported, calculated at import value. (See Trade and Navigation Return, 1880, page 506.)

81. TOTAL VALUE of IMPORTS and EXPORTS of CANADA by COUNTRIES—Year ended June 30th, 1895.

——	Imports from.	Exports to.
BRITISH EMPIRE.	$	$
United Kingdom - -	31,138,414	61,856,990
Australia - - -	117,941	428,267
British East Indies - -	233,345	4,132
„ West Indies - -	1,239,629	1,857,017
„ Guiana - - -	173,412	346,430
„ Honduras - -	—	1,923
„ Africa - -	95,843	72,910
Ceylon - - -	145	—
Gibraltar - - -	—	5,760
Hong Kong - - -	2,291	12,903
Fiji Islands - - -	—	2,027
Newfoundland - -	740,261	1,837,996
Total British Empire -	33,741,281	66,426,355

—	Imports from.	Exports to.
	$	$
Argentine Republic - -	23,604	502,520
Austria-Hungary - -	178,394	—
Belgium - - -	451,697	251,402
Brazil - - -	91,548	612,639
China - - - -	942,493	367,853
Dutch East Indies - -	361,113	—
France - - -	2,636,328	335,282
Germany - - -	4,983,384	626,976
Greece - - -	74,291	—
Holland - - -	247,468	140,264
Italy - - - -	339,501	34,325
Japan - - -	1,572,937	10,307
Spain - - -	420,155	34,101
Spanish West Indies - -	3,964,234	1,453,368
Other Spanish possessions -	573,006	15,810
Switzerland - - -	255,843	640
United States of America -	59,337,239	*42,297,676
All other countries - -	587,166	529,285
Total - - -	110,781,682	113,638,803

* Includes $3,300,000 estimated short returns at Inland Ports.

82. VALUE of TRADE per HEAD of POPULATION; AMOUNT of DUTY COLLECTED; AMOUNT of DUTY per HEAD and PER-CENTAGE of DUTY.

Average Five Years' Period.

—	Value of			Duties Collected.		Per-centage of Duty.	
Period.	Imports per Head.	Exports per Head.	Total Trade per Head.	Total.	Per Head.	On Total Value of Goods Imported—Free and Dutiable.	On Total Value of Goods entered for Home Consumption—Free and Dutiable.
	$	$	$	$	$	Per Cent.	Per Cent.
1869–73	27·07	21·49	48·56	11,133,745	3·14	11·72	12·30
1874–78	27·27	20·45	47·72	16,592,104	3·44	12·77	12·93
1879–83	24·33	21·24	45·57	18,092,064	4·18	17·08	18·82
1884–88	24·17	19·44	43·61	20,685,198	4·51	18·67	19·91
1889–93	25·31	21·30	46·61	22,598,558	4·68	18·45	19·57
1894	24·59	23·40	47·99	19,379,822	3·86	15·69	17·13
1895	21·79	22·35	44·14	17,887,269	3·52	16·14	16·99

IMPORTS for HOME CONSUMPTION (by Classes).—Year ended June 30th, 1895. CANADA. 1895.

—	Dutiable.	Free.	Average Rate of Duty on Dutiable Goods.
	$	$	Per Cent.
Class A.—Articles of food and animals	7,817,389	11,717,488	23·51
„ B.—Articles in a crude state which enter into the various processes of domestic industries.	4,081,054	18,004,722	24·03
„ C.—Articles wholly or partially manufactured for use as materials in manufacturing.	10,054,945	6,775,942	25·55
„ D.—Manufactured articles ready for consumption.	28,398,959	5,241,256	28·73
„ E.—Articles of voluntary use, luxuries, &c.	8,205,308	378,828	52·88

83. The exports, produce of Canada, classified, for the year ended June 30th, 1895, are :—

	$
Produce of the mine - - -	6,983,227
„ fisheries - - -	10,692,247
„ forest - - -	23,891,166
Animals and their products - -	34,387,770
Agricultural products - - -	15,719,128
Manufactures - - - -	7,768,875
Miscellaneous - - - -	85,938
Total produce of Canada - -	99,528,351
Not produce of Canada - -	6,485,043
Coin and bullion exported to United States - - - -	4,325,319
Newfoundland coin exported -	
St. Pierre „ -	
Estimated short returned at inland ports - - - -	3,300,000
Grand total exports -	113,638,803

CANADA. 1895.

84. EXPORTS of CANADIAN PRODUCE.

Per-centage to Principal Countries.

—	1875.	1885.	1895.
Great Britain - - - -	49·02	46·10	56·17
United States - - - -	40·07	44·93	34·79
France - - - -	0·30	0·38	0·32
Germany - - - -	0·13	0·33	0·51
Other European Countries - -	0·63	0·78	0·60
British West Indies - - -	3·24	1·93	1·76
Other „ - - -	2·11	1·26	1·43
Newfoundland - - -	2·43	1·52	1·39
Other British Possessions - -	0·37	0·89	0·84
„ Foreign Countries - -	1·70	1·88	2·19
	100·	100·	100·

CURRENCY, BANKS, and SAVINGS BANKS.

85. In 1871 the Federal Parliament passed an Act which gave to the several provinces an uniform currency, the single gold standard adopted being that of the British sovereign passing current at $\$4{\cdot}86\frac{2}{3}$. Silver coin was made legal tender to $10 and minor coin 25 cents.

In addition the banks and the Federal Government issue notes.

The Federal notes are full legal tender redeemable in specie on demand, and are of the following denominations:—25 cents, $1, $2, $4, $50, $100, $500, and $1,000.

Under the law the Federal Government must hold against an issue of $20,000,000 of its notes, 15 per cent. of gold, 10 per cent. additional either in gold or in Dominion securities guaranteed by Great Britain, and 75 per cent. in unguaranteed Dominion bonds; any excess of issue over $20,000,000 to be fully covered by gold holdings.

86. On 31st December 1895 the total amount of Dominion notes issued was:—$22,413,462, of which $14,358,500 were notes of $500 and $1,000 held by the Chartered Banks under the Banking Act. Of the remainder, $7,217,448 were $1 and $2 notes.

Against the issue of $22,413,462 the law requires the Government to hold—

	$
Gold, $15 per cent. of $20,000,000, equal to	3,000,000
„ excess over $20,000,000, equal to -	2,413,462
„ or guaranteed sterling debentures -	2,000,000
Unguaranteed Dominion bonds - -	15,000,000
Total - - -	22,413,462

The amount actually held was :—	$
Gold - - - - -	10,650,702
Guaranteed sterling debentures - -	1,946,667
Unguaranteed sterling debentures - -	17,250,000
Total - - -	29,847,369

showing an excess of gold and guaranteed debentures of $5,183,907, and of the unguaranteed debentures of $2,250,000.

Of the total issue of Government notes, 64·6 per cent. was held by the Chartered Banks and 35·4 per cent. was in general circulation.

87. The Chartered Banks are incorporated under the Banking Act, 53 Vict., chap. 31, which is the latest revision, the law requiring such revision every 10 years.

The number of Chartered Banks in the Dominion reporting to the Government on the 30th June 1895 was 37 ; of these 10 had headquarters in Ontario, 13 in Quebec, eight in Nova Scotia, three in New Brunswick, two in Prince Edward Island, and one in British Columbia.

These 37 banks have 512 branches, of which 280 are in Ontario, 85 in Quebec, 65 in Nova Scotia, 30 in New Brunswick, 21 in Manitoba, 9 in the North-West Territories, 6 in Prince Edward Island, and 16 in British Columbia.

BANK STATISTICS.

Census Year.	Capital paid per Head of Population.	Circulation per Head.	People's Deposits per Head.	People's Discounts per Head.	Liabilities per Head.	Assets per Head.
	$	$	$	$	$	$
1871 -	10·30	5·75	15·48	23·33	22·07	34·46
1881 -	13·76	6·60	21·81	27·04	29·40	46·38
1891 -	15·56	6·54	30·70	35·40	38·75	55·72
1895* -	12·16	6·06	35·92	40·08	45·20	62·27

	$
Reserve fund, 1891 - - - - -	4·72 per head
„ „ 1895 - - - - -	5·36 „ „

* Population estimated.

	1875.	1885.	1895.
	$	$	$
Capital paid up - -	64,452,846	61,711,566	61,800,700
Notes in circulation - -	23,035,639	30,720,762	30,807,041
Deposits - - -	74,642,446	104,014,660	190,916,939
Current loans - - -	151,027,988	159,701,089	220,790,252
Liabilities - - -	104,609,356	138,762,695	229,794,322
Assets - - - -	186,255,330	219,147,080	316,536,510
Specie - - - -	†6,728,413	†6,766,698	†7,578,217
Dominion notes - -	†6,992,145	†12,272,505	†15,255,563

† 31st July each year.

CANADA. 1895.

The Clearing House transactions recorded for 1895 amounted to $1,046,323,079·00

The several Chartered Banks have savings bank departments, but they do not make returns to the Government separating the savings deposits from their ordinary deposits.

88. In addition to these there are special incorporated Savings Banks, Post Office Savings Banks, and Government Savings Banks.

The rate of interest paid in the Savings Banks under the direction of the Government is 3½ per cent.

Savings Banks are connected with the loan companies and building societies.

89. Deposits with under-mentioned Savings Banks:—

GOVERNMENT.

Year.	Post Office.	Other Government.	Special.	Total.
	$	$	$	$
1875 - - - -	2,926,090	4,245,091	6,611,416	13,782,597
1885 - - - -	15,090,540	17,888,536	9,191,895	42,170,971
1895 - - - -	26,805,542	17,644,956	13,128,483	57,578,981

In 1895 the number of offices under Government management was 766; the number of depositors in these was 175,560, and the average amount to each depositor was $253·19.

90. LOAN COMPANIES and BUILDING SOCIETIES.

——	1875.	1885.	1894.
Liabilities.	$	$	$
Capital paid up - - -	10,088,998	31,345,620	39,131,766
Reserve fund - - - -	1,578,909	7,199,456	11,433,493
Deposits - - - - -	5,020,706	15,435,084	20,782,944
Debentures payable - - -	772,084	34,798,038	57,541,710
Other liabilities - - -	2,590,980	4,161,136	12,633,319
Total liabilities - -	20,051,677	92,939,334	141,523,232
Assets.			
Currrent loans secured on real estate - - - -	18,360,715	78,775,243	116,810,578
Total loans - - - -	18,890,809	82,084,049	121,692,979
Cash on hand - - - -	645,605	2,561,277	3,978,406
Property owned, real estate -	162,267	4,331,146	—
Total property owned - -	1,160,470	10,094,126	20,620,370
Total assets - -	20,051,280	92,178,175	142,313,349
Value of real estate mortgaged -	42,963,676	166,651,537	225,045,980
Overdue mortgages - - -	433,557	3,084,114	3,244,464

91. FAILURES in CANADA.

Year	Number.	Amount.
		$
1875 - - - -	—	28,843,000
1885 - - - -	1,280	9,210,334
1895 - - - -	1,875	15,347,931

Of these failures in 1895, 23·3 per cent. were manufacturing firms, 76·1 trading, and 0·6 "Other," the assets of the manufacturing class being 33·5 per cent. of the liabilities, and those of the trading class being 51·2 per cent.

92. RAILWAYS.

Mileage of Track laid and Square Miles of Area to each Mile of Railway, 30th June 1895.

Provinces.	Miles of Track laid.	Square Miles to each Mile.
Ontario - - - -	6,403	34
Quebec - - - -	3,139	72
New Brunswick - - -	1,404	20
Nova Scotia - - - -	891	23
Prince Edward Island - -	210	9½
Manitoba - - - -	1,472	44
North-West Territories - -	1,772	225
British Columbia - - -	800	478
Total - - -	16,091	—

Canada has 136 railways; 25 of these have been amalgamated and form the Grand Trunk system. The consolidation of 22 others has produced the Canadian Pacific Railway system. The remaining 89 have more or less consolidated so that in all there are 76 separate organizations.

The mileage of the several organizations is :—

Name of Railway.	Rails laid.
	Miles.
Canadian Pacific - -	6,174·10
Grand Trunk - -	3,161·98
Intercolonial - - -	1,383·60
Other railways - -	5,371·08
Total - -	16,090·76

CANADA. 1895.

93. The Government of Canada own 1,383 miles of railway and operate 1,352 miles. The remainder of the mileage is owned and operated by companies.

94. RAILWAY CAPITAL PAID, 1895.

	Amount.	Proportion to Capital paid.
	$	Per Cent.
Ordinary share of capital	255,769,556	28·48
Preference	105.680,034	11·81
Bonded debt	330,785,546	36·97
Aid from Dominion Government	150,763,283	16·85
„ Ontario „		
„ Quebec „		
„ N. Brunswick „	29,727,512	3·32
„ Nova Scotia „		
„ Manitoba „		
„ British Columbia		
„ Municipalities	14,180,687	1·58
Capital from other sources	7,733,941	0·99
Total	894,640,559	100·00

RAILWAY STATISTICS.

Year ended.	Miles in Operation.	Train Mileage.	No. of Passengers.	Tons of Freight.	Earnings.	Working Expenses.	Proportion of Expenses to Railway.
					$	$	Per Cent.
1875	4,856	17,680,168	5,190,416	5,670,836	19,470,539	15,775,532	81·0
1885	10,150	30,623,689	9,672,599	14,659,271	32,227,469	24,015,351	75·0
1895	15,977	40,661,890	13,987,580	21,524,421	46,785,487	32,749,669	70·0

95. STATEMENT of GROSS and NET INCOME of RAILWAYS of CANADA.

	1885.	1895.
	$	$
Gross earnings from operation	31,805,162	45,055,390
Less general operating expenses	8,717,906	12,577,649
Income from operation	23,087,256	32,477,741
Income from other sources	422,307	1,730,096
Total income	23,509,563	34,207,837
Deductions from income*	12,250,638	20,172,020
Net income	8,258,925	14,035,817
Capital, share and preferential	312,182,162	361,449,590
Bonded debt	141,370,963	330,785,546
	Per Cent.	Per Cent.
Per cent. of net income to capital	2·64	3·88

* Maintenance of line, buildings, &c., working and repairs of engines and of cars.

96. The earnings per train mile in 1895 were $115·60 and the working expenses were $80·54.

The receipts from freight traffic formed 63·2 per cent. and from passage traffic 24·4 per cent. of the total. Of working expenses 41·1 per cent. was for working and repairs, 38·4 per cent. for general working expenses, and 21·5 per cent. for maintenance of line, &c.

97. The Intercolonial Railway (State-owned and operated) compares with the general average of all railways of Canada as under:—

	1894.	1895.
	Per Cent.	Per Cent.
General average expenditure on buildings and maintenance	20·8	21·5
Intercolonial Railway expenditure on buildings and maintenance	22·8	23·5
General average expenditure on workings and repairing engines	32·4	31·8
Intercolonial Railway expenditure on workings and repairing engines	36·0	35·3
General average expenditure on cars	8·8	8·4
Intercolonial Railway expenditure on cars	14·1	13·6
General average general operating expenses	38·0	38·4
Intercolonial Railway general operating expenses	27·4	27·3

98. During 10 years, 1885–94, the annual average number of persons killed in railway accidents was 199·4 and of persons injured 747·5. In 1895 the killed numbered 187 and the injured 658. In 1895 the killed were divided into passengers, 9; employés, 51; others, 127. The "injured" were, passengers, 60; employés, 488; other, 110. The passengers killed were 0·64 per million of those carried.

CANALS.

99. The canals of Canada are principally in connexion with the River St. Lawrence and its tributaries. The total distance between Prince Arthur at the head of Lake Superior and the Straits of Belleisle is 2,260 miles, 71 of which are artificial, and 2,189 miles open navigation. In addition to the 71 miles there are the St. Clair Flats channel and the submerged canal between Montreal and Quebec.

The latter, made by dredging and aggregating 39¼ miles, gives a depth of 27½ feet, a width of from 300 to 325 feet in the straight parts and of 450 feet in the worst places. The total cost of the work was $4,566,000 and the total quantity of dredged matter amounted to 21,556,286 cubic feet.

The number of locks in the St. Lawrence canals is 52, of which 25 are in the Welland Canal. The general system calls for locks 270 feet by 45 feet. The lock of the Sault St. Marie Canal is 900 feet by 60 feet.

The Ottawa and Rideau rivers canal system is 29¼ miles long and has 59 locks, chiefly 134 feet by 32 feet.

The Richelieu and Lake Champlain canal system has 10 locks. This system opens up navigation between Montreal and New York, the total distance between the two cities being 457 miles and the total lockage ascending and descending 283 feet.

St. Peter's Canal in Cape Breton connects the Bras d'Or Lakes and the Atlantic Ocean. It has one tidal lock 200 feet by 49½ feet.

The expenditure on capital account on the canals of Canada to June 30th, 1895, has been $64,689,570, and on renewals and maintenance $13,429,749.

Of the amount charged to capital account the Welland Canal is charged with the sum of $24,128,340.

The total revenue from canals since Confederation (1867) to 30th June 1895 is $10,578,258, being an average of $377,795 a year.

Vessels and Tonnage using the Canadian Canals.

Year.	Number of Vessels.	Tonnage.
1882 - - -	26,389	4,053,247
1885 - - -	21,762	3,350,965
1888 - - -	21,582	3,272,099
1891 - - -	22,848	3,973,570
1894 - - -	23,158	4,060,931
1895 - - -		
Welland Canal (included in above).		
1882 - - -	2,931	679,040
1885 - - -	2,733	681,947
1888 - - -	2,647	828,271
1891 - - -	2,594	1,110,156
1894 - - -	2,412	1,252,945
1895 - - -		
St. Lawrence Canals (included in above).		
1882 - - -	10,604	1,936,896
1885 - - -	9,030	1,550,696
1888 - - -	9,005	1,500,096
1891 - - -	9,933	1,841,629
1894 - - -	8,545	1,697,237
1895 - - -		

MARINE.

100. Since Confederation (1867) 200,000,000 tons of sea-going shipping have entered the seaports of Canada: 172,000,000 tons have crossed the Great Lakes between Canada and the United States, and 360,000,000 tons have passed from Canadian ports to Canadian ports, doing the coasting trade of Canada.

In 1895 the number of light-stations was 632, of lighthouses 768, of fog whistles 22, and of automatic fog horns 37.

The total cost of maintaining the lighthouses, light-stations, &c., in 1895 was $457,548.

101. The total number of vessels on the Registry Books of Canada on 31st December 1895 was 7,262, with a tonnage of 919,162 tons.

——	Number.	Gross Tonnage.	Registered Tonnage.	Number.	Total Tonnage.
Steamers - -	1,718	247,007	—	1,718	247,007
Sailing vessels -	5,544	—	672,155	5,544	672,155
Total -	—	—	—	7,262	919,162

Compared with 1883, steamers have increased 712 in number and 43,468 tons in tonnage.

Sailing vessels have decreased 824 in number and 469,027 in tonnage.

The net decrease in the period has been 112 in number and 425,559 in tons.

Vessels Built and Registered in Canada.

Year.	Number of Vessels.	Tonnage.
1895 - - -	250	16,270

102. *Sea-going Shipping entered and cleared at Canadian Ports,* 1885 *and* 1895.

1885.

Flag.	Number of Vessels.	Tons Registered.	Tons weighed.	Freight. Tons measured.	Number of Men.
British - - - -	3,219	3,007,314	1,104,157	509,343	89,596
Canadian - - -	10,512	1,588,894	591,526	360,450	76,929
Foreign - - - -	7,461	3,048,407	530,788	853,902	127,954
Total - -	21,192	7,644,615	2,226,471	2,223,695	294,479

1895.

Flag.	Number of Vessels.	Tons registered.	Tons weighed.	Freight. Tons measured.	Number of Men.
British - - - -	3,206	3,994,224	1,739,873	771,425	105,225
Canadian - - - -	12,918	2,054,024	755,930	781,414	112,272
Foreign - - - -	11,752	4,928,581	1,161,441	864,902	212,436
Total - -	27,876	10,976,829	3,657,244	2,417,741	429,963

103. *Shipping arrived at and departed from Canadian Ports on Inland Waters, between Canada and the United States.*

1885.

Flag.	Number of Vessels.	Tons registered.	Tons weighed.	Freight. Tons measured.	Number of Men.
Canadian - - - -	18,126	4,849,856	1,163,459	621,743	193,243
United States - - -	11,033	1,590,241	582,266	307,685	75,343
Total - -	29,959	6,440,097	1,745,725	929,428	268,586

1895.

Canadian - - - -	16,866	5,196,811	863,343	261,030	249,079
United States - - -	15,547	2,927,323	870,771	257,143	136,574
Total - -	32,413	8,124,134	1,734,114	518,173	385,653

104. *Shipping engaged in Coasting Trade of the Dominion.*

Arrived and Departed, 1885 and 1895.

1885.

British.				Foreign.			
Steamers.		Sailing Vessels.		Steamers.		Sailing Vessels.	
No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
34,653	12,678,492	47,267	3,128,340	130	110,180	98	27,410

1895.

60,132	20,731,042	57,070	4,474,091	243	133,832	1,084	134,469

—	Vessels.	Tonnage.	Crew.
Totals for 1885 - - -	82,148	15,944,422	779,360
„ 1895 - - -	118,529	25,473,434	1,279,185

Men power per vessel, 1885 - - 9·5
„ „ 1895 - - 10·8

105. There are four graving docks in Canada, three belonging to the Federal Government and one to a private company.

The following statement shows the dimensions of these graving docks :—

Name.	Length.	Width at			Water on Sills.*	Rise of	
		Coping.	Entrance.	Bottom.		Spring Tide.	Neap Tide.
	ft.	ft.	ft.	ft.	ft.	ft.	ft.
Esquimalt - -	430	90	65	41	26½	7 to 10	5 to 8
Kingston - -	280	79	55	47	16½	†	—
Levis - - -	445	100	62	73	25½	26½	20½
Halifax - -	585	102	89½	72	30	6	3

* At ordinary spring tide. † Height of water in Lake Ontario varies 3½ ft.

106. Post Offices, &c.

Number of Post Offices, Extent of Post Routes, Revenue, and Expenditure of Department, including Amounts expended for Transportation of the Mail for 1895.

Post Offices.	Extent of Post Routes.	Revenue of Department.	Expended for Transportation.		Total Expenditure of the Department.
			Domestic Mail.	Foreign Mail.	
No.	Miles.	$	$	$	$
8,832	65,325	3,815,456	2,175,711	450,665	4,616,313

Railway Mail Service, 1895.

Total Railways in Operation in Canada.	Railways upon which Mail was carried.	Annual Transportation of Mail by Railways.	Railway Mail Transportation.		Railway Mail Service.	
			Annual Cost of	Average Annual Cost per Mile.	No. of Employés.	Annual Expenditure.
Miles.	Miles.	Miles.	$	Cents.	No.	$
15,977	14,463	14,836,735	1,241,115	8,037	425	390,184

CANADA. 1895.

Estimated Number of Letters, &c. carried, 1895.

Letters.			Post Cards sent.	Newspapers and Periodicals		Parcels, Domestic and Foreign.	Total.
Registered.	Free.	Total.		Posted from Office of Publishers.	Posted otherwise, including Books and Circulars.		
No.	No.	No.	No.	No.	No.	No.	No.
3,183,200	4,441,000	107,565,000	24,025,000	70,235,446	25,583,000	357,760	96,176,206

107. POSTAL MONEY ORDER SYSTEM in CANADA, 1895.

Number of Offices.	Number of Orders issued.	Amount of Orders.	Amount of Orders issued in other Countries and payable in Canada.	Orders issued in Canada and payable in Canada.		
				Great Britain.	United States.	Other Countries.
No.	No.	$	$	$	$	$
1,261	1,092,052	13,187,322	2,055,984	1,306,296	2,796,405	403,957

TELEGRAPHS and CABLES, 1895.

108. *Telegraphs.*

——	Miles of Line.	Miles of Wire.	Number of Messages.	Number of Offices.
COMPANY :—				
Mainland - -	28,815	68,244	4,024,299	2,556
Prince Edward Island	385	403	—	32

——	Miles Land Lines.	Miles Cables.	Total Miles.
GOVERNMENT - -	2,486	238	2,724

The Government lines are used by the Government (*a*) for purposes connected with quarantine; (*b*) with the fisheries and (*c*) the fisheries protection service. Daily reports are sent

from 55 stations in connection with the fisheries to one central station.

The total cable lines within the Dominion comprise 297¼ miles.

109. TELEPHONES.

Miles of Wire.	Instruments.	Messages.
44,000	33,500	72,500,000

110. FINANCE.

ANALYSIS of the PRINCIPAL of the PUBLIC DEBT of CANADA. July 1st, 1895.

Total Debt and Assets.

	$
Total gross debt - - -	318 048,755
Assets:	
Sinking funds - - -	35,359,088
Other investments - - -	5,487,462
Province accounts - - -	10,923,487
Miscellaneous - - -	14,203,790
Total assets - - -	64,973,828
Net debt - - -	253,074,927

Debt.

Debt paying 3 per cent. interest -	52,477,715
„ 3½ „ „ -	71,938,812
„ 4 „ „ -	147,038,124
„ 5 „ „ -	24,712,925
„ 6 „ „ -	1,368,831
Total interest-bearing debt -	297,536,407
Total non-interest bearing debt -	20,512,348
Interest charge for fiscal year 1894–5	10,466,294
Interest received from investments -	1,136,047
Net interest charge - -	9,130,247
Funded debt:	
Payable in London, 5 per cent. -	2,433,333
„ 4 „ -	140,856,596
„ 3½ „ -	24,333,333
„ 3 „ -	50,602,241
Total - - - -	218,225,503

		$
Payable in Canada,	6 per cent. -	130,900
„	5 „ -	485,297
„	4 „ -	6,180,728
„	3½ „ -	298,700
Total - - - -		7,095,625
Total funded debt - -		225,321,128
Savings Banks,	3½ per cent. -	44,450,499
Province accounts,	5 „ -	16,407,032
Trust accounts,	6 per cent. -	1,105,220
„	5 „ -	5,400,604
„	3½ „ -	1,882,396
„	3 „ -	1,875,474
Total trust accounts -		10,263,694
Compensation to seignors, 6 per cent.		131,387
Dominion notes - - -		19,520,233
Provincial „ - - -		39,520
Miscellaneous (interest varying) -		1,915,262
Total debt, 1st July 1895 -		318,048,755

111. The total loans authorised from foundation to 30th June 1895, amount to $246,707,150, of which $13,121,015 were unexpended and not issued. $152,744,917 were expended on railways and canals; $803,044 on telegraphs; $6,008,750 on immigration; and $72,140,932 on harbours, rivers, lighthouses, public works, public buildings, defence, &c.

112. RECEIPTS and their SOURCES.

Customs Revenue.—1895.

Duties on Merchandise.	Duties Collected.
	$
Class A.—Articles of food and live stock :—	
Animals - - - - - -	33,207
Breadstuffs - - - - - -	308,125
Cocoanuts, paste, &c. - - - - -	36,606
Fish - - - - - - -	65,844
Fruits, including nuts - - - - -	509,572
Provisions, including meat and dairy products - -	190,237
Pickles and sauces - - - - - -	35,668
Rice - - - - - - -	142,400
Spices - - - - - - -	26,706
Salt - - - - - - - -	5,873
Sugar and molasses - - - - -	365,796
Vegetables - - - - - - -	51,445
All other articles - - - - -	66,577
Total, Class A. -	1,838,056

Duties on Merchandise.	Duties collected.
	$
Class B.—Articles in a crude condition which enter into the various processes of domestic industry :—	
Coal	877,625
Seeds	47,648
All other articles	55,750
Total Class B.	981,023
Class C.—Articles wholly or partially manufactured for use as materials in the manufacture of mechanical arts :—	
Carriages, parts of	36,367
Cement	81,068
Cottons	134,642
Drugs, chemicals, &c.	280,471
Furs, partially dressed	78,784
Hops	52,339
Iron and steel	815,878
Lead	30,979
Leather	130,933
Oils	587,534
Paints and colours	49,757
Post Office parcels	90,859
Woollens	56,608
All other articles	143,079
Total Class C.	2,569,298
Class D.—Manufactured articles ready for consumption :—	
Books and other printed matter	208,161
Braces and suspenders	24,859
Brass and manufactures of	86,567
Brooms and brushes	21,649
Buttons	37,588
Carriages	169,764
Clocks and clock cases	26,287
Combs	27,770
Cottons	1,020,648
Earthenware and china	165,458
Electric light apparatus and electric batteries &c.	80,176
Express parcels of small value	59,360
Flax manufactures	297,713
Glass and manufactures	301,174
Gloves and mitts	220,947
Gunpowder	38,470
Gutta-percha and India-rubber manufactures	123,458
Hats, caps, and bonnets	358,621
Iron and steel	1,061,639
Leather manufactures	109,187
Furniture, all kinds—cabinet, office, and house	78,984
Metal manufactures	73,043
Oil cloth	43,161
Optical instruments	22,193
Packages	78,655
Paper manufactures	302,891
Soap	62,749
Tobacco pipes	46,701
Twine, all kinds	24,827
Umbrellas and parasols	67,965
Varnish, &c.	20,974
Watches, &c.	42,013
Wood manufactures	97,108
Woollen manufactures	2,236,206
All other articles	523,059
Total Class D.	8,160,025

Duties on Merchandise.	Duties collected.
Class E.—Articles of voluntary use, luxuries, &c. :—	$
Ale, beer, and porter	50,246
Collars of cotton and linen and Cuffs	26,334
Curtains	78,604
Carpets	254,091
Cotton fabrics and embroidered, &c.	92,693
Fancy goods	453,209
Gold and silver manufactures, jewelry, &c.	170,145
Musical instruments	82,715
Perfumery, pomades, &c.	11,426
Silk manufactures	675,097
Spirits and wines	2,090,513
Tobacco	263,281
All other articles	90,513
Total Class E.	4,338,867

Value of Imports—Dutiable and Free—and Duties collected in the above-mentioned Classes.

Classes.	Dutiable.	Free.	Duties collected.
	$	$	$
A.	7,817,389	11,717,488	1,838,056
B.	4,081,054	18,004,722	981,023
C.	10,054,945	6,775,942	2,569,298
D.	28,398,959	5,241,256	8,160,025
E.	8,205,308	378,928	4,338,867
Totals	58,557,655	42,118,236	17,887,269

Internal Revenue.

	Amount.
Tax collected on :—	$
Spirits	3,873,002
Tobacco and cigars	3,009,888
Malt liquor	5,885
Malt	707,075
Petroleum inspection	41,389
Bonded manufactures	47,609
Other receipts	26,431
Methylated spirits	99,647
Total internal revenue	7,810,926

Postal Service.

	$
Revenue	3,815,456

Miscellaneous.

	Amount.
	$
Casual	89,145
Cullers fees	7,107
Dominion lands	167,870
„ steamers	9,535
Fines, forfeitures, and seizures	22,469
Gas inspection and law stamps	23,842
Interest on investments	1,336,047
Insurance superintendence	9,794
Imperial contribution to Sable Island	4,815
Militia	39,445
Ordnance lands	22,646
Patent fees	94,603
Penitentiaries	24,624
Public works, including railways and canals	3,591,689
Premium and discount	18,876
Steamboat inspection	25,093
Superannuation	63,275
Tonnage dues	42,715
Weights and measures	39,433
Miscellaneous	11,148
Fisheries	94,970
Total	5,739,141

Recapitulation of Receipts.

	$
Customs revenue	17,887,269
Internal revenue	7,810,926
Postal service (gross)	3,815,456
Miscellaneous	5,739,141
Total	35,252,792

113. EXPENDITURES and their OBJECTS.

Objects.

	$
Charges on public debt	12,747,556.02
Post offices	4,616,313.50
Subsidies to provinces	4,250,674.46
Railways and canals (including collection revenue)	3,956,842.48
Public works (including collection expenses)	1,894,015.11
Militia and defence	1,574,013.76
Civil Government	1,422,227.97
Indians	955,403.77
Legislation	941,570.41
Customs (collection of revenue)	917,632.39
Administration of justice	755,682.97
Mounted police	646,125.17
Mail subsidies and steamship subventions	513,268.03
Lighthouse and coast service	475,903.32

	Amount.
	$
Excise (collection of revenue)	471,864.90
Penitentiaries	449,599.81
Fisheries	443,822.95
North-West territories	303,626.74
Superannuation	265,385.77
Arts, agriculture, and statistics	216,740.30
Ocean and river service	205,092.65
Immigration	195,652.97
Geological survey and observatories	145,392.97
Dominion lands (collection of revenue)	129,727.51
Quarantine	101,320.11
Weights and measures	98,173.67
Miscellaneous	461,041.37
Total	39,154,671.08

114. PROVINCIAL DEBT, 1895.

Province.	Gross Debt.	Net Debt.
	$	$
Quebec	32,057,554	18,207,942
Nova Scotia	3,346,899	1,988,094
New Brunswick	2,912,987	2,321,413
Manitoba	4,679,794	*
British Columbia	6,499,688	3,424,677

* The assets of Manitoba amount to $7,146,031.

The Province of Ontario has railway liabilities, payable in the future extending over 30 years, amounting to $1,699,229, and has a surplus of assets over liabilities presently payable of $5,078,981.

PROVINCIAL REVENUE AND EXPENDITURE, 1895.

Province.	Receipts.	Expenditure.
	$	$
Quebec	4,221,687	4,189,983
Ontario	3,585,300	3,758,595
Nova Scotia	835,455	831,230
New Brunswick	687,437	684,635
Manitoba	703,172	704,946
British Columbia	896,025	1,906,924
P. E. Island	277,314	310,177

Among the receipts of each province is the subsidy paid under the Union Act (1867) by the Federal Government and certain allowances under Acts relative to the readjustment of the debts contracted by the provinces previous to Confederation.

115. YEARLY SUBSIDIES AND ALLOWANCES.

	$
Ontario - - - -	1,339,287.28
Quebec - - - -	1,086,713.48
Nova Scotia - - -	432,812.82
New Brunswick - - -	483,569.68
Manitoba - - - -	482,593.34
British Columbia - - -	242,689.46
Prince Edward Island - -	221,051.98
Total - -	4,288,718.04

116. FIRE INSURANCE, 1895.

	$
Gross amount of risks taken -	672,622,324
Premiums charged thereon - -	8,274,746
Net cash received for premiums -	6,986,925
Losses paid (net cash) - -	5,019,514
Total amount of risk - -	827,184,368

117. LIFE INSURANCE, 1895.

	$
Amount effected during year -	44,781,584
„ in force 1895 - -	319,781,939
Income premiums - - -	10,312,499
Total amount paid to policy holders	5,516,929
Total amount of premiums received for all kinds of insurance, fire, life, accident, &c. - - -	18,808,693
The deposits held by the Dominion Government for the protection of policy-holders, 22nd July 1895 -	28,020,737
Distributed as follows :—	
Fire and inland marine - -	5,893,535
Life - - - -	21,440,009
Accident, guarantee, &c. - -	687,193
Total - -	28,020,737

CANADA. 1895

118. REGIMENTAL ESTABLISHMENTS OF THE PERMANENT AND ACTIVE MILITIA OF CANADA, 1895.

Permanent.

—	Officers.	Staff Sergeants and Sergeants.	Rank and File.	Horses.
Royal Canadian Dragoons -	10	19	140	101
„ Artillery -	21	42	403	69
„ Infantry -	24	50	518	—
Total - - -	55	111	1,061	170

Active Militia.

—	Officers.	Sergeants.	Rank and File.	Horses.
Cavalry - -	193	231	1,654	1,904
Artillery field - -	102	121	1,122	495
„ garrison -	156	126	2,038	—
Engineers - -	9	10	132	—
Infantry - -	2,527	1,889	24,503	351
Total - -	2,987	2,377	29,449	2,750
Grand total -	3,042	2,488	30,510	2,920

The number of men available for active service in Canada between the ages of 18 and 45 is about a million.

The amount expended upon the militia and defence of Canada from Confederation to June 30th, 1895, is $36,684,034.

119. MOUNTED POLICE.

Strength of force 30th November 1895, 774; of whom 658 were constables and 53 scouts.

The North-West Territories in which the mounted police do patrol duty are divided into eight divisions, including the depot, and these are subdivided into eighty-three stations.

120. Education.

CANADA 1895.

Public, High, Normal, and Model Schools of Canada, 1895.

	No.
Schools, public - - -	17,167
„ other - - -	966
Teachers, public - - -	20,081
„ other - - -	5,392
Pupils, public - - -	923,660
„ other - - -	121,099
Pupils attending universities, colleges, &c. - - - -	12,715
Total pupils - -	1,057,474

	$
Revenue from Government - -	2,820,732
Other sources - - -	6,131,048
Expenditure - - - -	8,323,097

Insane.

121. The number of insane in Canada in 1891, as obtained by the Census of 1891, was 13,355, of whom 7,162 were males and 6,193 females.

The insane classified according to civil condition were :—

Single - - - - - -	9,506
Married - - - - - -	2,815
Widowed - - - - - -	721
Unknown - - - - - -	313

By Ages.

Under 15 years - - - -	762
Between 15 and 19 years - - -	701
„ 20 and 29 „ - - -	2,429
„ 30 and 39 „ - - -	2,643
„ 40 and 69 „ - - -	5,369
70 and over - - - -	878
Ages unknown - - - -	576

By Nativity.

Born in Canada of parents both born in Canada -	5,953
„ „ one of whom was born in Canada -	612
„ „ of foreign - born parents - -	2,793
birth of places of parents unknown - - -	1,053
Foreign-born insane - - - -	3,044

CANADA. 1895.

There are 17 asylums in Canada for the care of the insane. The system adopted is in most instances the State cure. In the Province of Quebec the insane are under the management of the religious associations, subject to inspection by Provincial Government officers.

DEAF AND DUMB.

122. By the Census of 1891 there were 4,189 deaf and dumb persons in Canada, of whom 2,590 were males and 2,229 were females.

Classified according to civil condition they were :—

—	Males.	Females.
Single - - -	1,929	1,751
Married - - -	252	330
Widowed - -	108	148
Unknown - -	1	—

By Ages.

—	Males.	Females.
Under 15 years - -	552	500
15 to 19 „ - -	289	281
20 to 29 „ - -	525	467
30 to 39 „ - -	340	276
40 to 69 „ - -	646	515
70 years and over -	237	183
Age unknown - -	1	7

By Nativity.

Native born of native-born parents - -	3,215
„ with one parent native born -	384
„ of foreign parents - - -	613
Foreign born - - - -	653

BLIND.

123. By the Census of 1891 the blind in Canada numbered 3,368, of whom 1,839 were males and 1,529 females.

Classified according to civil condition:—

—	Males.	Females.
Single - - -	813	616
Married - - -	746	380
Widowed - -	278	532
Unknown - -	2	1

By Ages.

—	Males.	Females.
Under 15 years - -	170	122
15 to 19 „ - -	85	66
20 to 24 „ - -	94	70
25 to 44 „ - -	357	238
45 to 64 „ - -	361	326
65 to 84 „ - -	562	521
85 and over - -	106	173
Not given - -	4	3

By Nativity.

Born in Canada of native parents - -	2,097	
„ one parent native - -		
„ of foreign parents - -	1,271	
Foreign born - - - - -		

INDIANS.

124. The number of Indians in Canada in 1895 was 102,273, being an increase of 5,048 over 1894.

The total number of Indian pupils on the school rolls in 1893 was 8,349. The average attendance is 58·59 per cent. of the total number on the rolls.

The number of industrial boarding schools for Indians is 46.

The expenditure on account of Indians in 1895 was:—

	$
From Indian Fund - - -	246,521
From Parliamentary Grant - -	955,404
Total - - - -	1,201,925

CANADA. 1895.

PATENT OFFICE.

125. Business of the Patent Office in fiscal year ended June 30th, 1895.

Applications for patents - - -	3,387
Patents - - - - -	3,074
Certificates - - - - -	422
Totals - - - - -	3,496
Caveats - - - - -	343
Assignments of patents - - -	1,550
Fees received - - - -	$86,358

COPYRIGHTS, &c., 1895.

Copyrights registered - - -	601
Trade-marks „ - - -	374
Industrial designs registered - - -	52
Timber marks registered - - -	20
Total number of registrations - -	1,047
„ „ certifications - -	609
Assignments registered - -	70
Fees received - - - -	$11,673

126. CRIMINAL STATISTICS.

Convictions, 1895.

1. Offences against the person - -	4,652
2. „ property, with violence -	461
3. „ property, without violence -	3,803
4. Malicious offences against property -	390
5. Forgery and offences against the currency -	61
6. Other offences not included in above -	28,218
Total - - - -	37,585

For complete information on many points which have been merely touched upon, and on others which are not even mentioned, the reader is referred to the "Statistical Year Book"* of Canada.

GEORGE JOHNSON F.S.S.,
Dominion Statistician.

* This is an official publication by the Government Statistician, published annually, and may be obtained through the High Commissioner, 17, Victoria Street, London, England.

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CANADA. 1895.

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INDUSTRIES OF CANADA.

MECHANICAL AND MANUFACTURING ESTABLISHMENTS.

The census definition of an industrial establishment is :—

Any place where one or several persons are engaged in manufacturing, altering, making up, or changing from one shape into another, materials for sale, use or consumption.

The following is the general statement of the results obtained for the year 1891; the previous census returns for 1881 being given for purposes of comparison for all the provinces, and those for 1871 for the four provinces of Ontario, Quebec, Nova Scotia, and New Brunswick.

INDUSTRIAL ESTABLISHMENTS.

Province.	No. of Establishments.	Capital					Hands employed.					Total Amount of Wages paid.	Value of Raw Materials.	Value of Articles Produced.
		Fixed in			Working.	Total.	Over 16 years.		Under 16 Years.		Total.			
		Lands.	Buildings.	Machinery.			Men.	Women.	Boys.	Girls.				
		$	$	$	$	$						$	$	$
British Columbia 1891	770	2,153,106	1,836,650	3,256,906	7,157,732	14,404,394	9,615	1,331	404	157	11,507	3,586,897	5,119,258	11,999,928
„ - 1881	415	—	—	—	—	2,946,435	2,601	37	219	4	2,861	928,813	1,273,816	2,926,784
Manitoba - - 1891	1,031	380,244	912,431	1,829,726	2,561,836	5,684,237	3,729	541	102	31	4,403	1,905,981	5,688,151	10,155,182
„ - - 1881	344	—	—	—	—	1,383,331	1,673	75	158	15	1,921	755,507	1,924,821	3,413,026
New Brunswick - 1891	5,429	981,906	3,404,732	5,630,599	5,804,618	15,821,855	19,513	4,750	1,844	568	26,675	5,970,914	12,501,453	23,849,655
„ - 1881	3,005	—	—	—	—	8,425,282	15,982	1,400	2,207	333	19,922	3,866,011	11,060,842	18,512,658
„ - 1871	3,829	—	—	—	—	5,978,974	14,936	1,643	1,974	154	18,707	3,854,313	9,428,583	17,333,973
Nova Scotia - - 1891	10,496	1,655,562	4,072,756	5,003,949	9,089,719	19,821,986	25,734	2,040	6,566	625	34,965	7,240,611	16,099,229	31,043,392
„ - - 1881	5,493	—	—	—	—	10,183,060	17,335	870	2,051	4	20,390	4,098,445	10,022,030	18,575,326
„ - 1871	4,895	—	—	—	—	6,044,241	13,387	925	952	171	15,435	3,176,834	5,764,185	2,269,964

Ontario - - -	1891	32,151	15,548,335	27,638,719	38,364,178	94,420,789	175,972,021	123,137	7,872	32,835	2,482	166,326	49,733,359	128,142,371	239,781,926
„ - - -	1881	23,070	—	—	—	—	80,712,347	91,458	7,004	17,738	2,077	118,277	30,587,331	91,174,756	158,045,669
„ - - -	1871	20,961	—	—	—	—	38,254,602	71,325	6,114	11,120	1,378	89,937	21,679,651	65,780,827	115,649,747
Quebec - - -	1891	23,037	10,421,653	21,718,806	26,308,945	59,841,711	118,291,115	84,936	6,537	22,898	3,018	17,389	30,699,115	85,630,496	153,195,583
„ - - -	1881	15,763	—	—	—	—	59,126,992	60,140	5,010	17,748	2,775	85,673	18,322,962	62,563,967	104,662,258
„ - - -	1871	14,079	—	—	—	—	27,960,122	49,139	5,009	9,652	,792	,592	12,370,374	44,676,331	76,832,610
P. E. Island - -	1891	2,679	216,868	490,443	673,598	1,531,054	2,911,963	5,766	643	1,309	192	7,910	1,101,620	2,092,067	4,345,910
„ - -	1881	1,617	—	—	—	—	2,075,476	4,515	303	880	6	5,767	807,208	1,829,210	3,400,208
The Territories -	1891	375	108,650	228,506	333,346	1,042,677	1,713,179	994	34	0	3	1,081	425,153	846,017	1,827,310
„ -	1881	24	—	—	—	—	104,500	80	2	1	—	83	35,425	79,751	195,938
Totals -	1891	75,968	31,466,324	60,303,043	81,401,247	181,450,136	354,620,750	273,424	23,748	66,008	7,076	370,256	100,663,650	256,119,042	476,198,886
Totals -	1881	49,731	—	—	—	—	164,957,423	193,784	14,701	41,002	5,407	254,894	59,401,702	179,929,193	309,731,867

Arranged according to character of industry the industrial stablishments of Canada are as under:—

——	No. of Establishments.	Capital.	No. of Employées.	Wages paid in Census Year.	Value of Output Census Year.
		$		$	$
Arms and ammunition:					
1891 - - - -	54	1,107,011	495	175,394	1,105,205
1881 - - - -	41	189,650	146	62,847	309,755
Books and stationery, printing and publishing:					
1891 - - - -	723	10,540,431	9,906	3,875,543	10,553,487
1881 - - - -	489	5,619,810	7,975	2,256,055	6,792,830
Carriages, railway rolling stock, &c.:					
1891 - - - -	3,384	10,918,285	14,642	5,369,946	19,711,581
1881 - - - -	3,168	5,443,893	11,939	3,583,327	10,588,847
Chemicals:					
1891 - - - -	733	4,138,127	2,895	981,628	5,505,419
1881 - - - -	350	1,385,819	981	324,193	2,452,771
Drinks and stimulants:					
1891 - - - -	769	27,430,074	10,938	3,642,242	33,729,826
1881 - - - -	538	10,231,321	7,294	2,054,832	20,078,306
Fibrous material:					
1891 - - - -	248	3,235,325	2,961	627,258	3,448,971
1881 - - - -	60	962,550	1,385	263,925	1,258,472
Foods:—Vegetable (flour mills, bakeries, &c.):					
1891 - - - -	4,638	31,342,768	16,573	5,002,553	69,806,988
1881 - - - -	3,950	17,777,022	19,111	3,810,662	54,282,140
Foods:—Animal (cheese and butter factories, &c.):					
1891 - - - -	7,280	11,339,570	34,622	3,406,339	25,804,305
1881 - - - -	988	2,568,129	3,176	622,141	9,890,065
Furniture, houses, and buildings:					
1891 - - - -	3,738	18,213,155	19,183	6,514,756	24,993,361
1881 - . - -	3,035	7,492,908	12,809	3,423,150	13,777,335
Gold and silver working:					
1891 - - - -	691	2,987,131	1,923	780,332	3,090,501
1881 - - - -	359	668,616	948	304,942	1,175,591
Leather (boots and shoes):					
1891 - - - -	7,773	18,891,585	25,699	7,555,370	35,169,742
1881 - - - -	6,813	14,321,034	27,513	6,722,730	36,505,272
Lighting (gas, electric, oil, refineries, &c.):					
1891 - - - -	226	21,335,314	3,894	1,259,165	7,485,721
1881 - - - -	108	7,874,037	2,169	611,769	5,843,616
Machines, tools, implements, plumbing, tinsmithing, &c.:					
1891 - - - -	12,631	55 598,434	49,422	17,815,445	62,016,178
1881 - - - -	10,446	27,169,043	37,274	11,067,787	36,654,109

——	No. of Establishments.	Capital.	No. of Employées.	Wages paid in Census Year.	Value of Output Census Year.
Matters:—Animal, brushmaking, soap and candles, taxidermy, &c.:		$		$	$
1891 - - - - -	256	1,630,737	1,516	524,836	3,379,381
1881 - - - - -	192	1,446,423	1,552	398,912	2,904,274
Matters:—Vegetable, basket making, carpentering, sawmills, cooperage, &c.:					
1891 - - - - -	14,781	78,554,531	83,328	21,404,809	84,638,742
1881 - - - - -	11,102	34,145,436	60,316	11,989,290	—
Mathematical instruments, optical, spectacles, surgical:					
1891 - - - - -	18	47,555	52	19,410	74,975
1881 - - - - -	10	81,900	74	23,180	66,200
Musical instruments:					
1891 - - - - -	92	2,389,633	2,204	973,223	3,393,213
1881 - - - - -	44	669,379	941	417,833	1,220,195
Ships and boats					
1891 - - - - -	669	2,555,951	4,145	1,213,122	3,712,462
1881 - - - - -	539	2,899,752	5,271	1,339,956	4,319,070
Stone, clay, glass, marble and stone cutting. Potteries, brick and tile:					
1891 - - - - -	1,314	8,362,255	12,608	3,580,620	10,221,207
1881 - - - - -	989	2,515,347	7,726	1,752,005	4,600,297
Textile fabrics and dress cotton mills, millinery, weaving, woollen mills, &c.					
1891 - - - - -	15,458	43,056,154	71,827	15,547,726	67,172,034
1881 - - - - -	6,265	20,198,835	44,337	7,716,226	40,808,843
Miscellaneous:					
1891 - - - - -	487	932,404	1,498	348,433	1,161,617
1881 - - - - -	297	959,781	1,839	385,583	1,706,067

Divided into groups on the basis of output, the mechanical and manufacturing establishments of Canada show the following results:—

Establishments having an annual output of $50,000 *and over.*

Number of establishments, 1891 - -	1,675
„ „ 1881 - -	1,108
Increase, 1891 over 1881 - -	567

Increase per cent., 51·17.

	$
Capital invested, 1891 - - -	207 147,467
„ „ 1881 - - -	84,961,653
Increase, 1891 over 1881 -	122,185,814

Increase per cent., $143·8.

Number of employées, 1891 - - -	139 080
„ „ 1881 - - -	83,525
Increase, 1891 over 1881 - -	55,555

Increase per cent., 66·5.

In 1881 employées in this group formed 32·7 per cent. of the total number of employées in all the groups. In 1891 they formed 37·5 per cent.

	$
Wages paid, 1891 - - -	46,842,64
„ 1881 - - -	23,964,79
Increase, 1891 over 1881 - -	22,877,844

Increase per cent., $95·5.

	$
Wages per employé, 1891 - - -	336·80
„ „ 1881 - - -	286·91
Increase, 1891 over 1881 - -	49·89

Increase per cent., $17·40.

	$
Value of raw material used, 1891 -	155,460,492
„ „ 1881 -	96,361,536
Increase, 1891 over 1881 - -	59,098,956

Increase per cent., $61·33.

	$
Value of manufactured articles produced, 1891	260,795,190
„ „ „ 1881	153,767,771
Increase, 1891 over 1881 -	107,027,419

Increase per cent., $69·7.

Establishments having an output of from $25,000 *to* $50,000.

Number of establishments, 1891 - -	1,208
„ „ 1881 - -	966
Increase, 1891 over 1881 - -	242

Increase per cent., 25.

	$
Capital invested, 1891 - - -	30,152,282
„ 1881 - - -	16,142,662
Increase, 1891 over - -	14,009,620

Increase per cent., $86·8.

Number of employées, 1891	28,339
„ „ 1881	22,386
Increase, 1891 over 1881	5,953

Increase per cent., 26·6.

	$
Wages paid, 1891	8,966,833
„ 1881	5,942,881
Increase, 1891 over 1881	3,023,952

Increase per cent., $50·9.

	$
Wages per employé, 1891	316·41
„ „ 1881	265·47
Increase, 1891 over 1881	50·94

Increase per cent., $19·15.

	$
Value of raw material used, 1891	22,090,463
„ „ 1881	19,885,835
Increase, 1891 over 1881	2,204,628

Increase per cent., $11·10.

	$
Value of manufactured articles produced, 1891	42,238,542
„ „ „ 1881	33,482,170
Increase, 1891 over 1881	8,756,372

Increase per cent., $26·15.

Establishments having an output under $25,000 *a year.*

Number of establishments, 1891	73,085
„ „ 1881	47,657
Increase, 1891 over 1881	25,428

Increase per cent., 33·35.

	$
Capital invested, 1891	117,321,001
„ „ 1881	63,853,101
Increase, 1891 over 1881	53,467,900

Increase per cent., $83·73.

Number of employées, 1891 - - -	202,831
„ „ 1881 - - -	148,982
Increase, 1891 over 1881 - -	53,849

Increase per cent., 36·14.

	$
Wages paid, 1891 - - -	44,854,177
„ „ 1881 - - -	29,494,025
Increase, 1891 over 1881 - -	15,360,152

Increase per cent., $52·08.

	$
Wages paid per employé, 1891 - -	221·14
„ „ 1881 - -	197·10
Increase, 1891 over 1881 - -	24·04

Increase per cent., $12·2.

	$
Value of raw material used, 1891 - -	78,568,087
„ „ 1881 - -	63,681,822
Increase, 1891 over 1881 - -	14,886,265

Increase per cent., $23·38.

	$
Value of manufactured articles produced, 1891	173,165,154
„ „ „ 1881	122,481,926
Increase, 1891 over 1881 - -	50,683,228

Increase per cent., $41·38.

In 1891 there were 7,076 girls under 16 years of age and 70,280 women over 16 years employed in the manufacturing industries of Canada. In 1881 the girls so employed numbered 5,407 and the women 41,002.

In 1891 the total number of males employed was 20·9 per cent. of the whole number of employées. In 1881 it was 18·2 per cent. Females under 16 years of age were 10·7 per cent. of the total females in 1891 and 13·2 per cent. in 1881.

In 1891, boys under 16 years formed 7·12 per cent. of the males, and in 1881 they formed 6·55 per cent.

The proportion which the older and the newer provinces of the Dominion have relatively to each other in manufacturing is shown in the following statement:—

——	1881.	1891.
Number of establishments:	No.	No.
Dominion	49,731	75,968
Four provinces: Ontario, Quebec, Nova Scotia, and New Brunswick	47,331	71,113
Newer provinces	2,400	4,855
Per cent. of newer provinces	4·82	6·30
Capital invested:	$	$
Dominion	164,957,423	354,620,750
Four provinces	158,447,681	329,906,977
The newer provinces	6,509,742	24,713,773
Per cent. of newer provinces	3·94	7·00
Number of employées:	No.	No.
Dominion	254,894	370,256
Four provinces	244,262	345,355
The newer provinces	10,632	24,901
Per cent. of newer provinces	4·17	6·72
Wages paid:	$	$
Dominion	59,401,702	100,663,650
Four provinces	56,894,749	93,643,999
The newer provinces	2,506,953	7,019,651
Per cent. of newer provinces	4·40	6·97
Raw material used:		
Dominion	179,929,193	256,119,042
Four provinces	174,821,595	242,373,549
The newer provinces	5,107,598	13,745,493
Per cent. of newer provinces	3·00	5·33
Finished products:		
Dominion	309,731,867	476,198,886
Four provinces	299,795,911	447,870,565
The newer provinces	9,935,956	28,328,330
Per cent. of the newer provinces	3·28	5·95

CANADA. 1895.

Capital invested in Manufactures in Canada per Head of Population.

	1881.	1891.
	$	$
British Columbia	59·58	147·75
Manitoba	22·22	37·27
New Brunswick	26·23	49·25
Nova Scotia	23·11	44·01
Ontario	41·88	83·23
Prince Edward Island	19·06	26·70
Quebec	49·62	79·47
North-West Territories	17·31	30·35
Four provinces of Ontario, Quebec, Nova Scotia, and New Brunswick	39·15	75·42
Canada	38·14	73·37

Manufactured Articles produced in Canada per Head of Population.

	1881.	1891.
	$	$
British Columbia	59·18	122·23
Manitoba	54·50	66·58
New Brunswick	57·63	74·24
Nova Scotia	42·16	68·92
Ontario	82·02	113·40
Prince Edward Island	31·22	39·84
Quebec	77·01	102·92
North-West Territories	3·47	18·46
Four provinces of Ontario, Quebec, Nova Scotia, and New Brunswick	74·06	102·38
Canada	71·61	98·52

CRIMINAL CODE, CANADA (GAMBLING IN PRICES).

RETURN to an Address of the Honourable The House of Commons, dated 10 March 1897;—*for*,

"COPY of the Sections of the CANADA CRIMINAL CODE of 1892, which came into operation in March 1893, prohibiting GAMBLING IN PRICES."

Colonial Office, 19 March 1897.

SELBORNE.

(*Mr. Field.*)

Ordered, by The House of Commons, *to be Printed*, 22 *March* 1897.

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135.

EIGHTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY :

We, the undersigned Commissioners appointed under Your Majesty's Sign Manual for the purpose of carrying out a scheme of colonisation in the Dominion of Canada of crofters and cottars from the Western Highlands and Islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to your Majesty the following Report :—

Reports have been received from the agent of the Board in Canada relating to the settlements at Killarney, in Manitoba, and at Saltcoats in the North West Territories of Canada, for the year 1896. The former was established in the summer of 1888, prior to the constitution of the Board, and the latter in the spring of 1889, most of the families also having been selected before the first meeting of the Board.

Statements are appended containing extracts from the agent's reports (Appendix A.) and statistics (Appendix B.) showing the position of the settlements in 1896, and giving the acreage under various crops, live stock on the farms, and other information.

Killarney Settlement.

There are 54 homesteads under cultivation in the Killarney Settlement, which numbers about 160 persons. The area under cultivation in 1896 was 2,828 acres, and the additional area broken and under summer fallow was 913 acres, or a total of 3,741 acres, as compared with 3,604 acres in 1895. Dividing this area among the 30 families forming the settlement, the average is about 120 acres per family. It includes 1,130 acres under crop and in summer fallow, on the homesteads of 20 younger members of the various families, an average of about 56 acres each.

It will be seen that the yield of wheat in the settlement in 1896 was 27,845 bushels, as compared with 49,112 in 1895. There were also 11,075 bushels of oats raised, and 3,415 bushels of potatoes, as compared with 14,588 bushels and 4,226 bushels respectively in the previous year. The value of the wheat raised was $16,707, of oats $1,993, and of potatoes $683, as compared with $19,644, $2,188, and $845 in 1895.

It will be seen that in addition to the animals remaining of those originally supplied by the Board, now in the possession of the crofters, they have acquired 75

655. Wt. 18006. 750—2/98. Wy. & S.

CRIMINAL CODE, CANADA (GAMBLING IN PRICES).

COPY of the Sections of the Canada Criminal Code of 1892, which came into operation in March 1893, prohibiting Gambling in Prices.

(*Mr. Field.*)

Ordered, by The House of Commons, *to be Printed,*
22 *March* 1897.

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EIGHTH REPORT

OF

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OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND;

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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1897.

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COPY of the Sections of the CANADA CRIMINAL CODE of 1892, which came into operation in March 1893, prohibiting GAMBLING IN PRICES.

Gaming in Stocks and Merchandise.

201. Every one is guilty of an indictable offence and liable to five years imprisonment, and to a fine of five hundred dollars, who, with the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, or of any goods, wares or merchandise: (*a*) without the *bonâ fide* intention of acquiring any such shares, goods, wares, or merchandise, or of selling the same, as the case may be, makes or signs, or authorises to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares, or merchandise; or (*b*) makes or signs, or authorises to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares, or merchandise in respect of which no delivery of the thing sold or purchased is made or received, and without the *bonâ fide* intention to make or receive such delivery.

2. But it is not an offence if the broker of the purchaser receives delivery, on his behalf, of the articles sold, notwithstanding that such broker retains or pledges the same as security for the advance of the purchase money or any part thereof.

3. Every office or place of business wherein is carried on the business of making or signing or procuring to be made or signed, or negotiating or bargaining for the making or signing of such contracts of sale or purchase as are prohibited in this section, is a common gaming-house, and every one who, as principal or agent, occupies, uses, manages, or maintains the same is the keeper of a common gaming-house. (51 Vict. c. 42, ss. 1 and 3.)

Habitually frequenting places where Gaming in Stocks is carried on.

202. Every one is guilty of an indictable offence and liable to one year's imprisonment who habitually frequents any office or place wherein the making or signing, or procuring to be made or signed, or the negotiating or bargaining for the making or signing of such contracts of sale or purchase as are mentioned in the section next preceding is carried on. (51 Vict. c. 42, s. 1.)

horses, 38 oxen, 82 cows, 69 heifers, 46 steers, 1 bull, and 149 pigs. The number of chickens and other poultry owned by the various families is 1,671. These figures show a satisfactory increase over the previous year, while, as will be seen from the returns, the increase as compared with 1890 is remarkable.

The families in the settlement have cut 763 tons of hay.

The Board has now obtained possession of all the lands upon which the crofters are settled. In all except 15 cases—6 heads of families and 9 younger members—the land has been leased to the crofters, and will become their property after the payment of rent for eight years.

The crofters refusing to sign leases have been informed that unless they reconsider their decision at once they must vacate their farms.

So far no arrangement has been made between the crofters and their outside creditors for the disposal of the debts, so unwisely incurred, which have tended to retard the progress and welfare of the settlement. Negotiations are in progress, however, which it is hoped may have a satisfactory termination.

The Board arranged during the present year for Professor Rankine, Q.C., of Edinburgh, to visit the two settlements, to report upon their position, and upon certain representations made by the crofters. The report is now in possession of the Board, and will be of great service in connection with the endeavours that are being made to place the settlements in a more satisfactory financial state.

The Saltcoats Settlement.

The Saltcoats settlement contains about 90 persons. They had 35 acres under cultivation.

The crofters have not, it is stated, sown a larger area of grain, because they prefer to devote more attention to the raising of live stock, which besides being more profitable, enables them to go out to earn money during the seeding and harvest seasons.

It will be seen that the crofters now have 39 horses, as against 21 in 1895 ; 2 oxen, 83 cows, 78 heifers, 47 steers, 5 bulls, 32 sheep, 15 pigs, and 592 chickens. These figures show an increase as compared with the previous year.

It is gratifying to the Board to learn that the Saltcoats settlers have not incurred outside debts to any appreciable extent ; that they rarely ask for credit, and that where credit is given they seldom allow the date of payment to pass without discharging their obligations.

Legislation has been passed by the Canadian Parliament to enable the Saltcoats settlers to take up new locations. Their existing lands will be valued, and their accounts credited accordingly. On their new lands they will give the Board mortgages for the balance of their indebtedness.

All of which we humbly submit to Your Majesty's gracious consideration.

Balfour of Burleigh.
Strathcona and Mount Royal.
Horace Plunkett.
James King.
Colin Scott-Moncrieff.
David Richmond.
John Ross-of-Bladensburg.
Thomas Skinner.

J. G. Colmer, *Secretary.*
December, 1897.

APPENDIX A.

I.—Extract from the Report of the Agent of the Board respecting the Killarney Settlement.

I have the honour to inform you that the individual reports and statements on the Killarney Settlement have been sent to you under separate covers by registered mail.

Statements and Individual Reports.

The various statements have been compiled with a view of showing the fullest possible information in what is hoped may be found a convenient form for reference. They contain a record of the lien number, name, age, and location of each settler, together with the name and age of each member of every family. The number of acres under cultivation of wheat, oats, and potatoes, average per acre, yield and market value of the same. Total acres under cultivation, breaking, backsetting and summer fallow done during the year, and grand total of acres that can be brought under cultivation for the spring of 1897, as well as the live stock on each homestead, value of improvements, &c., present approximate value of homestead, total approximate value of the Board's security, debts owing to the municipalities and Board, amounts paid thereon, and general remarks.

Recapitulation.

A comparative statement has been added for the years 1890 and 1896. This statement shows that the total acres brought under the plough in 1890 was 2,182, and for 1896, 3,741½, an increase of 1,559½, or an average of over 69 acres to each settler; also that the total number of acres under cultivation for 1890 was 1328, and for 1896, 2,828, an increase of 1,505 acres. In 1890 the acreage under wheat was 1,239, with an average yield of 15 bushels; and in 1896, 2,246, with an average yield of over 12 bushels to the acre. In 1890 the acreage under oats was 74 acres, with an average yield of over 29 bushels to the acre; and in 1896, 562 acres, with an average yield of over 19 bushels to the acre. The number of acres under potatoes in 1890 was 10, with an average yield of over 176 bushels to the acre; and in 1896, 20 acres, which yielded 3,415, or over 170 bushels to the acre.

The settlers could have found a ready market for their crops during the autumn of 1896, at an average of 60 cents for wheat, oats 18, and potatoes 20 cents per bushel.

It will be seen, by comparing the statement with the one received by you last year (1895) that although the settlers had a larger area of wheat and oats under cultivation, the yield was much less. Although the settler's crops have not yielded as much per acre as they did in 1895, they have received at least one third more per bushel for their grain.

It will be further observed that in 1890 the crofters purchased 1 horse, and in 1896 they had in their possession 75, an increase of 74. The agent regrets to say that with few exceptions the settlers still owe some of the purchase money on their horses.

In 1890 the number of oxen (I.C.B) was 57; and in 1896, 11, a decrease of 46. During the year oxen were supplied to Nos. 1, 4, 14, and 36.

Again in 1890 the crofters purchased 24 oxen; and in 1896 they had in their possession 38, an increase of 14.

In 1890 the settlers had 37 of the original cows supplied to them by the Board; and in 1896, 3, a decrease of 34. Cows purchased by settlers in addition to those supplied by the Board in 1890 numbered 25 and in 1896 this number was increased by 57.

The number of young stock, &c., is as follows:—

Heifers,	1890, 50;	1896, 69;	an increase of	19.
Steers,	1890, 37;	1896, 46;	„ „	9.
Bulls,	1890, 5;	1896, 1;	a decrease of	4.
Poultry,	1890, 813;	1896, 1,671;	an increase of	858
Pigs,	1890, 38;	1896, 149;	„ „	111.

The cause of the decrease in the live stock originally supplied to the settlers is accounted for by death and sale.

Foreclosing Proceedings.

With few exceptions title to those lands on which the Board made advances to the settlers, have reverted under the foreclosing suits to the Board.

II.—Extract from the Report of the Agent of the Board respecting the Saltcoats Settlement.

I have the honour to inform you that the individual Crofter Reports and statements have been sent to you under separate cover by registered mail.

The various statements have been compiled with the view of showing the fullest possible information in what is hoped may be found a convenient form for reference, and contain a record of the lien number, age, and location of each settler, together with the name and age of each member of every family. The number of acres under cultivation of wheat, oats, and potatoes, average per acre, yield and market value of the same. Total acres under cultivation, breaking, backsetting and summer fallow, done during the year, and grand total of acres, that can be brought under cultivation during the spring of 1897, as well as the live stock on the farms, value of improvements, &c., on each homestead, present approximate of the Board's security, amount of principal advanced by the Board, and general remarks.

Recapitulation.

A comparative statement has been added for the year 1890 and 1896, which shows that the total acres brought under the plough, 1890 was 188, and for 1896, 35, a decrease of 153 acres; also that the total number of acres under cultivation for 1890 was 129, and for 1896 35, a decrease of 94 acres. In 1890 the acreage under wheat was 47½, which yielded over 16 bushels, and in 1896, 4, a decrease of 43½ acres. In 1890 the number of acres under oats was 73¼ acres, and in 1896, 18, a decrease of 55¼ acres. In 1890 the acreage under potatoes was 8½ which yielded 1480 bushels; and in 1896, 13 acres, which yielded 2,549 bushels. The settlers found a ready market for their farm produce at the following figures:—Wheat 60 cents, oats 20, and potatoes 20 cents per bushel. As pointed out in the agent's 1895 report, the cause of the settlers not sowing a larger area of grain is explained by the settlers having practically given up grain growing and devoting their attention to the raising of live stock which they contend "pays best and allows us to go out and earn money during the sowing and harvest seasons."

The comparative statement further shows that in 1890 the crofters had no horses, and in 1896 they had in their possession 39 horses. In 1890 the number of Colonisation Board oxen were 28, and in 1896, 6, a decrease of 22; again in 1890 they had no other oxen, than those supplied to them by the Board; while in 1896 they had two. Colonisation Board cows 1890, numbered 19, and in 1896 6, a decrease of 13 cows. Cows purchased by the settlers, in addition to those supplied by the Board in 1890, numbered 6, and in 1896 this number was increased to 83, an increase of 77 cows. The number of young stock, &c., is as follows:—

Heifers,	1890, 15;	1896, 78;	an increase of	63.
Steers,	1890, 14;	1896, 47;	„ „	33.
Bulls,	1890, 1;	1896, 5;	„ „	4.
Sheep,	1890, 0;	1896, 32;		
Pigs,	1890, 0;	1896, 15;		
Poultry,	1890, 176;	1896, 592;	„ „	416.

Tons of hay cut in 1890, 290; and in 1896, 1,132.

The cause in the decrease in the live stock, originally supplied by the Board to the settlers, is explained by death and sale.

APPENDIX B. - - - - - - -

KILLARNEY CROFTERS - - - - - - - -

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
				Bushels.	$ c.		Bushels.	$ c.		Bushels.	$ c.
1†	—	William McLeod -	40	600	360 00	12	300	54 00	½	83	16 60
—	34*	Malcolm McIver -	—	—	—	—	—	—	—	—	—
2†	—	Donald McDonald -	30	660	396 00	20	500	90 00	½	70	14 00
—	54†	Samuel Graham -	—	—	—	—	—	—	—	—	—
4†	—	John McKay - -	15	330	198 00	5	100	18 00	⅓	60	12 00
5†	—	Norman Graham -	40	560	336 00	10	230	41 40	⅓	71	14 20
—	35†	William McLeod -	64	1,280	768 00	5	275	49 50	½	70	14 00
6†	—	John Nicholson -	65	975	585 00	14	350	63 00	½	80	16 00
—	36†	John McLean - -	20	320	192 00	6	150	27 00	½	65	13 00
7†	—	John Campbell -	30	390	234 00	24	360	64 80	½	55	11 00
—	37†	Angus Graham -	40	560	336 00	5	130	23 40	½	71	14 20
8†	—	John McKenzie -	40	640	384 00	10	300	54 00	½	73	14 60
9†	—	John McLeod - -	50	850	510 00	—	—		—	—	—
—	39†	William McLeod -	20	340	204 00	—	—	—	—	—	—
—	40*	John McLeod - -	40	600	360 00	—	—	—	—	—	—
—	57*	Lewis McLeod -	30	540	324 00	—	—	—	—	—	—
10†	—	Kenneth McAuley -	50	650	390 00	23	575	103 50	½	81	16 20
—	53	John McAuley -	—	—	—	54	—	—	—	—	—
—	73*	Neil Munro - -	—	—	—	—	—	—	—	—	—
11†	—	Angus McDonald -	50	750	450 00	12	396	71 28	½	93	18 60
—	58	John McKenzie -	—	—	—	—	—	—	—	—	—
13†	—	Angus McLeod -	50	600	360 00	8	176	31 68	½	87	17 40
—	41*	Donald McLeod -	15	180	108 00	8	160	28 80	—	—	—
14†	—	John Morrison -	80	960	576 00	10	227	40 86	½	82	16 40
—	59†	Murdo Morrison -	32	512	307 20	3	66	11 88	½	79	15 80
15†	—	John Graham - -	35	525	315 00	5	115	20 70	½	94	18 80
—	60†	John Graham - -	30	510	306 00	5	135	24 30	½	98	19 60
16†	—	Allen McLeod -	40	480	288 00	15	345	62 10	½	89	17 80
—	42†	Murdo Stewart -	38	608	364 80	14	420	75 60	½	86	17 20
17†	—	John McKenzie -	50	600	360 00	—	—	—	½	85	17 00
—	43	Donald McKenzie -	55	825	495 00	20	580	104 40	—	—	—
—	61†	Kenneth McLeod -	20	240	144 00	—	—	—	½	87	17 40
18†	—	William McDonald -	36	360	216 00	13	260	46 80	1	167	33 40
—	44†	Donald Murray -	60	960	576 00	10	260	46 80	½	102	20 40
—	55	Alexander McDonald	—	—	—	—	—	—	—	—	—
19†	—	Murdo Graham -	40	680	408 00	10	250	45 00	½	87	17 40

APPENDIX B.

KILLARNEY CROFTERS

N THE INDIVIDUAL CROFTERS' REPORTS, 1896.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, and Summer Fallow, 1896.	Grand Total for 1897.	Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
52½	42½	95	—	2	—	—	2	2	—	—	29	4	11	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Patent has issued to the Board.
50½	29½	80	2	—	1	—	3	2	4	—	37	8	22	
—	32	32	—	—	3	—	—	—	—	—	—	—	12	
20½	29½	50	—	2	—	—	2	1	1	—	29	6	15	
50½	29½	80	—	—	2	—	2	1	1	—	27	6	19	
69½	28½	98	—	—	2	—	2	3	3	—	27	1	14	
79½	—	79½	2	—	—	—	1	3	1	—	93	2	25	
26½	23½	50	—	2	—	—	1	2	—	—	23	2	17	
54½	15½	70	2	—	—	—	2	1	1	—	27	7	18	
45½	30½	76	1	—	2	—	1	1	—	—	—	—	14	
50½	29½	80	3	—	—	—	2	3	1	—	59	5	17	
50	—	50	—	—	—	—	—	—	—	—	—	—	—	
20	—	20	—	—	—	—	—	—	—	—	—	—	—	
40	—	40	—	—	—	—	—	—	—	—	—	—	—	
30	—	30	—	—	—	—	—	—	—	—	—	—	—	
73½	11½	85	2	—	—	—	2	2	—	—	69	8	23	
54	—	54	2	—	—	—	—	—	—	—	—	—	10	Commissioner Dominion Lands has recommended patent to issue to Board.
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Solicitors are foreclosing this settler's lien.
62½	37½	100	2	—	—	—	2	1	1	1	58	7	27	
—	—	—	1	—	—	—	—	—	—	—	—	—	—	Commissioner Dominion Lands has recommended patent issue to Board.
58½	1½	60	2	—	—	—	1	2	1	—	53	—	22	
23	37	60	2	—	—	—	—	—	—	—	—	—	10	
90½	9½	100	—	2	2	—	2	—	2	—	35	4	19	
35½	24½	60	—	—	2	—	1	1	2	—	27	—	12	
40½	19½	60	—	—	2	—	1	2	—	—	65	2	10	
35½	24½	60	—	—	2	—	1	2	—	—	—	2	11	
55½	24½	80	2	—	—	—	2	1	—	—	41	4	14	
52½	37½	90	—	—	2	—	2	2	1	—	70	6	9	
50½	42½	93	2	—	1	—	1	—	1	—	50	16	20	
75	—	75	5	—	—	—	2	1	—	—	—	—	23	Original homestead (Colin), dead, leaving property to Nephew (Donald), Solicitors are acquiring the Board's title to land.
20½	29½	50	—	—	—	—	2	—	—	—	—	—	5	
50	25	75	2	—	—	—	2	4	—	—	86	3	14	
70½	4½	75	2	—	—	—	2	—	1	—	23	—	16	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	Patent is issuing direct to Board.
50½	14½	65	1	—	3	—	3	—	2	—	56	7	19	

APPENDIX B.—*continued*

Lien Number.		Names.	Number of Acres under Cultivation.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
				Bushels.	$ c.		Bushels.	$ c.		Bushels.	$ c.
21†	—	Norman McKenzie	40	600	360 00	10	250	45 00	½	91	18 20
—	45†	William McKenzie	40	560	336 00	5	110	19 80	½	99	19 80
—	62	James McIver	27	270	162 00	—	—	—	—	—	—
22†	—	John McDonald	55	—	—	15	—	—	½	89	17 80
—	46†	Norman McDonald	40	—	—	10	—	—	½	92	18 40
—	64†	Duncan McDonald	30	—	—	—	—	—	—	—	—
23†	—	John McDonald	74	—	—	—	—	—	1	198	39 60
24*	—	Angus McLeod	70	840	504 00	8	160	28 80	½	94	18 80
25†	—	Angus Morrison	60	480	288 00	20	100	18 00	½	87	17 40
26†	—	Donald McKinnon	50	700	420 00	20	540	97 20	½	101	20 20
—	67†	Catherine McKinnon	70	1,190	714 00	—	—	—	—	—	—
27†	—	Donald Stewart	80	1,200	720 00	35	875	157 50	½	100	20 00
28†	—	Ronald McKay	35	350	210 00	30	450	81 00	½	87	17 40
29†	—	Dugal McKenzie	60	840	504 00	20	460	82 80	½	89	17 80
30	—	Roderick McKay	70	1,050	630 00	20	540	97 20	½	92	18 40
31†	—	Bannatyne McKinnon	80	1,200	720 00	30	750	135 00	½	86	17 20
32†	—	Kenneth McLeod	60	480	288 00	18	180	32 40	½	95	19 00
33	—	John Frase	100	—	—	—	—	—	—	—	—
30	24		2,246	27,845	$16,707 00	562	11,075	$1,993 50	20	3,415	$683 00

RECAPITULATION

KILLARNEY CROFTERS

1890 AND 1896

Assisted Settlers, 1890 = 56. „ „ 1896 = 54.	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking, Back-setting, Summer Fallow.	Grand Total.
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
		Bushels.		Bushels.		Bushels.			
For year 1896	2,246	27,845	562	11,075	20	3,415	2,828	913½	3,741½
„ 1890	1,239	18,585	74	2,168	10	1,761	1,323	859	2,182
Increase	1,007	9,260	488	8,907	10	1,654	1,505	54½	1,559½
Decrease	—	—	—	—	—	—	—	—	—

M.—Formerly the (14) C. N. W. Ld. Co. Crofters were shown as assisted by the I. C. B., viz.:—

Assisted settlers 1890	70
C. N. W. Ld. Co. settlers 1890	14
Assisted by I. C. B.	56

APPENDIX B.—*continued.*

Grand Total of Acres under Cultivation.	Breaking, Backsetting, and Summer Fallow, 1896.	Grand Total for 1897.	Live Stock on each Homestead.										Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
50½	29½	80	—	1	2	1	2	2	1	—	36	5	12	
45½	19½	65	—	—	2	—	2	1	1	—	37	7	13	
27	—	27	1	—	2	—	1	—	—	—	—	—	10	Commissioner Dominion Lands has recommended patent issue to Board.
70½	19½	90	3	—	2	—	1	1	1	—	23	—	19	
50½	14½	65	1	—	2	—	1	—	2	—	19	2	15	
30	5	35	—	—	2	—	1	—	—	—	—	—	10	
75	—	75	2	—	—	—	2	3	1	—	55	3	20	
78½	21½	100	3	—	—	—	3	1	1	—	60	4	22	
80½	14½	95	4	—	—	—	5	4	3	—	79	2	19	
70½	29½	100	3	—	—	—	2	2	1	—	48	7	21	
70	—	70	3	—	—	—	1	3	1	—	52	3	20	
115½	24½	140	3	—	—	—	1	2	—	—	40	3	20	
65½	49½	115	4	—	—	—	2	2	2	—	51	2	27	
80½	11½	92	5	—	—	1	5	3	—	—	78	5	30	
90½	4½	95	5	—	—	—	5	3	7	—	48	2	22	Lien under instructions not foreclosed.
110½	19½	130	3	—	—	—	2	2	1	—	46	1	23	
78½	16½	95	—	2	2	1	2	3	1	—	15	3	12	
100	—	100	—	—	—	—	—	—	—	—	—	—	—	No. 33 dead. Letter of administration obtained.
2,828	913½	3,741½	75	11	38	3	82	69	46	1	1,671	149	763	

RECAPITULATION.

KILLARNEY CROFTERS.

1890 AND 1896.

Live Stock on each Homestead.										Tons of Hay Cut.	Remarks.
Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.		
75	11	38	3	82	69	46	1	1,671	149	763	
1	57	24	37	25	50	37	5	813	38	518	
74	—	14	—	57	19	9	—	858	111	245	
—	46	—	34	—	—	—	4	—	—	—	

MEM. 2.—Those numbers with a (*) patents have been issued, and are in the Board's Agent's hands.

Those numbers with a (†) Board has obtained title to lands.

Those numbers without see Agent's remarks.

G. B. BORRADAILE,
Agent, Colonisation Board, Canada.

APPENDIX B.—*continued*

SALTCOATS CROFTERS, 1896

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation, &c.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
				Bushels.	$ c.		Bushels.	$ c.		Bushels.	$ c.
—	95	Neil McKay	—	—	—	—	—	—	½	91	18 20
6	—	Donald Morrison	—	—	—	—	—	—	1	210	42 00
11	—	Charles Docherty	—	—	—	—	—	—	1	211	42 20
—	58	John Docherty	—	—	—	—	—	—	—	—	—
12	—	Alexander McDonald	—	—	—	—	—	—	1	200	40 00
25	—	Donald McDonald	—	—	—	—	—	—	½	60	12 00
28	—	Robert McKay	—	—	—	—	—	—	½	107	21 40
31	—	Donald Morrison	—	—	—	—	—	—	½	104	20 80
32	—	John McKay	—	—	—	—	—	—	½	97	19 40
—	74	Malcolm McKay	—	—	—	—	—	—	1	179	35 80
35	—	Peter Morrison	—	—	—	—	—	—	½	90	18 00
36	—	Donald McDonald	—	—	—	—	—	—	½	91	18 20
—	77	Alexander McDonald	—	—	—	—	—	—	—	—	—
—	96	Mary McDonald	—	—	—	—	—	—	¼	57	11 40
37	—	Roderick McKay	—	—	—	—	—	—	¼	89	17 80
—	78	Angus McKay	—	—	—	—	—	—	½	100	20 00
39	—	Ewen McKay	—	—	—	4	112	22 40	1	210	42 00
40	—	Neil McSween	—	—	—	—	—	—	1	189	37 80
43	—	Archibald Ferguson	4	60	36 00	11	308	61 60	1	210	42 00
47	—	John McIver	—	—	—	—	—	—	1	167	33 40
—	85	John McIver	—	—	—	—	—	—	—	—	—
—	88	Donald McIver	—	—	—	3	66	13 20	½	87	1 40
14	8	= 22 settlers.	4	60	$36 00	18	486	$97 20	13	2,549	$509 80

RECAPITULATION

SALTCOATS CROFTERS

1890 AND 1896

Homesteads for	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking, Back-setting, Summer Fellow.	Grand Total for 1897.
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
		Bushels.		Bushels.		Bushels.			
Year 1896 = 22 settlers	4	60	18	486	13	2,549	35	—	35
„ 1890 = 22 „	47½	778	73¾	1,700	8½	1,480	129	59	188
Increase	—	—	—	—	4½	1,069	—	—	—
Decrease	43½	718	55¾	1,214	—	—	94	59	153

APPENDIX B.—*continued.*

SALTCOATS CROFTERS, 1896.

IN THE INDIVIDUAL CROFTERS' REPORTS, 1896.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, and Summer Fallow, 1896.	Grand Total for 1897.	Live Stock on each Homestead.											Tons of Hay cut.	Remarks.
			Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Sheep.	Pigs.	Poultry.		
½	—	½	2	—	—	—	1	—	—	1	—	—	15	25	
1	—	1	2	—	—	—	5	5	6	—	3	—	43	38	Abandoned.
1	—	1	4	—	—	—	6	4	4	1	—	7	38	90	Ditto.
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Ditto.
1	—	1	3	—	—	—	4	8	2	—	—	—	31	95	Ditto.
½	—	½	3	—	—	—	6	4	6	—	—	—	29	60	Ditto.
½	—	½	2	—	—	—	4	6	4	—	—	—	29	75	
½	—	½	4	—	—	—	6	4	3	—	—	2	21	65	
½	—	½	—	2	—	—	5	4	2	—	6	—	46	60	
1	—	1	3	—	—	1	3	4	1	—	5	—	17	46	
½	—	½	3	—	—	—	6	5	3	—	—	1	31	80	
½	—	½	2	—	—	—	1	2	—	—	—	—	26	25	
—	—	—	—	—	2	—	2	3	1	—	—	—	—	40	
¼	—	¼	—	—	—	—	2	—	1	—	—	—	43	10	
¼	—	¼	—	—	—	—	2	—	—	—	—	—	27	12	Dead.
½	—	½	—	2	—	1	2	—	2	—	—	1	17	35	
5	—	5	3	—	—	1	5	6	1	1	2	—	36	75	
1	—	1	2	—	—	1	7	8	4	1	2	1	43	100	
16	—	16	3	—	—	1	8	5	1	—	10	3	63	70	
1	—	1	—	2	—	1	—	1	—	—	4	—	37	31	
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Dead.
3½	—	3½	3	—	—	—	8	9	6	1	—	—	—	100	
35	—	35	39	6	2	6	83	78	47	5	32	15	592	1,132	

RECAPITULATION.

SALTCOATS CROFTERS.

1890 AND 1896.

Live Stock on Homesteads.											Tons of Hay cut.	Remarks.
Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Sheep.	Pigs.	Poultry.		
39	6	2	6	83	78	47	5	32	15	592	1,132	
—	28	—	19	6	15	14	1	—	—	176	290	
39	—	2	—	77	63	33	4	32	15	416	842	
—	22	—	13	—	—	—	—	—	—	—	—	

G. B. BORRADAILE,
Agent, Colonisation Board Canada.

NEWFOUNDLAND.

CORRESPONDENCE

RELATIVE TO A

CONTRACT FOR THE SALE OF THE GOVERNMENT RAILWAY.

AND FOR OTHER PURPOSES.

Presented to both Houses of Parliament by Command of Her Majesty.
May, 1898.

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1898.

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5	Anglo - American Telegraph Company.	Telegram.	(Rec. Mar. 2.)	States that they have exclusive telegraph rights in the Colony, and begs to be allowed a hearing before consent is given to the contract.	2
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8	To Governor Sir H. H. Murray.	Telegram.	March 2.	Points out certain considerations which he should bring to the notice of his Ministers, and states that he would not be constitutionally justified in refusing to sign the contract.	3
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Serial No.	From or to whom.	—	Date.	Subject.	Page.
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Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1898.		
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NEWFOUNDLAND.

CORRESPONDENCE

RELATIVE TO A

CONTRACT FOR THE SALE OF THE GOVERNMENT RAILWAY

AND FOR OTHER PURPOSES.

No. 1.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 2.0 a.m., 22 February, 1898.)

TELEGRAM.

MY responsible advisers submitted to consideration of Houses of Legislature, during the day, resolution for sale of the lines of railway to the Contractor for $1,000,000 and of dock for $325,000, Contractor to receive 1,600,000 more acres and to operate lines of railway under terms of contract for 50 years. At the end of that time it seems to me that lines of railway become his real property. Money for the purchase of lines of railway seems to be low.

No. 2.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

(Sent 4.57 p.m., 25 February, 1898.)

TELEGRAM.

REFERRING to your telegram 22nd February,* when may I expect detailed account of contract?

No. 3.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 2.55 p.m., 28 February, 1898.)

TELEGRAM.

REFERRING to your telegram 25th February,† line of railway to be continuously operated 50 years, 5,000 acres per mile for operation. Reversion line of railway will be sold for $1,000,000 payable now, in that case half land to be re-assigned: terms of contract dubious on this point. Contractor to re-ballast line of railway. Postal arrangements $42,000 per annum: if line of railway not operated it reverts Colonial Government, but land and minerals remain to Contractor: royalties reserved on all minerals: fares, and freight, fixing maximum 50 years: lands to be surveyed and selected within three years. Coal areas on which it has been discovered reserved, with exception of valuable area south-east of Grand Lake near line of railway, which is specially granted. It is known that coal good: conditions laid down insure continued work 50,000 tons per annum: imposition of duty on coal dollar per ton. Nine subsidized mail steamers on the coast, total sum about $100,000 per annum: this part of contract thirty years, fares and freight fixing maximum for this time. Contractor purchases dock, $325,000; he is to relay line

* No. 1. † No. 2.

of railway to Whitbourne, 57 miles, undertaking to build branch railway, seven miles, and new railway station to westward St. John's: must arrange for construction of and operation of electric railway, St. John's: and pave Water street: payment to be made by Colonial Government for these works by issue of to extent of $450,000, including right of way for branch railway. Telegraph lines to be worked by Contractor till Anglo-American expiration of contract, 1904, for $10,000 per annum; Colonial Government to decide soon whether or no they will sell in the year 1904 all interest in telegraph lines for $125,000. Contract passed House of Assembly, 26th of February; members in support of Government have been told that it is necessary accept in order to enable Colonial Government to meet its obligations June next. Estimation of value reversionary interest in any mineral line of railway in the Colony 50 years hence difficult. £98,000 per annum remitted to London for payment of interest Colonial debt and sinking fund.

No. 4.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 8.45 p.m., 28 February, 1898.)

TELEGRAM.

AM requested by my responsible advisers affix signature to railway contract, in order to make it schedule of Bill introduced 1 March carrying into effect contract. Rules for House of Assembly may be suspended in order to pass Act. Clause to be added to contract to this effect. Confirmation subject to approval of Houses of Legislature. Shall I affix signature to contract under the circumstances? I informed them you had been advised by telegraph terms of contract, and I cannot act without receiving instructions. It does not appear advisable to me rushing such very far reaching legislation. Question under consideration will not come forward Legislative Council till Bill introduced from House of Assembly. Telegraph reply.

No. 5.

ANGLO-AMERICAN TELEGRAPH COMPANY to COLONIAL OFFICE.

(Received 2.15 p.m., 2 March, 1898.)

TELEGRAM.

REID'S railway contract Newfoundland. The Anglo-American Telegraph Company, as successors of the New York, Newfoundland, and London Telegraph Company, have exclusive right in Newfoundland, under Act passed 15th of April, 1854, for the building and working of telegraph lines and landing of cables on that island. The Directors respectfully request that they may be allowed a hearing before the Colonial Secretary gives his consent to the Reid railway contract, and beg that a time may be named for an interview.

CARSON,
Manager, Anglo-American Telegraph Company.

No. 6.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 7.30 a.m., 2 March, 1898.)

TELEGRAM:

DURING the day my responsible advisers have requested me at 5 p.m. send by telegraph minute of Council as follows:—

My responsible advisers awaiting signature of me to railway contract in order to insert it for ratification in Bill to be brought before Parliament. House of Assembly has adjourned till to-day awaiting introduction Bill. Ministers advise affix signature. They say that Contractor cannot delay making

financial arrangements without injurious effect to him and Colony by postponement of commencement labour-giving industries, and that thousands of men now in state of destitution will require in the spring labour this contract will give, and that its enactment without delay essentially necessary. Say that industrial development in consequence of contract will materially increase revenue, and subsidies agreed to therein must be provided for in Supply. With these exceptions, Supply and Ways and Means now nearly ready, $1,000,000 now needed to pay off debenture bonds called in last year, which million contract provides. Ministers say this fact, together with relief from obligation upon Colony of operating railway at heavy loss annually and certain increase of revenue by increase of resources, will most materially improve Colony credit, and will immediately stabilitate financial state of affairs here. *End of minute of Council.*

As regards debenture bonds referred to in minute of Council, I draw attention to tenth section of Colonial Act No. 60 Vict. cap. 14.

No. 7.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 9.30 p.m., March 2, 1898.)

TELEGRAM.

AM requested by Executive Council send by telegraph minute of Council as follows:—

My responsible advisers urge my signature immediately. They say that marked delay in introducing Bill causing public comment and unfairly influencing future course of legislation. They assert that all interests are and shall be protected, and say that measure can be disallowed hereafter if found unjust or inexpedient. They argue that as power of disallowance protects all interests involved, their conduct of legislation should not be interrupted in intermediate stages in such a manner that may prejudice a good measure, and that is otherwise inconvenient in the extreme. They request prompt reply, as all legislation stopped. Two members of Government and several legislators must leave for seal fishery in a few days. *End of minute of Council.*

I do not agree with what they say in connection with public comment, and some of leading supporters are not as I understand, in favour of rushing legislation for such important business. Executive Council consists of seven. Of them two proceeding to seal fishery. House of Legislature only called up January 27. Absence of only a few of no real importance, in that 28 out of 36 give support to Bill at present.

No. 8.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

(Sent 10.45 p.m., March 2, 1898.)

TELEGRAM.

Your telegrams of 28th February and 1st March.* Future of the Colony will be placed entirely in the hands of contractor by railway contract, which appears highly improvident. As there seems to be no penalty provided for failure to operate railways, the contract is essentially the sale of a million and a quarter acres for a million dollars.

Additional annual charge of $170,000, besides deprivation of all assets, is a very serious thing for a colony already so heavily burdened.

Immediate additional burdens will retard the industrial development which your Ministers expect.

---

* Nos. 3, 4 and 7.

You should point out these considerations to your Ministers, but as entire responsibility rests with them, you would not be constitutionally justified in refusing if they still press for your signature.

In that case it will be necessary to reserve and safeguard specifically all rights of Anglo-American Company, under Act No. 2, of 1854.

No. 9.

ANGLO-AMERICAN TELEGRAPH COMPANY to COLONIAL OFFICE.

(Received March 3, 1898.)

Anglo-American Telegraph Company, Limited, 26, Old Broad Street,

SIR, London, E.C., March 2, 1898.

IT has come to the knowledge of my Company that active steps are being taken in the Colony of Newfoundland to obtain legislative sanction to an agreement executed or intended to be executed between the Government of the Colony and one Robert G. Reid, a railway contractor, for the purpose (amongst other things) of granting to him rights and privileges with respect to the purchasing, taking, and operating of telegraph lines within the limits of the Colony.

I have no copy of the agreement, but upon the information before me I am advised that it contains matter which is contrary to the provisions of an Act of Parliament passed by the Newfoundland Legislature on the 15th April, 1854 (17 Vict. Cap. 2), and entituled "An Act to incorporate a company under the style and title of 'The New York "Newfoundland and London Telegraph Company,'" and is in violation of the rights and privileges thereby secured to the Company incorporated by that Act, and which are now vested in the Anglo-American Telegraph Company, Limited, by virtue of the provisions of another Act of the same Legislature passed on the 3rd March, 1857 (20 Vict. cap. 1).

I beg, therefore, most respectfully on behalf of this Company hereby to protest against so much of the said agreement as may be in derogation of such rights and privileges and against any legislation purporting to give effect thereto.

So soon as I am in receipt of the terms of the proposed agreement and legislation, I shall be prepared to indicate more precisely the portions thereof which derogate from the rights of this Company, and in the meantime I beg to request that if any measures should pass the Legislature of the Colony with respect to telegraphs in and submarine cables touching at Newfoundland, the same may not receive your sanction until the Company has had an opportunity of being heard with respect thereto.

The Company's colonial advisers have already lodged with the Colonial Government a similar protest.

I have, &c.,

F. A. BEVAN,

Chairman.

No. 10.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 7.30 a.m., March 3, 1898.)

TELEGRAM.

I HAVE been this evening requested by Leader of the Opposition transmit next mail protest* against sanction railway contract and to send information to you by telegraph of it.

No. 11.

COLONIAL OFFICE to ANGLO-AMERICAN TELEGRAPH COMPANY.

SIR, Downing Street, March 3, 1898.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your telegram and letter of the 2nd instant,† protesting against any infringement of the rights secured to the Anglo-American Telegraph Company by the Newfoundland Act No. 2, of 1854, by the contract between the Government of that Colony and Mr. R. G. Reid, now before the Legislature.

---

* See No. 22. † Nos. 5 and 9.

I am to acquaint you in reply that Mr. Chamberlain has telegraphed instructions to the Governor, that in any such contract the rights secured to your Company by the Act referred to must be specifically reserved and safeguarded.

In these circumstances he presumes that you will not consider it necessary to press for a personal interview.

I am, &c.,
H. BERTRAM COX.

No. 12.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 7.10 p.m., March 3, 1898.)

TELEGRAM.

IN accordance with your telegram of 2nd March* I shall have to sign contract which I reserved under the directions in Letters Patent on account of bondholders in England.

Have they any status ? Am I still to reserve assent to Bill ? Your estimate of the additional charge is erroneous ; the contract, except in interest, causes no net increase. The rights of Anglo-American Company are not touched by contract as until 1904 only Government lines taken over by the contractor.

No. 13.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 2.55 p.m., March 4, 1898.)

TELEGRAM.

RAILWAY contract bill passed through all its stages in House of Assemby last night without alteration.

No. 14.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 8.10 p.m., March 5, 1898.)

TELEGRAM.

Am requested to forward Minute of Council as follows :—

Referring to your telegram of 2nd March,* Ministers desire point out that you are evidently under a serious misapprehension as to effect railway contract. Railway reverts to colony and latter retains million dollars if operation discontinued within fifty years. Ordinary price in this colony for crown lands thirty cents per acre. Contract imposes no extra charge on colony. On the contrary, saving on steam, telegraph, and mail services in comparison with present rates is $30,000, and in addition $40,000 per annum in interest on debt. Gain upon dock equivalent to $7,000 per annum. Telegraph and railways really not assets but liabilities, as both involve heavy loss per annum in operation. By leasing railway colony escapes certain loss in operation, probably amounting to £40,000 sterling annually. Contractor by contract of 1893 is entitled to almost all good land on both sides of railway, but would not develop under that short-time contract. Present contract secures development and assures increased revenue. Million for price will be used paying off that amount debentures of colony now due. Ministers say that contract assures financial stability Colony. Rights Anglo-American Company will be fully protected. *Minute of Council ends.*

I cannot agree as to saving of $30,000. At best on termination of existing contracts, including winter service Halifax, it will not exceed $5,000. The £40,000 sterling is amount given me by contractor as argument for his case. I believe that it is exaggeration.

---

* No. 8.

If Colonial Government worked railway they save their mail expenditure, £8,000 sterling. Rights of Anglo-American Telegraph Company not at present sufficiently protected. They have asked me defer sanction given to Act till I receive memorial. As this is an Imperial question will it not require your approval? I find that House of Assembly passed Act through all its stages in half-an-hour.

No. 15.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 7.10 a.m., March 7, 1898.)

TELEGRAM.

I AM sending home by mail leaving 7th March protest* against railway contract dated 5th March, of Anglo-American Telegraph Company. Agents of Company informed my responsible advisers 1st March that they raise objection to some of provisions of contract. I do not understand objections that have been raised if rights expire 1904. Memorialists request that my approval of Act may be withheld pending Queen's pleasure since rights of British subjects out of the colony are prejudiced by Act.

No. 16.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

(Sent 4.10 p.m., March 7, 1898.)

TELEGRAM.

REFERRING to your telegrams of 3rd, 4th, 5th, and 7th March,† as at present informed I am not prepared on general grounds to advise reservation of the Bill, for which the Colonial Government and Legislature must be responsible. I still feel grave doubts as to the policy of the measure, which seems, as I understand it, to transfer the future prospects and a great part of the present assets of the colony to a private individual, and I must entirely disclaim responsibility for action of Colonial Legislature.

You should inform your Ministers that in view of the indefinite nature of the rights conferred by the Act of 1854 on the Anglo-American Company they should be specifically reserved and safeguarded. If the Bill cannot be recommitted for this purpose, you cannot assent till a supplementary Bill has been passed. If Bill is reserved, assent cannot be given before the end of May, owing to the Queen's absence.

No. 17.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 7.40 a.m., March 12, 1898.)

TELEGRAM.

MY responsible advisers have passed through Bill preserving rights Anglo-American Telegraph Company. Bill sent to their agent in the colony who communicated with his principals. He writes to me this evening that he is not satisfied, and his letter ends "our clients refuse to take upon themselves responsibility of expressing opinion upon proposed Bill legal effect of which it is difficult to estimate till it has been interpreted by court of law. Clients think that they should not be driven to court of law to preserve rights and privileges granted to them by their charter, and they look with confidence to His Excellency and Secretary of State for the Colonies to see that these rights and privileges and property acquired thereunder at great expense shall not be prejudiced taken away or abridged as proposed to be by Act complained of."

Terms of contract, Bill, and other information should arrive on or about 14 March. My responsible advisers want assent 12 March. Directions in your telegram of 7 March‡ forbid my assent under existing circumstances. Telegraph again your decision.

---

* See Enclosure in No. 24. † Nos. 12, 13, 14 and 15. ‡ No. 16.

7

No. 18.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

(Sent 4.30 p.m., 12th March, 1898.)

TELEGRAM.

Telegraph at once text of operative provisions of Bill as to rights of Anglo-American Company.

No. 19.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 9.15 p.m., 12th March, 1898.)

TELEGRAM.

Referring to your telegram of 12th March,* text as follows. "In order to remove doubts it is declared that Act passed during the present session of Legislature, viz., Railway Act, or any clause or provision thereof, shall not be held or construed to take away, alter, abridge, or in any manner affect any of rights or privileges in the colony conferred on New York, Newfoundland, and London Telegraph Companies under and in virtue of the Act of Parliament of this colony passed in seventeenth year of Her Majesty the Queen, chapter 2, entitled, etc., and the several Acts in amendment thereof, which rights and privileges are now vested in and held by Anglo-American Telegraph Company, and are hereby declared to be reserved and maintained in full force and effect."

No. 20.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received March 14, 1898.)

Government House, St. John's,
25th February, 1898.

SIR,

WITH reference to my telegram of the 22nd instant,† I now forward for your information the resolutions which have been submitted by my Ministers to the House of Assembly respecting the railway operation and sale and other subjects, together with a copy of the proposed draft contract.

2. These resolutions will certainly be adopted by a very large majority of that House, since the 23 Government members and five out of the 13 Opposition members will vote for them. Under these circumstances, I hardly think that there will be any effective opposition to them in the Legislative Council, though improvements may be made in some details of the proposed contract.

3. I was not informed of the intentions of the Executive until a copy of the resolutions was sent me on the 21st instant, and I do not yet know what the legislation is which is contemplated in the 98th section of the contract.

4. As to the operation of the lines of railway dealt with in the Act 60 Vict., cap. 4, I think the Governor in Council has power to deal with it, but I do not think that such is the case with the line from Whitbourne to Port-au-Basque. The Acts 56 Vict., caps. 2 and 3, ratified the contract that had been entered into for the construction of the line, and the agreement which had been signed for its working. The second and third sections in the proposed contract practically repeal the "ten years" agreement ratified by the Act, cap. 3, of 1893. On this point, therefore, legislation will, I think, be necessary, though the resolutions might be sufficient to cover the sale of the railways under the 37th and 38th sections of the contract.

5. I have told Sir James Winter, with whom I had, on the 23rd, a long conversation on the subject of the contract, and I have told the Contractor the same, that in my opinion the price proposed to be paid on the sale of the line was far too low, and that I thought that the sale of the line would have a prejudicial effect on the credit of the Colony; and as to the sale, I have good reasons to believe that there is by no means a consensus of opinion even among those who are nominally supporting it.

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* No. 18. † No. 1.

6. As the Debentures of the Colony are to such a very large extent held in England, and as it seems that the holders of them are prejudiced by the sale of the assets of the Colony, I shall, under the 7th section of clause 17 of the "Draft of my Instructions," withhold my assent to any Bill which may be submitted for my approval until I receive your instructions on the subject. When the contract has been dealt with in the Legislative Council, it may be necessary that I should deal at greater length with its details.

7. I may add that I have learnt on good authority that at a meeting of the party supporting the Government, the members were informed that unless the proposals contained in the proposed contract were accepted, the Colony could not meet its engagements on 30th June next, and I have little doubt that it is the knowledge of this state of affairs which has enabled the Contractor to press upon the Government terms so much harder on the Colony—*quâ* the railway—than those to which I referred in the 21st, 22nd and 23rd paragraphs of my despatch of the 13th October last,* when reporting on the financial prospects of the Colony.

8. In my opinion, if the railway system is to be sold, any proceeds of the sale ought to be used as a Sinking Fund, in the hands of Trustees or Debt Commissioners in England, to accumulate at compound interest for the redemption at the end of the 50 years of some portion at least of the £2,020,000 which the railways have, or will, cost the Colony before completion; otherwise at the end of the 50 years, while the property in the railway has gone, the interest on its cost may still be a charge on the Colony. The Receiver-General, however, stated in his speech last night, that it is intended, out of the $1,000,000 to be paid for the railway, to redeem about $943,000 Debentures now running at 5 per cent.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 20.

RESOLUTIONS TO BE PROPOSED IN COMMITTEE OF THE WHOLE ON THE SUBJECT OF RAILWAY OPERATION, &c.

Whereas the Government now owns and operates a line of railway from St. John's to Harbor Grace, called the Newfoundland Railway;

And whereas there are also under construction for the Government; (1) a branch line of railway called the Clarke's Beach Branch, and (2) an extension of the so-called Newfoundland Railway from Harbor Grace to Carbonear;

And whereas the Government is the owner of a line of railway from Whitbourne to Placentia known as the Placentia Railway, and of a line of railway from Placentia Junction on the Placentia Railway to Port-au-Basque known as the Newfoundland Northern and Western Railway;

And whereas there is also under construction for the Government a branch line of railway from the said Northern and Western Railway to Burnt Bay;

And whereas in the year 1893 a contract was entered into between the Government and Robert G. Reid, of Montreal, in the Dominion of Canada, Railway Contractor, for the maintenance and operation of the said Newfoundland Northern and Western Railway;

And whereas it is necessary to make provision for the maintenance and operation of the said Newfoundland Railway and the said several branch lines and extensions now under construction or to be constructed;

And whereas it is desirable to make provision for improved terminal facilities in St. John's;

And whereas it is desirable that the maintenance and operation of the said several lines, branches, and extensions should be combined in one system and under one management and control for an extended period;

And whereas it is also desirable to make provision for an improved mail service by steamers in connection with the said railway system;

And whereas it is also desirable that the Government Telegraph Service, now partially maintained and operated by the Contractor, should be managed under one system at reduced cost to the Colony;

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* Not printed.

And whereas it is also desirable to promote the development of certain coal areas now reserved for the use of the Colony, and to provide for the raising of a revenue by the levying of royalties upon minerals raised from lands granted to the Contractor ;

Be it therefore resolved (1) That it is desirable that a contract be entered into with the said Robert G. Reid, which shall embrace and provide for the carrying into effect of the foregoing objects and purposes ;

(2) That the draft contract which has been agreed upon between the Government and the said R. G. Reid, copy of which has been laid upon the table of the House, be accepted and confirmed ;

(3) That all such legislation as may be necessary for giving effect to these resolutions be introduced.

Enclosure 2 in No. 20.

DRAFT.

This Agreement, made and entered into at St. John's, in the Colony of Newfoundland, this day of , A.D. 1898, between His Excellency Sir Herbert Murray, K.C.B., Governor of this Island of Newfoundland and its Dependencies, in Council, hereinafter called "the Government," of the first part ; and Robert Gilespie Reid, of Montreal, in the Dominion of Canada, Railway Contractor, hereinafter called "the Contractor," of the other part ; Witnesseth, that in consideration of the grants, subsidies, covenants, provisions, and conditions hereinafter contained and provided on the part of the said parties respectively, to be made, paid, and performed, the said parties mutually covenant and agree as follows :—

1. For the purposes of this Agreement, all and singular the following lines of railway in the Colony of Newfoundland, viz :

(*a*) The Newfoundland Railway, so-called, from St. John's to Harbor Grace,
The branch of the said railway now in course of construction from Brigus Junction to Clarke's Beach and thence to or near Tilton.
The extension of the said railway now in course of construction from Harbor Grace to Carbonear,

(*b*) The Placentia branch railway, so-called, from Placentia to Placentia Junction,

(*c*) The Newfoundland Northern and Western Railway, so-called, from Whitbourne to Port-au-Basque,
The branch of said railway now in course of construction from the Burnt Bay Crossing to Burnt Bay, in Notre Dame Bay.

(*d*) The new branch or extension into the west end of St. John's, hereinafter provided for,
are, and shall be held to be combined and comprehended under one system, which shall be called and known as the Newfoundland Railway.

2. In this agreement the word "Railway." or "Railways" shall, unless the context requires a different meaning, mean the track, road-bed, cuttings, embankments, ditches, water-ways, diversions, road-crossings, bridges, viaducts, culverts, and retaining walls, rip rap, crib-work, sidings, Y's, turntables, water-stations and water service, telegraph lines, engine houses, coal sheds, machine shops, and machines, tools and appliances in and in connection with machine shops, locomotive engines, cars, snow plows flangers, and other rolling stock, buildings, and structures provided and to be provided, and all other materials, accessories and equipments the property or to become the property of the Government in connection with all or singular the line or lines of railway.

3. The Contractor shall, on the day of , A.D., 1898, take possession of the said Newfoundland Railway, so far as the same is not already in his possession, and shall thenceforth maintain in a safe, efficient, and satisfactory manner, the said Newfoundland Railway, and the several branches and portions thereof, whether already constructed or hereafter to be constructed or completed, during a period of fifty years from the said date.

4. The Contractor shall efficiently and continuously operate in the manner provided in the next succeeding section, the said Newfoundland Railway, and the several branches, extensions, and portions thereof, either already constructed or hereafter to be constructed or completed during a period of fifty years from the said day of , A.D. 1898.

5. The said Newfoundland Railway and the several branches thereof shall be continuously operated as follows :—

(*a*) There shall be run at least one passenger or mixed train each way each day (Sundays excepted) over that portion of the railway between St. John's and Carbonear, between St. John's and Placentia, and between Placentia and Carbonear, and as many additional through or local passenger or freight trains as the demands of traffic may require.

(*b*) There shall be run over the whole line or system of the said Newfoundland Railway, at least three through passenger trains or mixed trains, when not detrimental to the service, each way each week, and as many through or local passenger or freight trains as the demands of traffic may require.

6. Where the words "continuously operate" are used in this contract, it is understood and agreed that they shall mean and be construed that the Contractor shall operate the railways upon the regular time-tables, except when prevented by causes over which the Contractor has no control ; and failing to operate from the causes above named shall in no way be construed to work a forfeiture of the rights, privileges, and payments to be granted and paid to the said Contractor by the Government, as herein provided for ; but it is agreed that the Contractor shall use all due diligence in every respect to continuously operate the railways as provided in the regular time-tables.

7. Should the Government at any time during the term of this contract desire to run special trains other than those herein provided for, the Contractor shall furnish and run the same for the Government upon receiving reasonable compensation to be agreed upon ; but the Contractor undertakes to provide once in each year, at his own expense, a special train for the inspection, on behalf of the Government, of the railways comprehended under this contract.

8. Besides the rolling stock and equipment provided by the Government, the Contractor shall, subject to the approval of the Government, furnish additional rolling stock, equipment and accommodation as fast as, and in such quantity and of such description as, the developing and increasing business of the railways may require, so that the traffic requirements of the country may be fully met.

9. All regular trains provided for under this contract shall be run in accordance with time-tables to be approved of by the Government ; no time-table and no change in any time-table shall come into effect until such time-table or change has had the Government's approval.

10. The Contractor shall, at his own expense, provide the Government with all necessary facilities for transporting the Government mails and mail matters over the whole railway system comprehended in this contract, in such quantities as the Government may require, the Contractor to attach a postal or mail car to each passenger or mixed train ; the Government Mail Agent to have the exclusive use and possession of such postal car or section thereof set apart for carrying mails and mail matter, and to have every facility for the delivery and receipt of mails and mail matter at each station along the line of railway. The said postal or mail cars or section of cars, shall be used only for the purposes of the Government mails and matter. In consideration for the due performance of the said mail service the Government shall pay to the Contractor a subsidy of $42,000 per annum, whether or not there be any increase in the number of trains as provided for in this contract or any additional trains or any increase in the quantity of mails or mail matter. It is understood and agreed that this clause shall not be held to apply to the conveyance of mails or mail matter between countries other than this Colony.

11. The minimum speed of all through trains shall be eighteen miles per hour, including stoppages.

12. The rates to be charged by the Contractor for carrying passengers, shall not exceed 3 cents per mile for first-class passengers, and 2 cents per mile for second-class passengers, for distances more than twenty-five miles.

13. The charges for transportation of freight, in car-load lots, shall not exceed 3 cents per ton of 2,240 pounds per mile, for distances more than one hundred miles, or 4 cents per ton of 2,240 pounds per mile for distances more than fifty and not more than one hundred miles. The freight on bulky articles may be charged by measurement, and fifty cubic feet shall be estimated as the equivalent of 2,240 pounds in weight.

(*a*) For lots less than car-loads the rates of freight shall be governed by the Canadian Joint Freight classification and (subject as hereinafter provided) the rates set forth in Schedule hereto annexed, being the local freight mileage tariff, No. 1, adopted by the said classification, shall be charged and

collected : Provided that the said schedule and rates may from time to time be altered or amended by agreement between the parties, or in the event of disagreement, under the provisions of clause 91.

14. Each passenger shall be allowed to carry baggage to the extent of eighty pounds in weight, and all baggage in excess thereof may be charged at express baggage rates.

15. The Contractor shall furnish the Government with a quarterly statement, showing the number and classes of passengers, and the quantities and general description of freight forwarded from each station during the previous quarter, together with the amounts charged for the same, and shall furnish any other information or returns in connection with the line that the Government may require.

16. In consideration of the foregoing covenants on the part of the Contractor, the Government hereby covenant and agree to and with the Contractor, to grant to him in fee simple, in addition to the land subsidies provided in and by the said agreement of the 16th May, 1893, 5,000 acres of land for each one mile of main line or branch railway throughout the entire length of the lines to be operated.

17. The expression " in fee simple " in the foregoing clause, shall be held to include with the land, all mines, ores, precious metals, minerals, stones, and mineral oils of every kind therein and thereunder.

18. The lands to which the Contractor shall be entitled under clause 16 and under the said agreement of 16th May, 1893, shall be granted to him in blocks or sections to be defined and laid off in the manner provided by the next succeeding section : Provided that this clause shall not be held to annul or otherwise affect any grant already made to the Contractor under the said agreement of the 16th May, 1893.

19. The lands along the line of railway shall be laid off in blocks or sections of 1 mile in length and 10 miles in depth on each side of the railway on meridian or base lines, to be run as may be found practicable, preserving as nearly as possible the general direction of the line of railway.

(*a*) Subject to the next following sub-section the Contractor shall select and have granted to him the lands along the line of railway to which he is entitled under this contract, as well as under the said agreement of the 16th May, 1893, which have not been granted to him, in quantities or areas, comprising any number of blocks not exceeding five, as defined by and under the next preceding sub-section.

(*b*) For the purpose of laying off and selecting the blocks to be granted to the Contractor and those to be held by the Government respectively, it is agreed that within the year 1898 a survey shall be begun, under which the blocks or sections provided for by sub-section (*a*) shall be defined and marked off, and the said survey shall proceed with due diligence until all the land along the line shall have been so defined and marked off.

(*c*) From and after the commencement of the said survey, and as the survey proceeds, the parties shall proceed to make their respective selections as follows :—

(*d*) The Contractor shall have the right to make the first selection on either one side of the Port-au-Basque end of the line, of an area or section consisting of not less than one nor more than five blocks of one mile in length as defined by sub-section (*a*).

(*e*) The Government shall thereupon take the next or adjoining area or section on the same side of the railway, with the option of including in the said area or section any number of one-mile blocks not exceeding five.

(*f*) Upon its being found that any land along the line is barren or swamp, neither party shall be bound to take the same, and either party to whom an area or section would fall in turn of selection as above provided, shall have the right to reject and pass over such barren or swamp lands, and to take such area or section from the next suitable land.

(*g*) Upon the selection being made by either party of an area or section on one side of the line as above provided, the other party shall have the right to an area or section of an equal frontage immediately opposite thereto on the other side of the line.

(*h*) In order to make up the total quantity or area of land to which the Contractor shall be entitled, he shall have the right to select and have granted to him lands elsewhere than within ten miles of the line. Such selections shall be in areas or sections of not less than one mile by ten miles nor more than ten miles by ten miles, the Government having the right, in the case of every

such selection, to an adjoining area or section of equal size, and in making such selection either party shall have the right to reject and pass over barren or swamp lands in the same manner as provided by sub-section (*f*) in relation to land along the line of railway.

(*i*) For the purpose of making the selection provided for under the next preceding sub-section, surveys and plans shall be made upon meridian or base lines, in the same manner as provided by clauses 18 and 19, and the areas or sections selected under this contract shall conform to and be defined by the said plans and surveys.

(*j*) The Contractor shall complete his selection of lands along the line of railway within three years from the date of this contract, and until he has made his selections the Government shall not dispose of any Crown lands, timber or mineral rights, within ten miles of the line of railway.

(*k*) The Contractor shall not have the right under the foregoing clauses to select or obtain any portion of the lands upon which coal has been discovered, and which were reserved by the Government under the Minute of Council dated 18th December, 1891.

(*l*) As regards lands to be selected elsewhere than within ten miles of the line of railway, it is agreed that within the three years provided by the sub-section (*j*), the Contractor shall have the right to select areas or sections elsewhere, in manner provided by sub-section (*h*), and such areas or sections shall be reserved by the Government from grant to any other person until the expiration of the said three years, when the same or such portion thereof as the Contractor may then be found to be entitled to shall be granted to him.

(*m*) Provided, that nothing in this contract contained shall preclude the Governor in Council from exercising the right to make such reservations relative to Crown lands as he may deem necessary to provide for the public right of user of all lakes, streams, and other waters, and for the construction of roads and bridges, railways, court houses, market places, churches, chapels, or other places of public worship, school houses, bogs for the supply of manure or fuel for the public, forests for the use of the fisheries, or for any other public use or purpose whatsoever.

20. The survey to be made under the foregoing clause shall be under the direction and control of the Government. The surveyors, engineers and other servants engaged in the said work shall be appointed and employed one-half by the Government and one-half by the Contractor, and the cost of the said survey shall be borne two-thirds by the Government and one-third by the Contractor.

21. Lands to be granted by the Government under this contract shall be free from taxation, so long as they shall remain unimproved or unoccupied.

22. The Government may reserve from the provisions and operation of this contract, at any places within fifteen miles of the sea, such areas of timber lands as may be considered necessary for the purpose of providing timber or wood for ship-building, for the repairs of ships or vessels, for the purposes of the fishery, and for firewood.

23. The Government may also reserve from the operation of this contract such tracts or areas of land within three miles of the sea or tidal waters as may be considered necessary for the purposes of public use or settlement; provided that the Government shall grant to the Contractor from Crown lands, as part of the lands to which he is entitled, all such lands and waterside as may be necessary for the efficient operation of the railway, for terminal purposes, and other facilities for traffic.

24. It is understood and agreed that the provisions of section 68 of chapter 13 of the Consolidated Statutes (second series), shall be held to apply to the lands to be granted to the Contractor under this contract.

25. The Contractor agrees to lay new rails upon that portion of the line from Whitbourne to the point from which a new line is to be built leading into the West End of St. John's as hereinafter provided for. The rails and materials and manner of laying the same shall be such as are provided for under the contract between the Government and the Contractor for the construction of the Western Railway, dated the 16th day of May, A.D. 1893, and the specification thereto annexed. The Government agrees to pay to the said Contractor for the said work at the rate of $2,500 per mile, but it is agreed that the total amount to be paid to the Contractor shall not exceed the sum of $100,000. The said work is to be completed on or before the 31st December, 1898.

26. The Contractor shall construct a new line or branch railway from a point upon the present line of railway between Topsail and St. John's to be determined by the

Contractor, to the West End of the town of St. John's, terminating at the Municipal Basin, so-called, which the Government agrees to grant to the Contractor for terminal purposes. The said railway or branch line shall be constructed of the material, and in the manner, and subject to the conditions, provided by the said contract of the 16th May, A.D. 1893, and specification thereto annexed, for the construction of the said Western Railway.

(*a*) The Government shall pay to the Contractor for the said construction at the rate of $15,600 per mile, but the total amount to be paid shall not exceed the sum of $100,000.

(*b*) The Government shall provide the right of way, and the route or line shall be subject to the approval of the Government.

(*c*) The said new or branch line into the West End shall be completed not later than the 31st day of December, 1899.

27. The Contractor shall at his own cost erect a suitable and sightly depot at the said West End terminus, to be completed on or before the 31st day of December, 1900, the plans and specifications whereof shall be subject to the approval of the Government.

28. Pending the construction of the said line to the West End of St. John's, the expression in this contract "operating" or "operation into" or "from St. John's" shall mean into or from the present terminus at the East End of St. John's.

29. Stock gaps shall be made and maintained by the Contractor when the line of railway passes through enclosed private property. Such stock gaps shall be made where the line of railway crosses the line of enclosure, or in lieu of the stock gaps the Contractor may build fences on each side of the railway to prevent any straying stock from going on to the railway.

30. The Contractor shall, at his own cost and charges, ballast the whole line of railway from time to time as and when ballast is needed.

31. Where the railway passes through Crown lands which have not been granted or disposed of up to the date of this contract, the right of way or track for the railway shall be 100 feet in width.

32. It is also understood that the present contract does not include or apply to the old abandoned track from Harbor Grace towards Carbonear, which shall also remain the property of the Government.

33. As regards that portion or branch of the railway from Whitbourne to Tilton, it is understood that the Contractor is not bound to maintain or operate the same under clauses 3 and 4 of his contract, and that the land subsidies to be granted to the Contractor under clause 16 of this contract do not apply to the said portion or branch.

(*a*) It is understood and agreed in respect of this branch that during the time provided by this contract for the operation of the railway, the Contractor shall run at least three passenger or mixed trains each way per week between Whitbourne and the junction near Tilton. Such operation to be in all respects subject to the general provisions of this contract. In consideration of such operation there shall be granted to the Contractor a land subsidy of 2,500 acres per mile.

34. The following articles shall be admitted into this Colony free of duty:—Rails, fish-plates, fish-bolts, and track spikes used in the construction of the branch lines, and the re-railing of the line from Whitbourne towards St. John's as provided for by this contract. The railway shall be exempt from municipal or local taxation.

35. The Contractor shall have the right to build and operate such branch lines connecting with the railway as he may consider desirable.

36. The Contractor agrees that in addition, and without prejudice to any other remedy which the Government may have, the railway shall be and remain security to the Government for the due and faithful performance on the part of the Contractor and his assigns of the several clauses and provisions of this contract for the operation of the said railway and every part thereof, and that any amount for which the Contractor or his assigns may at any time be found or adjudged by competent authority to be liable to the Government for, or on account of, any breach or failure, or neglect in the performance of any of the said clauses or provisions, or for loss or damage arising therefrom, shall be, and be held to be, a lien or first charge upon the said railway and every part thereof. And further, that in the event of the Contractor or his assigns ceasing to efficiently operate the said railway or any portion thereof, the said railway shall become forfeited and revert to the Government, who shall thereupon have the right to enter upon and take possession of the same, to hold the same as Crown property for the use of the Colony

37. And these presents further witness that the Government agrees to sell and the Contractor agrees to purchase the rights, interest, reversion and property of the Government under and subject to the provisions of the foregoing contract in and to the said Newfoundland Railway and system and the several branches and portions thereof with all and singular the appurtenances thereto as described and defined in and by this contract.

38. In consideration of the said sale and transfer, the Contractor agrees (1) to re-assign and transfer to the Government 2,500 acres per mile for every mile of railway to be operated under this contract, which shall be deducted or rebated from and out of the land subsidies to be granted to him thereunder, except as to the branch line from Whitbourne to the junction near Tilton, in respect of which the Contractor shall re-assign or deduct 1,250 acres per mile ; and (2) to pay to the Government the sum of $1,000,000 as follows, viz. : One fourth upon the execution of this contract, one fourth at the expiration of six months, and one half at the expiration of one year from the said date.

39. The Contractor shall have the right to establish a parcel or package express, and carry on the business and conduct the same in like manner under like regulations as express companies in the United States and Canada. To facilitate the delivery of the express goods or packages, the same shall be carried on the regular passenger trains ; and the express company shall be responsible as other express companies, as common carriers for all goods entrusted to their care for transportation.

40. The Government agrees to grant to the Contractor as part or portion of the land subsidies herein provided for the areas of land near Grand Lake in which coal has been discovered, and which have been reserved by the Government from sale or grant under Minute of Council, dated the 18th December, A.D., 1891, and more particularly delineated and described in certain plans, forming the schedule hereto annexed. The foregoing agreement and the grants to be issued thereunder are and shall be subject to the condition that the grantee shall so operate the coal mines within the said areas as to produce not less than 50,000 tons of coal per annum.

41. It is further agreed that the Contractor shall pay to the Government a tax or royalty at the rate of ten cents per ton of 2,240 lbs. on all coal the produce of the said mines, or of any other mines in this Colony to be operated by the Contractor passed into use or consumption ; it being further agreed that a tax or royalty of an equal amount shall be levied upon all coal raised in this Colony.

42. The Government shall have the right to impose the following royalties, and no more, upon minerals raised from the lands granted or to be granted to the Contractor under this contract, and the said contract of 16th May, A.D., 1893, viz. :

(*a*) Gold and silver. Two per cent. on the gross amount of gold and silver mined.

(*b*) Copper. Four cents upon every unit, *i.e.*, upon every one per cent. of copper contained in each and every ton of 2,352 lbs. of copper ore sold or smelted.

(*c*) Lead. Two cents upon every unit, *i.e.*, upon every one per cent. of lead contained in each and every ton of 2,240 lbs. of lead ore sold or smelted.

(*d*) Iron. Five cents on every ton of 2,240 lbs. of ore sold or smelted.

(*e*) Tin and precious stones, and other minerals or mineral oils. Five per cent. on their values.

Provided that these royalties, or any part thereof, shall not be imposed under the foregoing clause unless the same are made applicable to all minerals of the same kinds raised in the Colony.

43. From the time when the Contractor shall satisfy the Government that he is able so to operate his coal mine, or mines, as to supply not less than 50,000 tons per annum of coal of good quality, and to continue to furnish such supply, the Government agree to procure the imposition of a duty of not less than $1 per ton upon all coal imported into this Colony, upon the condition that the Contractor shall supply coal to wholesale dealers at stations on the line of railway where required, at prices to be computed as follows, viz. :

To the average wholesale market price from time to time of North Sydney coal in Sydney, Cape Breton, there shall be added (1) the sum of 30 cents per ton, and (2) a sum to be computed as follows :

(*a*) For every mile of distance between the mine and the place of delivery, not exceeding fifty miles, 1½ cents per ton.

(*b*) Where the distance exceeds fifty miles, but does not exceed one hundred miles, 1 cent per ton ; but not in any case to be less than 75 cents per ton.

(*c*) Where the distance exceeds one hundred miles, but does not exceed two hundred miles, 7-10 cents per ton ; but not in any case to be less than $1 per ton.

(*d*) Where the distance exceeds two hundred miles, ½ cent per ton, but not in any case to be less than $1·40 per ton.

The term "wholesale dealers" in this clause shall be held to mean and include every person who shall purchase or require one hundred tons of coal or upwards in one lot.

44. The next preceding clauses shall not be held to apply to anthracite coal, or coal imported for actual use on board steamships. The Governor in Council shall make such regulations as may be necessary to give effect to this clause.

45. For an improved mail service for the Colony, the Contractor agrees to provide suitable steam boats of the size, speed, and capacity hereinafter provided, for the following routes and services, viz. :—

One steamer to ply between Trepassey and Lamaline and intermediate ports ;
One steamer to ply in Trinity Bay ;
One steamer to ply in Bonavista Bay ;
One steamer to ply in Notre Dame Bay ;
One steamer to ply between Placentia and Port-au-Basque ;
One steamer to ply between Port-au-Port and Battle Harbour, Labrador ;
One steamer to ply between Port-au-Basque and Sydney ;
One steamer to ply between St. John's, Harbour Grace, or Carbonear, and Labrador, east and north.

46. The said steamers, except that which is to ply between Port-au-Basque and Sydney, shall be respectively of the size, capacity, and speed, and shall be built upon plans and specifications to be approved of by the Government.

47. The steamer for the service between Port-au-Basque and Sydney shall be the s.s. *Bruce*, or some other boat of equal size, speed, and capacity.

48. The steamers on Placentia, Trinity, Bonavista and Notre Dame Bays shall make two round trips per week.

49. The steamers between Placentia and Port-au-Basque, and between Port-au-Port and Battle Harbour, shall each make one round trip per week.

50. The steamer between Port-au-Basque and Sydney shall make three round trips per week.

(*a*) If for any sufficient cause as agreed upon between the Government and the Contractor, it should be found desirable that the said steamer should temporarily ply between Sydney and Placentia instead of Port-au-Basque, it shall be sufficient that the said steamer shall make two round trips per week instead of three.

51. The steamer between St. John's and Labrador, east and north, shall make one round trip every fortnight.

52. The routes and services to be performed and the ports of call to be visited by the said several steamers respectively, shall be subject to the approval of the Government.

53. The Government may, from time to time, by order and reasonable notice thereof to the Contractor, substitute any other intermediate port or ports of call, and add other ports of call on either route without any extra charge, provided that such substitution or addition be such as to admit of the round voyage being performed by the boats respectively, within the prescribed period, without undue pressure or difficulty ; Provided that this clause shall not apply to the steamer between Port-au-Basque and Sydney.

54. The steamers shall carry mails and mail matter of every description delivered to them, by, for, or on behalf of the Government, and carry the same to their respective destinations free of charge. There shall be on board of each of the said boats a safe and suitable place for keeping the said mail matter. The Government shall be entitled to keep an officer on board each steamer in charge of the mail, and for customs purposes, free of charge, except for diet.

55. The dates for the commencement of the service of each boat which does not ply continuously shall be fixed each season by the Governor in Council, but the service shall commence as early and continue as long as weather and ice permit.

56. The Governor in Council shall have power by notice to the Contractor, to detain the steamer for the Labrador (E. & N.) service for a period not exceeding twenty-four hours after the time fixed for the departure from St. John's, and shall also have power by notice to the Contractor to detain her for a longer period, upon payment, in the latter case, of eighty dollars per day.

57. The Contractor shall, during the continuance of this agreement, at his own cost and charges, keep the steamers in good seaworthy condition and properly manned and equipped in every respect in accordance with the laws relating to passengers in British

steamers, and the rules and regulations of the Board of Trade ; and there shall be a sufficient number of stewards and a stewardess on board each of the said steamers for the said passengers.

58. The Government may, during the continuance of this agreement, from time to time cause the said steamers to be surveyed and inspected by such person or persons as they may appoint for that purpose, and in case there shall be any deficiency, or default, or anything wanting in the said steamers or either of them or in their equipment, according to the said laws, rules, and regulations, upon notice thereof to the said Contractor by the Colonial Secretary, the same shall be immediately made good and supplied by the Contractor, and in case of wrongful refusal or neglect for an unreasonable time to comply with the said notice, then the Contractor shall not be entitled to receive any part of the consideration herein provided to be paid to him ; Provided that the said Contractor holding a first class Board of Trade certificate for such steamers, the said steamers shall not be compelled to be passed for semi-annual certificates by Board of Trade surveyors.

59. Through rates for passengers and freight shall be charged from all points to the place of destination. For the purpose of this clause, the railway and steamers shall be held to constitute one route or system.

60. The rates to be charged by the Contractor for carrying passengers shall not exceed 3 cents per mile for first-class passengers, and 2 cents per mile for second-class passengers, for distances more than twenty-five miles.

61. The charges for transportation of freight by the steamers plying under this contract (except that upon the service between Port-aux-Basque and Sydney and that upon the Labrador (east and north) service) shall be at the same rates as are provided by clause 13 in respect of the railway.

62. Each passenger shall be allowed to carry baggage to the extent of 80 pounds free of charge, and all baggage in excess thereof may be charged at express baggage rates.

63. The rates for passengers and freight by the steamer for the Labrador (east and north) service shall be subject to the approval of the Government, but after the first arrangement thereof, the said rates shall not be altered except by consent of both parties.

64. All shipwrecked crews shall be carried by the said steamers at the rate provided by the Board of Trade for the conveyance of shipwrecked seamen ; that is to say, at the rate of one shilling and sixpence sterling per day, and all such rates shall belong to the Contractor.

65. In the event of either of the steamers (or a steamer substituted for a lost steamer) being lost during the continuance of this contract, the Contractor shall, in case such loss shall happen within the first twenty-five years of the term of this contract, provide and substitute another steamer similar in all respects to the steamer so lost, and the steamer so provided and substituted shall be in every way subject to the provisions of this contract in like manner as was the steamer so lost, and in case such loss shall occur during the last five years of the said term, then this contract, as far as concerns the steamer so lost, shall be terminated, unless the Contractor shall elect to substitute a like steamer for the residue of the said term.

66. In the event of any of the said steamers being damaged or requiring repair the Contractor shall provide and substitute another steamer (to be approved of by the Government) for the performance of the work by this contract provided to be done, and such lastnamed substituted steamer shall only be permitted to continue running for such time as the Government may determine, and upon such terms as in the event of disagreement shall be determined under clause .

67. Should either of the said steamers fail to call at any one or more of the ports of call in regular course, unless prevented by causes over which the Contractor has no control, then a deduction may be made from the amount which would otherwise have become payable for the trip as hereinafter provided, and the question as to whether or not such deduction shall be made and the amount thereof if disputed shall be ascertained and determined by arbitrators to be appointed as hereinafter provided. If at any time any port of call shall be inaccessible by reason of ice the Contractor shall land the mails, mail bags, and mail packages for such port at the nearest accessible port to such port of call, and shall convey them to the nearest post office, way post office, or such other place as the Government may direct without any unnecessary delay, at the expense of the Contractor.

68. All due care and diligence shall be observed and all necessary appliances provided on board the said boats for the comfort and convenience of passengers, and for the preservation of good order and discipline, and for the prevention of all illicit trading or other practices and disorderly conduct on the part of the officers, crew, and passengers.

and in the event of default or failure in the observance of this clause the Contractor shall from time to time be subject to such penalty or deduction from the subsidy as may be determined under clause .

69. The steamers for Placentia Bay, Trinity Bay, Bonavista Bay, and Notre Dame Bay, shall be ready to commence the said several services on or about the first day of May, A.D. 1899. The steamer for the Labrador (east and north) service shall be ready to commence the said service on or about the first day of July, A.D. 1899. The steamers for the South and West Coast Services shall be ready to commence the said several services on or about the first day of May, A.D. 1900. The service by the steamer "Bruce" shall commence on and from the date of the signing of this contract.

70. In consideration of the due and faithful performance of the said service, and the several parts thereof as hereinbefore provided, the Government agree to pay to the Contractor the several subsidies following, that is to say :—

To the steamer on Placentia Bay, for 104 trips each year, at the rate of $100 per trip ;

To the steamers on Trinity, Bonavista, and Notre Dame Bays, for 60 trips each year, at the rate of $130 per trip ;

To the steamer on the south coast, from Placentia to Port-au-Basque, for 52 trips, at $250 per trip ;

To the steamer on the west coast, from Port-au-Port to Battle Harbour, for 30 trips, at $300 per trip ;

To the steamer from St. John's to Labrador—east and north, for 10 trips, at $1,500 per trip ;

To the steamer between Port-au-Basque and Sydney, for 156 trips at $130 per trip, and when plying between Placentia and Sydney $1.95 per trip.

71. The steam mail service provided for by the foregoing clauses, and every part thereof, shall, except as herein otherwise provided, be performed and continue for a period of thirty years from the date of this contract.

72. The Government will rescind the contract, if any, with Messrs. Angel & Co. for the St. John's Dry Dock, and sell and transfer the same to the Contractor, for the sum of $325,000. The Contractor also agrees to pay the amount, if any, to which the said Angel & Co. shall be found to be entitled as compensation for loss sustained by reason of the termination of their contract, if any, and to remove his machine shops from Whitbourne to St. John's, and to have all flat and freight cars built at the latter place.

The rates for docking vessels shall not exceed the rates heretofore charged in the said dock as set forth in schedule "C" to this contract.

73. The Contractor shall keep the said dock and premises at all times in a thorough state of repair, and shall do and perform all dredging necessary to provide full, ready, and ample access to and ingress, egress, and regress to and from the said dock.

74. Her Majesty's warships and vessels belonging to the Government shall have the preferential use of the dock and premises when required.

75. For the purpose of effecting repairs to vessels in the said dock, any Contractor, mechanic, labourer, or artisan may go into and upon the said dock at all times and may carry over the said premises all articles and materials of every description free of charge.

76. The Contractor shall not make or allow exceptional rates or charges, or afford any advantage or privilege whatever to vessels the work upon which, whilst in dock, is to be done or performed by the said Contractor.

77. The Contractor agrees that the said dock shall be continuously and efficiently operated and used in the manner and for the uses and purposes for which it was constructed and has hitherto been used. And that upon failure in the due observance and performance of this stipulation the said dock and all the appurtenances thereto shall become forfeited to the Government, who shall thereupon have the right to re-enter and take possession of the same for the public use of the Colony.

78. It is agreed that the Contractor shall take over and assume the control and management of the several telegraph lines in the Colony belonging to the Government, and of all material and other property pertaining thereto, from the first day of April next till the fifteenth day of April, A.D. 1904, the Contractor assuming all the cost of maintenance and operation, and receiving the earnings and profits of the lines. The Government agrees to pay to the Contractor for the performance of the said service the sum of $10,000 per annum, which the Contractor agrees to accept in full satisfaction of any loss which he may sustain by reason of any deficit upon the earnings and profits of the lines.

79. It is further agreed that from and after the said fifteenth day of April, A.D. 1904, and until the expiration of the said term of fifty years provided by this contract, the Contractor shall continue to maintain and operate the said lines and offices free of any charge to the Colony by way of subsidy or otherwise.

80. It is further agreed that in the event of the Government deciding to make additions or extensions to the present system, the Contractor shall construct, maintain and operate the new or additional lines and offices, the Government paying the cost of construction, and the annual loss or deficit, if any, upon cost, maintenance, and operation.

81. For the purpose of determining the amount of earnings and profits of any line or office constructed and operated under this clause, it is agreed that the line or office shall be held to have earned and be entitled to credit for the tariff upon all messages received into or delivered from such office.

82. The Contractor shall have the right, at his own cost, to construct, maintain, and operate such extensions or branches of the telegraph system hereby transferred or such further or additional systems by wire or cable as he may consider necessary or desirable.

83. It is also agreed that the tariff rates for all messages which shall be sent over any portion of the system operated by the Contractor under the foregoing clauses shall not exceed twenty-five cents for ten words, and two cents for every additional word. This clause shall not be held to apply to messages by cables passing to and from Newfoundland, from and to any other country.

84. It is further agreed that from and after the 15th day of April, A.D. 1904, the Contractor shall, at his own cost, establish telegraph connection between St. John's and the present Government office and the line at Whitbourne, and between the various branches and offices of the present Government system.

85. It is agreed that such legislation shall be enacted as shall be necessary in order to secure the preservation of secrecy in relation to the contents of all telegraph messages passing through the telegraph system under the control of the Contractor, such as the exclusion of all persons except telegraph operators of the offices from the telegraph offices, the imposition of penalties upon all persons guilty of, or parties to, the violation of secrecy, and other such similar provisions.

86. It is understood that the undertaking on the part of the Contractor to operate the present Government lines shall be construed to include the continuance of the several offices in operation at the time of the making of this contract.

87. It is further agreed that for a period of six years no operators or other servants in the employ of the Government in or upon the said Government offices or lines at the time of the making of this contract shall be dismissed or discharged except with the approval of the Government, or for sufficient cause.

88. It is further agreed that the Contractor shall, at his own cost, within two years from the making of this contract, construct telegraph lines to, and establish offices at the following places :—

The Gravels (Port-au-Port) ; Salvage (Bonavista Bay) ; Moreton's Harbour and Exploits Burnt Islands (Notre Dame Bay).

And shall at his own cost, maintain the said lines and offices in operation in the same manner and subject to the same provisions and conditions as are contained in this contract in respect of the lines and offices hereby transferred.

89. The Contractor shall at all times afford every reasonable facility for the inspection of all telegraph lines comprehended under this contract, by such persons as the Government may appoint for that purpose.

90. The Contractor agrees, at the option of the Government, to be signified within one year from the date of this contract, to purchase and take over the interest and property of the Government in and to the telegraph lines, material and property of and pertaining to the Government telegraphic system hereinbefore described, subject to the several terms and conditions of this contract of maintenance and operation, and to pay the Government as compensation or purchase money therefor the sum of $125,000, payable on the 15th April, A.D. 1904.

91. The Government undertakes to procure the enactment of all such legislation by way of charter or otherwise as may be necessary to secure to the Contractor the power and privilege of maintaining and operating the said telegraph lines, and such additions or extensions thereto as the Contractor may desire to construct and operate.

92. All payments of capital are to be made to the Contractor in bonds of the Colony, bearing interest at 3½ per cent., and all annual payments are to be made in cash, quarterly.

93. The Contractor agrees to procure the construction and operation of the electric railway in the town of St. John's provided for by the Act 60 Vict., cap. 20, and to connect the said street railway with the said West End terminus of the railway, as soon as the latter shall be completed.

94. The Government agrees, upon the construction of the said street railway, to procure the paving of Water Street with granite blocks. The work to be carried out by the Contractor under and according to the specifications forming schedule "D" to this contract, for which the Government agree to pay the Contractor the sum of $140,000.

95. The Government agree to grant to the Contractor the exclusive use of Petty Harbour Pond, or Petty Harbour Long Pond, or such other lake in the vicinity of St. John's, as the Contractor may select for the purpose of providing power for his electric railway. In the event of his selecting Long Pond, the Contractor undertakes to construct, at his own cost, a sufficient water main to and near the West End terminus, the use of which shall be at the disposal of the St. John's Fire Department when necessary in case of fire.

96. It is further agreed between the parties that the Contractor shall not assign or sub-let this contract or any part or portion thereof to any person or corporation whomsoever without the consent of the Government.

(*a*) Provided that this clause shall not be held to prohibit or prevent the Contractor from raising money upon bonds or mortgages upon the security of the property the subject matter of this contract, subject to the provisions and conditions thereof.

97. All matters in difference arising between the parties hereto upon any matter connected with or arising out of this contract shall be referred to three arbitrators: one each to be named by the parties hereto, and a third to be named by the Supreme Court or a judge thereof, and the award and decision of any two of the said arbitrators shall be binding, and the award of such arbitrators shall be a condition precedent to the right of either party hereto to bring any action against the other upon any matter of difference arising out of this contract.

The provisions of the "Arbitration Act, 1895," shall apply to all submissions to arbitration under this contract.

98. The Government undertake to enact all such legislation as may be necessary to give full effect to the contract and its several causes and provisions thereof, according to the spirit and intent thereof, and also such as may be necessary to facilitate and enforce the collection and payment of fares and rates, the preservation of order and discipline in the trains and stations, and generally to give to the Contractor all such powers, rights and privileges as are usually conferred upon or granted to railways and railway companies for the purposes of their business.

No. 21.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received March 14, 1898.)

Government House, St. John's,
March 2, 1898.

SIR,

WITH reference to my despatch of the 27th ultimo,* in which I forwarded for your information newspapers containing speeches made in the House of Assembly by the leading supporters and opponents of the Railway Contract, I now enclose, in continuation, further newspapers† on the subject. These are party papers. The Methodist paper which I enclose is a Church paper, but that and the letter from the Roman Catholic Bishop of St. John's, which I also forward by this mail, points in the direction that there is not that unanimity of opinion, even in St. John's, as to the merits of the Contract which the number of its supporters in the House of Assembly might lead one to suppose. The clauses in the Contract operate, of course, enormously in favour of the St. Johns' population as compared with the out-ports, and the fact that the Opposition hold the six seats in St. John's was probably the cause of Mr. Morris and others voting for the Contract.

"Telegram," 28th Feb., 1898.
"Telegram," 1st Mar., 1898.
"Herald," 1st Mar., 1898.
"Methodist Greeting," Mar., 1898.
"Telegram," 2nd Mar., 1898.
"Herald," 2nd Mar., 1898.

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* Not printed.

† Not reprinted.

2. Minutes of Council, 1st and 2nd inst.

2. I enclose copies of the minutes of my Executive Council which my Ministers requested me to send you by telegraph yesterday and to-day.* The Contract would, of course, find work for a considerable number of men on the branch line into St. John's West, and in paving Water Street, and without such works there will be undoubtedly, I think, a large number of men, who have for the last three or four years been employed on the railway by Mr. Reid, out of employment; they will probably amount to more than 2,000. At the same time it is to be observed that the agent of the Canadian Pacific Railway, who came here lately to enlist 1,500 men to work on the "Crow's Nest Branch," failed in the main in his object.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 21.

Certified Copy of Minutes of the Honourable Executive Council approved by His Excellency the Governor on the 1st March, 1898.

Resolved—That His Excellency the Governor be requested to cable the following message to the Right Honourable Secretary of State for the Colonies immediately:—

"My Ministers awaiting my signature to Railway Contract in order to insert it for ratification in Bill to be brought before Legislature. Assembly adjourned to-day awaiting introduction Bill. Ministers advise signature. They say contractor cannot delay making financial arrangements without injuriously affecting him and Colony by postponing commencement labour-giving industries. They add that thousands of men now destitute will require, in Spring, the labour this contract will give, and that its enactment without delay is therefore essential. They say that industrial development consequent upon contract will materially increase revenue, and subsidies agreed upon therein must be provided in Supply. Except for this, Supply and Ways and Means now about ready. Million dollars now needed to pay debentures called in last year, which million Contract provides. Ministers say this fact, together with relief from obligation upon Colony of operating railway at great annual loss, and certain increase of revenue by development of resources, will most materially improve Colony's credit, and will immediately stabilitate financial affairs here."

J. Alex. Robinson,
Colonial Secretary.

Enclosure 2 in No. 21.

Certified Copy of Minutes of the Honourable Executive Council approved by His Excellency the Governor on the 2nd March, 1898.

Resolved—That His Excellency the Governor be requested to send the following cable message to the Right Honourable Secretary of State for the Colonies, viz.:—

"My Ministers urge my signature immediately. They say the marked delay in introducing Bill is causing public comment, and unfairly influencing future course of legislation. They assert that all interests are and shall be protected, and say that measure can be disallowed hereafter if found unjust or inexpedient. They argue that, as power to disallow protects all interests, their conduct of legislation should not be interrupted in intermediate stages in a manner which may prejudice a good measure, and that is otherwise extremely inconvenient. They request a prompt reply, as all legislation is stopped. Two members of Government and several legislators must leave in a few days for seal fishery."

J. Alex. Robinson,
Colonial Secretary.

No. 22.

Governor Sir H. H. MURRAY to Mr. CHAMBERLAIN.

(Received March 14, 1898.)

Sir, Government House, St. John's, March 2, 1898.

With reference to my telegram† of this day on the subject, I have the honour to forward herewith, for your information, the protest of the leaders of the Opposition

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* Nos. 6 and 7. † No. 10.

against sanction being given to the Railway Contract. I may observe that the Opposition in the House number only 13 members, and five of these, led by Mr. Morris, voted for the contract. I have already pointed out that the provisions of the contract are very much in favour of the St. John's population, and of the five members of the Opposition who voted for the contract, three sit for St. John's West, where the largest distribution of immediate labour will take place if the contract becomes law.

I have, &c.,

H. MURRAY,
Governor.

Enclosure in No. 22.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

The Memorial of the undersigned humbly sheweth as follows :—

Your Memorialists, members of the House of Assembly of Newfoundland, beg respectfully to submit this, their most earnest protest against the enactment of a Bill about to be passed by the Assembly, entitled "A Bill relating to the operation of the Railway, and other matters," and which deals with a transfer in fee simple of the railways, dock, telegraphs, and crown lands, and of a monopoly for thirty years of the inland and coastal carrying trade of this Colony to Mr. R. G. Reid, Railway Contractor, of Montreal, in the Dominion of Canada. The following recital of facts may be regarded as important in considering the objections of your Memorialists herein set forth.

A general election took place in this Colony in October last, which resulted in the return to power of the present ministry, and the matter of the disposition of the assets of the Colony did not form an issue for the consideration of the electorate. The denunciation of the land concessions that had been made by the late Government under the Railway Operating Contract of 1893 to Mr. R. G. Reid, which was resorted to throughout the political campaign, was a large factor in the return of the present party to power.

Since that date the question of further concessions to Mr. Reid has not been discussed either on public platforms or in the press. No reasons have been laid before the people for the change in the policy which the Government enunciated at the polls, and the great majority of the people of this Colony are unaware that the Government even contemplate making further concessions. The manner in which the Government have dealt with the matter would appear to indicate a desire on their part to prevent a knowledge of this transaction from reaching the constituencies until after the transfer has been finalized.

The question was sprung upon the Legislature, your Memorialists not having received any intimation of the intentions of the Government until notice of the resolutions was tabled. One of your Memorialists then asked, on behalf of the Opposition members of the Assembly, for a postponement of the discussion of the matter for a week, so as to afford the House sufficient time to consider the merits of the proposal. This was refused by the leader of the Government, and it was only after a strenuous effort that the Opposition succeeded in having forty-eight hours granted to them in which to consult and decide upon the question.

On Tuesday, the 22nd ultimo, the leader of the Government moved the House into Committee of the whole upon the resolutions aforesaid. They were only spoken to by the leader of the Government and another minister, all other members on the Government side of the House abstaining from offering an opinion thereupon. A division was taken on Friday, 25th, and the resolutions were carried by a solid vote of the Government party.

On the 28th ultimo the leader of the Government gave notice to introduce a Bill to carry out the proposals contained in the resolutions adopted, and for the suspension of the rules of the House in reference to the Bill. The desire to rush this legislation is thus apparent ; but it has not been made to appear that there was any justification for this unusual and hasty mode of procedure.

Your Memorialists object to the enactment of this Bill

First.—Because it is an absolute conveyance in fee simple of all the railways, the dock, telegraph lines, mineral, timber, and agricultural lands of the Colony, and virtually disposes of all the assets representing our funded debt of seventeen million dollars for the comparatively insignificant consideration of about two hundred and eighty thousand pounds sterling..

Second.—Because the disposal of these assets places the Colony beyond the power to negotiate a loan in future, should such a course become necessary.

Third.—Because in 1895 this Colony raised in London two million and a half of dollars, and set out in the prospectus the railway, dock, telegraphs, and crown lands as the assets justifying that loan ; and your Memorialists consider that the Bond holders, as creditors of the Colony, have an equitable, if not a legal claim upon these assets as security for that loan.

Fourth.—Because while the Bill conveys large and valuable mineral, agricultural, and timber areas, which, together with former concessions amount to four million acres, it makes no provision for the development of those lands.

Fifth.—Because while these lands are to be granted as consideration for the operation of the railway, there is no security for its continuous operation, and in case of failure on the part of Mr. Reid or his assigns to continuously operate, he will still hold these lands and minerals, no provision having been made in the Bill that they shall revert to the Crown.

Sixth.—Because after Mr. Reid has received all the lands that he is entitled to under the Operating Contract of 1893, there will be no more land available along the line of railway ; therefore the land to be taken under the now proposed conveyance will be along the seaboard. This will give Mr. Reid a virtual monopoly of the mineral wealth of the Colony.

Seventh.—Because the great need of the Colony is capital to develop its latent resources. During the past twelve months experts and agents of foreign capitalists have visited this Colony ; and as a result syndicates are being formed in London and in New York for the prospecting and working of mines along the sea coast. Under the proposed conveyance all ungranted lands are subject to be reserved to Mr. Reid for selection for the next three years. Other capitalists will therefore be deterred from carrying out their intentions, and the people of the Colony will thereby suffer great loss.

Eighth.—Because it transfers to Mr. Reid and his assigns in fee simple the whole of the coal areas at Grand Lake, eleven square miles, and it is quite competent for him or his assigns to convey the property to a Coal Syndicate, whose interest it might be to lock up these coal mines, in order to limit supply. The amount of coal that Mr. Reid is called upon to raise annually in order to hold the property will not be more than enough for the requirements of the railway and works in connection therewith.

Ninth.—Because the conveyance embraces the whole Government telegraph system of the Colony ; and your Memorialists believe that it is not in the interest of the public that any man or firm connected with the mining, lumbering, or trade of the Colony should have control of the telegraphs. The confidence of the public should be a primary consideration. To secure that confidence it is necessary that the lines remain the property of the Government, and be managed by men who have no interest in the import or export trade.

Tenth.—Because the conveyance includes a monopoly for the next thirty years of the coastal carrying trade. No tenders were invited for this service, and it is impossible, therefore, to say whether or not the subsidies approved are the lowest for which it could be obtained. It will also be noticed that the Contract contains no specifications of the class of the steamers to be employed.

Eleventh.—Because the Contract provides that one of the streets of this city shall be paved at a cost of one hundred and forty thousand dollars. This work was not placed out at tender, nor have any means been tried to ascertain whether the work could be performed for a lower sum. Further, the said sum of one hundred and forty thousand dollars is to be a charge upon the City of St. John's, which is under the control of a Municipal Council, and neither the citizens nor the said Council have been consulted in regard to the matter, the action of the Government, therefore, being an arbitrary interference with the rights of the citizens and of the said Council.

Twelfth.—Because the proposal also includes the sale of the dry dock and the granting without consideration of valuable waterside property belonging to the municipality aforesaid, with respect to which property the Municipal Council have not been consulted, although the cost of the said property and the improvements thereto is part of the standing debt of the City.

In conclusion your Memorialists would state that if Her Majesty's Government are unable to concur in the views herein set forth, then your Memorialists would respectfully submit that the questions involved are of sufficient importance to warrant an appeal to the

electorate, so that the people of this Colony may have an opportunity to pronounce upon a measure so far reaching in its consequences, and affecting so vitally the future welfare of the Colony.

Signed, on behalf of the Opposition,

House of Assembly,
St. John's, Newfoundland,
March 2nd, 1898.

R. Bond,
Leader.
W. H. Horwood,
Secretary.

No. 23.

Mr. CHAMBERLAIN to Governor Sir H. H. MURRAY.

(Sent 12.10 p.m., 15th March, 1898.)

Telegram.

Bill sufficient for protection of legal rights Cable Company. You may assent to Railway Bill.

No. 24.

Governor Sir H. H. MURRAY to Mr. CHAMBERLAIN.

(Received March 22, 1898.)

Government House, St. John's,
6th March, 1898.

Sir,

With reference to my telegram* of this day's date, I now enclose, for your information, a copy of the protest, dated 5th instant, against the approval of the Railway Contract which has been sent me by the agents in this Colony of the Anglo-American Telegraph Company. The Memorialists ask that the Act may be reserved by me, pending Her Majesty's pleasure. I have not been able to obtain a copy of the contract with the Company, but as, *quâ* this Colony, their rights under it cannot be greater than those given in the Acts relating to it, and as those rights seem to me to expire in 1904, and no further lines are now likely to be erected by the Company in this island, I do not understand the objections made in the protest.

The 82nd section, which gives the Contractor cable powers, may, however, be one of Imperial interest.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 24.

Morison & Hutchings,
Barristers, Solicitors, and Notaries,
Duckworth Street, St. John's.

Sir,

We have the honour to enclose herewith in duplicate a memorial from the Anglo-American Telegraph Company, Limited, addressed to Your Excellency and to Her Majesty's Principal Secretary of State, protesting against the enactment of the Act introduced into the Legislature to confirm the railway contract recently made between Your Excellency and Robert G. Reid, railway Contractor, and praying that said Act may not be assented to or may be reserved until Her Majesty's pleasure concerning it shall be signified. In view of the extraordinary nature and extensive scope of the proposed legislation and of its damaging effect upon the rights and property of our principals, we have to ask Your Excellency's best consideration of the facts set forth in the memorial, and for your prompt action in the direction therein indicated.

We have, &c.,
Morison & Hutchings.

To His Excellency
Sir Herbert H. Murray, K.C.B.,
&c., &c., &c.

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* No. 15.

To His Excellency Sir Herbert Harley Murray, K.C.B., Governor and Commander-in-Chief in and over the Island of Newfoundland and its dependencies ; and to the Right Honourable Her Majesty's Principal Secretary of State.

The Memorial of the Anglo-American Telegraph Company, Limited, respectfully sheweth as follows :—

1. By an Act passed by the Legislature of Newfoundland in the seventeenth year of the reign of Her present Majesty, certain persons named in the said Act were created a body corporate and politic under the style and title of "The New York, Newfoundland, and London Telegraph Company," and certain rights, powers, privileges, and franchises were granted to the said Corporation, as will fully appear upon reference to the said Act, and to the several Acts passed in amendment thereof.

2. Memorialists desire that reference may be had to the whole of the said Acts, but they call particular attention to the following sections and parts of sections of the Act, 17 Victoria, chapter 2, that is to say :—

Section 6.—The said Company shall construct, complete, keep in order, and operate a main or trunk line of magnetic, electric, or other telegraphs from St. John's to or towards Cape Ray, and also from St. John's to or towards Trepassey ; and may also construct, complete, keep in order, and operate any other line or lines from any point in Newfoundland to any other point or points therein, or elsewhere, as may be determined on by the Company ; and also branch lines connecting the said main or trunk lines with any town or village in Newfoundland ; provided always that such branch or other line shall not interfere with the existing lines of the St. John's and Carbonear Electric Telegraph Company, or any other lines that may be constructed between St. John's and Carbonear by the said Company. And provided also, that if at any time after ten years from the passing of this Act, any branch line to connect with any town or village aforesaid be desired by the Government of this Colony, and the Company shall not establish the same within twelve months after a requisition to that effect from the Government of this Colony, the Government of this Colony may establish such branch line at its own expense for local traffic only.

Section 7.—The Company may erect or maintain their said lines of telegraph along the side of or across any public highways, bridges, water courses, or other such places, provided they do not interfere with the public right of travelling thereon, and may enter upon any lands or places, and survey and set off such parts thereof as may be necessary for the said lines of telegraph, and may take from any part of the ungranted and unoccupied Crown lands of this Colony any posts or building materials necessary to make or repair the lines or any buildings in connection therewith.

Section 10.—So soon as the said line of telegraph shall be completed from St. John's to Cape Ray, or any other point on the west coast of Newfoundland, the Governor, shall on the application of the Company from time to time, issue grants under the Great Seal of this island, to the said Company of any ungranted and unoccupied wilderness land in Newfoundland, in blocks or parcels the contents of which shall not be less than three square miles, and in all not exceeding fifty square miles, subject nevertheless to such percentage upon the produce of mines, and to such conditions as to the working thereof, within a limited period, not less than ten years, and to such conditions as to the permanent settlement in fee simple of such land by one settler to every five hundred acres so granted, within five years from the date of any such grant, and to the right of the public to construct any roads and bridges in and over the said land, as now are or may hereafter be specified and defined by the laws of Newfoundland and Great Britain ; and the said Company shall have power to alien or dispose of the said lands, or any part or parts thereof, or to occupy, work or use the same, or any part thereof, in any manner it may deem proper, subject to the like conditions and reservations as aforesaid.

Section 14. The corporation hereby created shall have the sole and exclusive right to build, make, occupy, take, or work the said line or any line of telegraph between St. John's and Cape Ray, or between any other points in this island (excepting only the existing line between St. John's and Carbonear) for the full period of fifty years from the passing of this Act ; subject nevertheless to the right of pre-emption by the Government of

this Colony, as hereinafter provided ; and during the said period of fifty years, no other person or persons, body or bodies, politic or corporate, shall be permitted to construct, purchase, take or operate, any line or lines of telegraph on this island, or to extend to, enter upon, or touch any part of this island, or the coast thereof, or of the islands or places within the jurisdiction of the Government of this Colony, with any telegraphic cable, wire, or other means of telegraphic communication, from any other island, country, or place whatsoever. Provided, however, that if the said line of telegraph shall not have been completed from St. John's to Cape Ray or other point on the western coast of Newfoundland, and a communication by telegraph across Prince Edward Island or the island of Cape Breton or otherwise, established with the continent of America, within five years from the passing of this Act, the exclusive privileges granted by this section shall cease.

Section 15. If at any time after twenty years from the passing of this Act it shall be deemed advisable by the Governor in Council that the lines of telegraph and other property of the said Company shall be transferred to and vested in the Government of this island, it shall be lawful for the Governor to cause a written notice to be given to the said company, which shall be served upon the president, or director or manager in this island, which notice shall state that the Government has decided upon becoming the holder of the said lines and other property ; and thereupon the Governor and the Company shall each choose an arbitrator, and the arbitrators so chosen shall appraise the telegraph lines, wires, cables, apparatus, vessels and all other property connected therewith, and if they cannot agree they shall choose a third as umpire, and if they do not make such choice, the Supreme Court shall appoint an umpire, and the appraisement of any two of them shall be taken as the true and just value of said property ; and after the expiration of one year from the time the award of the arbitrators shall have been communicated to the Government and the Company, and after the payment made or tendered in manner hereinafter provided, all and singular the said telegraphic lines, wires, cables, apparatus, vessels, and other property so appraised, shall become the property of Her Majesty, for the benefit and public use of this island, and shall be thenceforth held free and discharged from all claims of such Company or shareholders thereof, or any person whomsoever ; but this section shall not apply to any lands granted to the said company, by virtue of the tenth and twenty-second sections of this Act, nor to the proceeds thereof, or any land or property purchased with such proceeds, nor to the bonusses to be paid to the Company, or to any land or property purchased with the same or any part thereof, nor to any mines or minerals, or the property connected with the management or working of such mines or minerals.

Section 18. The said Company shall have power to establish, construct and work a line or lines of telegraph between Newfoundland and Ireland or any other island, place, or places in the Atlantic Ocean, or in Europe or in the United States, and to construct, purchase, or work any telegraph line or lines, or means of communication, in Canada, Prince Edward Island, Cape Breton, Nova Scotia, New Brunswick, and the United States, and in the waters adjacent to or between the said islands, provinces, or states, and between any of them and Newfoundland : Provided, however, that such consent as may be necessary shall be first obtained of the Governments of said Provinces and States respectively ; and generally to purchase or hire any line of telegraph which may now or hereafter be constructed by any person or persons, or body or bodies, politic or corporate, in the United States, or British Provinces of North America, or in Europe, and to use the same for the transmission of messages and intelligence ; and they may also construct, purchase, hire, or use, any steam or other vessels to aid in the acquisition or transmission of intelligence between America or Europe, or in carrying on any of the operations of the said Company.

Section 22. So soon as the said Company shall have actually established a communication across the Atlantic Ocean by means of a submarine cable or wire from this island, the said Company shall be entitled to receive from the Government of this island a grant of fifty square miles of ungranted and

unoccupied wilderness land, to be selected by the said Company, in addition to the grants hereinbefore mentioned, and subject to the same conditions and provisoes as are mentioned in the tenth section of this Act.

3. The whole of the rights, powers, privileges and franchises granted to the said New York, Newfoundland and London Telegraph Company by and under the said Acts have been for many years, and now are, vested in Memorialists.

4. Under the rights and powers granted by the said Acts communication has been established by means of submarine cables or wires between Newfoundland and various parts of the world, and telegraph lines have been constructed and operated from many points in Newfoundland to other points therein. Some of these lines have been constructed and operated by memorialists and their predecessors in title, while others of them have been constructed and operated by the Government of Newfoundland under the rights reserved to it by the sixth section of said Act 17 Victoria, chapter 2.

5. Within the past few days a contract has been entered into between the Government of Newfoundland and Robert Gilespie Reid, of Montreal, Railway Contractor, and an Act is now being considered by the Legislature having for its object the adoption and confirmation of the said contract. The said Act and contract are very extensive in their operation and confer large powers and privileges upon the contractor, and memorialists desire that reference may be had to the whole of the said Act and contract when the prayer of this memorial is being considered.

6. Memorialists desire to call particular attention to the following sections of the said contract, that is to say :—

Section 78.—It is agreed that the Contractor shall take over and assume the control and management of the several telegraph lines in the Colony belonging to the Government, and of all material and other property pertaining thereto from the first day of April next till the fifteenth day of April, A.D. 1904, the Contractor assuming all the cost of maintenance and operation, and receiving the earnings and profits of the lines. The Government agrees to pay to the Contractor for the performance of the said service the sum of $10,000 per annum, which the Contractor agrees to accept in full satisfaction of any loss which he may sustain by reason of any deficit upon the earnings and profits of the lines.

Section 79.—It is further agreed that from and after the said fifteenth day of April, A.D. 1904, and until the expiration of the said term of fifty years provided by this contract, the Contractor shall continue to maintain and operate the said lines and offices free of any charge to the Colony, by way of subsidy or otherwise.

Section 80.—It is further agreed that in the event of the Government deciding to make additions or extensions to the present system, the Contractor shall construct, maintain, and operate the new or additional lines and offices, the Government paying the cost of construction, and the annual loss or deficit, if any, upon cost, maintenance, and operation.

Section 81.—For the purpose of determining the amount of earnings and profits of any line or office constructed and operated under this clause, it is agreed that the line or office shall be held to have earned and be entitled to credit for the tariff upon all messages received into or delivered from such office.

Section 82.—The Contractor shall have the right at his own cost to construct, maintain and operate such extensions or branches of the telegraph system hereby transferred, or such further or additional systems by wire or cable as he may consider necessary or desirable.

Section 83.—It is also agreed that the tariff rates for all messages which shall be sent over any portion of the system operated by the Contractor under the foregoing clauses, shall not exceed twenty-five cents for ten words and two cents for every additional word. This clause shall not be held to apply to messages by cables passing to and from Newfoundland, from and to any other country.

Section 84.—It is further agreed that from and after the 15th day of April, A.D. 1904, the Contractor shall, at his own cost, establish telegraph connection between St. John's and the present Government office and the line at Whitbourne and between the various branches and offices of the present Government system.

Section 85.—It is agreed that such legislation shall be enacted as shall be necessary in order to secure the preservation of secrecy in relation to the contents of all telegraph messages passing through the telegraph system under the control of the Contractor, such as the exclusion of all persons except telegraph operators of the offices from the telegraph offices, the imposition of penalties upon all persons guilty of, or parties to, the violation of secrecy, and other such similar provisions.

Section 86.—It is understood that the undertaking on the part of the Contractor to operate the present Government lines shall be construed to include the continuance of the several offices in operation at the time of the making of this contract.

Section 87.—It is further agreed that for a period of six years, no operators or other servants in the employ of the Government in or upon the said Government offices or lines at the time of the making of this contract shall be dismissed or discharged, except with the approval of the Government or for sufficient cause.

Section 88.—It is further agreed that the Contractor shall at his own cost, within two years from the making of this contract, construct telegraph lines to, and establish offices at the following places :—

The Gravels (Port au Port) ; Salvage (Bonavista Bay) ; Moreton's Harbour and Exploits Burnt Islands (Notre Dame Bay). And shall at his own cost maintain the said lines and offices in operation in the same manner and subject to the same provisions and conditions as are contained in this contract in respect of the lines and offices hereby transferred.

Section 89.—The Contractor shall at all times afford every reasonable facility for the inspection of all telegraph lines comprehended under this contract, by such persons as the Government may appoint for that purpose.

Section 90.—The Contractor agrees, at the option of the Government, to be signified within one year from the date of this contract, to purchase and take over the interest and property of the Government in and to the telegraph lines, material and property of and pertaining to the Government telegraphic system hereinbefore described, subject to the several terms and conditions of this contract of maintenance and operation, and to pay the Government as compensation or purchase money therefor the sum of $125,000, payable on the 15th April, A.D. 1904.

Section 91.—The Government undertakes to procure the enactment of all such legislation by way of charter or otherwise as may be necessary to secure to the Contractor the power and privilege of maintaining and operating the said telegraph lines, and such additions and extensions thereto as the Contractor may desire to construct and operate.

The said telegraph line and property shall be exempt from municipal or local taxation.

7. Memorialists respectfully urge that the said sections or some of them confer powers and privileges upon the Contractor which are in breach and violation of the powers and privileges vested in memorialists under the said Act 17 Victoria, chapter 2, and if the said contract is adopted, and confirmed by the Legislature in its present form, the rights and privileges of your memorialists will be invaded and prejudiced, and much damage will be occasioned to their rights and property.

8. Under the Act 17 Victoria, chapter 2, memorialists claim that they have the sole and exclusive right (1) to construct and operate all land telegraphs in Newfoundland except such lines as are established by the Colony at its own expense under the proviso contained in section 6 and (2) to build, make, occupy, purchase, take, operate or work ; (*a*) all land lines in Newfoundland, and (*b*) all submarine cables or wires between Newfoundland and any other country or place. Memorialists further claim that the proviso contained in section 6 read in conjunction with section 14 of said Act, does not confer upon the Government of Newfoundland any authority or right to transfer any land lines established under the proviso contained in section 6 to any person or persons other than your memorialists for purposes of operation or otherwise.

9. Memorialists respectfully urge that the sections of the railway contract hereinbefore set forth, will prejudice and damage and in some cases will absolutely confiscate,

take away, and render valueless the rights and privileges conferred upon memorialists by the Act 17 Victoria, chapter 2 in the following particulars *inter alia*:—

(1.) Section 78 and 86 assume to transfer to the contractor the right to *occupy*, *take*, *operate*, and *work* land lines in Newfoundland.

(2.) Sections 80, 81, 83, 85 and 88 assume to give to the Contractor the right to build, make, occupy, and operate land lines in Newfoundland, and to do so without regard to the restrictions contained in sections 6 and 14 of the Act 17 Victoria, chapter 2.

(3.) Section 82 assumes to give to the Contractor the right to *construct*, *build*, *make*, *occupy*, and *work* both land lines and submarine cables without restriction of any kind. This is a clear and undoubted violation of the sole and exclusive rights of memorialists and a virtual confiscation of their rights and property without compensation of any kind.

(4.) Section 90 assumes to give to the Contractor the right to *purchase*, *take*, and *operate* land lines in Newfoundland in violation of the rights of memorialists under section 14 of the Act 17 Victoria, chapter 2.

(5.) In section 91 the Government undertake to procure the enactment of all legislation that may be necessary to sustain the Contractor in the violation of the rights and confiscation of the property of memorialists hereinbefore particularised.

10. Memorialists call particular attention to the provision of section 15 of the Act 17 Victoria, chapter 2, which confers upon the Government of Newfoundland the right to become the holders of the lines of telegraph and other property of memorialists, and to have the same transferred to, and vested in the Government upon payment of the appraised value of said property. Provision is made in said section for the appraisement of the property, and for the payment of its true and just value should the Government decide to become the holder of it and have it become the property of Her Majesty, for the benefit and public use of Newfoundland. The railway contract now under consideration assumes to destroy the rights of memorialists under this section, and to confiscate and hand over their property to the Contractor without compensation of any kind.

11. For the reasons hereinbefore expressed, memorialists emphatically protest against the enactment into law of the said Act now being considered by the legislature, and they ask as of right that His Excellency the Governor shall exercise his prerogative of (1) refusing to assent to the said Act, or (2) reserving said Act until the pleasure of Her Majesty shall be signified concerning the same.

12. Memorialists are British subjects, residing out of Newfoundland, and respectfully call the attention of His Excellency the Governor to the clause in his draft of instructions, which says that "Our said Governor is not to assent in Our name to any "bill of an extraordinary nature or importance whereby the rights and property of Our "subjects, not residing in Our said Colony, may be prejudiced." It cannot be denied that the Act complained of is one of the most extraordinary measures in its nature, scope, and importance that has ever been introduced into the legislature of Newfoundland, and, as memorialists have shown, it violates and prejudices, and in some of its sections confiscates and absolutely takes away, the rights and property of memorialists, who are British subjects, residing out of Newfoundland.

13. Memorialists, therefore, respectfully pray that His Excellency the Governor will be pleased to refuse to consent to the said Act, or to reserve the same until Her Majesty's pleasure shall be signified concerning it.

14. Memorialists further respectfully pray that Her Majesty's Principal Secretary of State, for the reasons hereinbefore set forth, will be pleased to advise Her Majesty to refuse to assent to the said Act.

And, as in duty bound, memorialists will ever pray, &c.

For the Anglo-American Telegraph
Company, Limited,
Morison & Hutchings,
Solicitors.

Dated at St. John's, Newfoundland,
this Fifth day of March, A.D. 1898.

No. 25.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received March 22, 1898.)

Government House, St. John's,
March 7, 1898.

SIR,

WITH reference to the correspondence on the subject, I enclose herewith for your information a copy of the Bill for carrying out the Railway Contract, as it passed the House of Assembly on the 3rd instant. Railway Contract Bill, 1898.

The area of the coal district specially granted in the contract is 44½ square miles.

I am, &c.,
H. MURRAY,
Governor.

Enclosure in No. 25.

A BILL.

An Act to provide for the Maintenance and Operation of the Newfoundland Railway and for other purposes.

Whereas the Government now owns and operates a line of railway from St. John's to Harbor Grace called the Newfoundland Railway ;

And whereas there are also under construction for the Government : (1) a branch line of railway called the Clarke's Beach Branch, and (2) an extension of the so called Newfoundland Railway from Harbor Grace to Carbonear ;

And whereas the Government is the owner of a line of railway from Whitbourne to Placentia known as the Placentia Railway, and of a line of railway from Placentia Junction on the Placentia Railway to Port-au-Basque, known as the Newfoundland Northern and Western Railway ;

And whereas there is also under construction for the Government a branch line of railway from the said Northern and Western Railway to Burnt Bay ;

And whereas in the year 1893 a contract was entered into between the Government and Robert G. Reid, of Montreal, in the Dominion of Canada, railway contractor, for the maintenance and operation of the said Newfoundland Northern and Western Railway ;

And whereas it is necessary to make provision for the maintenance and operation of the said Newfoundland Railway and the said several branch lines and extensions now under construction or to be constructed ;

And whereas it is desirable to make provision for improved terminal facilities in St. John's ;

And whereas it is desirable that the maintenance and operation of the said several lines, branches, and extensions should be combined in one system and under one management and control for an extended period ;

And whereas it is also desirable to make provision for an improved mail service by steamers in connection with the said railway system ;

And whereas it is also desirable that the Government telegraph service, now partially maintained and operated by the said Robert G. Reid should be managed under one system at reduced cost to the Colony ;

And whereas it is desirable to promote the development of certain coal areas, now reserved for the use of the Colony, and to provide for the raising of a revenue by the levying of royalties upon minerals raised from lands granted to the said Robert G. Reid ;

And whereas an agreement has been entered into between the Government and the said Robert G. Reid, to embrace and provide for the carrying into effect of the foregoing objects and purposes, subject to the approval and confirmation of the Legislature ;

And whereas it is desirable to confirm and give effect to the said agreement ;

Be it enacted by the Governor, the Legislative Council, and the House of Assembly, in Legislative Session convened, as follows :—

1. This Act may be cited as "the Newfoundland Railway Act, 1898."

2. The agreement made between His Excellency Sir Herbert Murray, K.C.B., Governor of the Island, on behalf of the Government, of the one part, and Robert G. Reid, of Montreal, in the Dominion of Canada, railway contractor, hereinafter called the

Contractor, of the other part, dated the third day of March, A.D. 1898, and forming Schedule A to this Act, and hereinafter called the contract, is hereby approved and confirmed, and all and singular the several clauses, provisions, and conditions thereof are hereby declared to be valid and binding upon the said parties thereto, and each of them, respectively ; and all and singular the several acts, matters, and things therein provided to be done or performed by or on the part of the parties respectively, are hereby declared to be proper and lawful, and in so far as not by this Act expressly provided for the parties, and each of them, shall have full power and authority to do and perform, or refuse to do and perform, all and singular the several acts, deeds, matters or things in and by the said contract provided to be done, or not to be done, as the case may be, in the manner and under the conditions stipulated and provided by the said contract.

3. For the purpose of selecting and surveying and marking out the route for the new branch or line into the West End of St. John's, provided for by clause 26 of the contract, it shall be lawful for the Government or Contractor, their engineers, surveyors, workmen and others to enter upon public or private property and to convey over the same all such vehicles, animals, materials, and implements and generally to do all and singular such acts and things as may be necessary for the purpose of such survey and marking out, and upon the same being so marked out and defined, to enter upon and take possession of the same, and to remove or cause to be removed therefrom all buildings or other property ; and the land for the said track shall thereupon vest in and become the property of Her Majesty, Her heirs and successors, for the purposes of the said railway and of this Act.

4. For the purpose of ascertaining the damage that may be occasioned to any person whose interests in any lands or tenements may be affected under the provisions of this Act, unless the same be agreed upon between the said party and the Governor-in-Council, which agreement the Governor-in-Council is hereby authorized to make, the Governor-in-Council shall appoint two persons and the party interested shall appoint a third, which three persons or any two of them shall determine the amount of compensation, if any, to be paid to such party according to his interest therein. And in case such party shall refuse or neglect to appoint an arbitrator within seven days after notice in writing so to do from the other two arbitrators, such two arbitrators shall name a third arbitrator, and the award of any two of them shall be final and binding ; and the said arbitrators shall be sworn before a Justice of the Peace to do justice between the parties, and may summon and require the attendance before them of all parties interested in the property to be appraised by them, the agents of such parties respectively, and also all necessary witnesses, and require the production of all deeds and papers requisite to establish the title or interest of any party claiming compensation in manner hereinbefore mentioned, and may examine upon oath, to be administered by any one of such arbitrators, all such parties or their agents and all such witnesses touching the matter to be enquired into. If the arbitrators shall be of opinion that the proprietors of land taken for the purposes aforesaid may be indemnified at a less expense by having an equal portion of land assigned to them from any land adjoining, and that such adjoining land may be taken without material injury to the proprietor thereof, the said arbitrators shall mark off and in like manner appraise so much of the said adjoining land as they may think sufficient to replace the land required as aforesaid, and the same so marked off shall belong to the first mentioned proprietors, and be in lieu of all indemnity ; and the appraised value of the same shall be paid to the party from whom such land was so taken, and shall be a full satisfaction and release of the same, and of all right and title thereto : provided, that if the land so to be given shall not be deemed an equivalent for the land so to be appropriated for the said purposes of the said railway and buildings as aforesaid, the said proprietor shall be paid such sum as may be, with the land so to be given, a full satisfaction for the land so dedicated.

5. The Governor-in-Council shall have power to take possession of the waterside property at the West End of St. John's called and known as the Municipal Basin, and to hold, apply and transfer the same to the Contractor who shall hold the same for the purposes and subject to the conditions set forth in the contract.

6. For the purpose of operating the said railway according to the provisions of the contract, the Contractor shall have, possess, and exercise all such powers, franchises, and privileges as may from time to time be necessary, whether expressly provided for in the said contract or this Act or not ; as fully and amply as if the said provisions were enacted or set forth in an Act of Incorporation or Charter expressly conferring the said powers and privileges upon the Contractor.

7. The areas of land near Grand Lake referred to and defined in clause 40 of the contract in which coal has been discovered are hereby declared to be reserved to the Crown from public sale, grant, or other disposition, and exempt from the provisions of the Acts of the Colony relating to Crown lands and the disposition thereof; and the said land shall be held by the Governor-in-Council for the purposes set forth in said clause 42 of the contract, to be granted to the Contractor under and subject to the provisions and conditions of the contract.

8. For the purpose of ascertaining the amount of compensation, if any, to be paid to Messrs. Angel & Company, under the provisions of clause 74 of the contract, in case the parties cannot agree thereupon, the said Angel & Company shall appoint one arbitrator and the Contractor shall appoint a second, and the Supreme Court shall appoint a third, and the award of the said arbitrators or any two of them shall be final and binding upon both parties.

9. The provisions of the "Arbitration Act, 1895," shall be held to apply to the arbitration provided for by the foregoing section.

10. The Governor-in-Council and the Contractor, and each of them respectively, shall have power to carry out the work of paving Water Street, in St. John's, as provided for by clause 98 of the contract, and for that purpose to do and perform all such acts and things as may be necessary or expedient.

11. For the purpose of providing power for the Electric Railway under clause 97 of the contract, the Governor-in-Council shall have power to grant to the Contractor the exclusive use of any of the lakes mentioned in the said clause. After such exclusive use has been granted as aforesaid, any person using, trespassing upon, or in any way interfering with the lake so granted or the water thereof, shall be liable upon summary conviction to a fine of one hundred dollars or imprisonment for a term of three months.

12. For the purpose of carrying the said work into effect, it shall be lawful for the Contractor to enter upon public or private lands, roads, or highways, and to erect and construct such buildings, reservoirs, machinery and other works as may be necessary, and also to dig and excavate the land for the purpose of laying pipes or mains, and also to erect poles and connect the same with wires, and to carry the said wires over or under the said land, and generally to do and carry out all such other works and things as may be necessary for the purposes set forth in the said clause.

13. The amount of compensation to be paid to any person who may sustain damage under the provisions of the next preceding clause, which shall be paid by the Contractor, shall be determined by arbitrators who shall be appointed in the same manner and shall have the same powers as are provided by sections 8 and 9 of this Act.

14. The Governor-in-Council shall have power to raise by loan upon the credit of the Colony, the following amounts, to be applied to the following purposes, as provided by the said contract, viz.:—

(*a*) A sum not exceeding $100,000, to be paid to the Contractor for the re-railing of the line of railway from Whitbourne towards St. John's, under clause 25 of the contract.

(*b*) A sum not exceeding $100,000 to be paid to the Contractor for the building of a new line or branch, into the West End of St. John's, under clause 26 of the contract.

(*c*) The sum of $140,000 to be paid to the Contractor for the paving of Water Street, St. John's, under clause 98 of the contract.

(*d*) Such sum as may be found sufficient and necessary to defray the portion to be borne by the Government of the cost of the surveys of blocks or areas of lands to be selected by the Contractor and the Government along the line and elsewhere, as provided by clause 19 of the contract.

(*e*) Such sum as may be found sufficient and necessary to provide for the payment of claims under section 4 of this Act as compensation for damages sustained, and of the expenses of and incident to the ascertainment and determination of the said claims by arbitrators or otherwise.

The interest upon the several sums to be raised under this section shall be at the rate of 3½ per cent.

15. The said loan shall be payable at the expiration of fifty years from the date of the several debentures.

16. The form of debentures to be issued for the said loan shall be that set forth in Schedule B to this Act.

SCHEDULE B.

I, Receiver General of Newfoundland, do hereby certify that by virtue of an Act passed in the Sixty-first year of the Reign of Her present Majesty, entitled "An Act to provide for the Maintenance and Operation of the Newfoundland Railway, and for other purposes," I have received, by way of loan, from the sum of dollars, bearing interest at the rate of 3½ per centum per annum, payable half yearly on the first days of July and January in each year, until and after the expiration of 50 years from the date hereof when the principal sum shall be payable in gold.

Given under my hand, at St. John's, this day of A.D., 189 .

Countersigned,

Receiver General.

Colonial Secretary.

No. 26.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

SIR, Downing Street, March 23, 1898.

IN my telegram of the 2nd instant* I informed you that if your Ministers, after fully considering the objections urged to the proposed contract with Mr. R. G. Reid for the sale and operation of the Government railways and other purposes, still pressed for your signature to that instrument, you would not be constitutionally justified in refusing to follow their advice, as the responsibility for the measure rested entirely with them.

2. Whatever views I may hold as to the propriety of the contract, it is essentially a question of local finance, and as Her Majesty's Government have no responsibility for the finances of self-governing colonies, it would be improper for them to interfere in such a case unless Imperial interests were directly involved.

On these constitutional grounds I was unable to advise you to withhold your assent to the Bill confirming the contract.

Feb. 25. March 2. 3. I have now received your despatches† as noted in the margin, giving full information as to the terms of the contract, and the grounds upon which your Government have supported it, as well as the reasons for which it was opposed by the Leader and some members of the Opposition.

4. I do not propose to enter upon a discussion of the details of the contract, or of the various arguments for and against it, but I cannot refrain from expressing my views as to the serious consequences which may result from this extraordinary measure.

5. Under this contract and the earlier one of 1893 for the construction of the railway, practically all the Crown Lands of any value become, with full rights to all minerals, the freehold property of a single individual, the whole of the railways are transferred to him, the telegraphs, the postal service, and the local sea communications, as well as the property in the dock at St. John's. Such an abdication by a Government of some of its most important functions is without parallel.

6. The Colony is divested for ever of any control over or power of influencing its own development, and of any direct interest in or direct benefit from that development. It will not even have the guarantee for efficiency and improvement afforded by competition, which would tend to minimize the danger of leaving such services in the hands of private individuals.

7. Of the energy and capacity and character of Mr. Reid, in whose hands the future of the Colony is thus placed, both yourself and your predecessor have always spoken in the highest terms, and his interests in the Colony are already so enormous, that he has every motive to work for and to stimulate its development, but he is already, I believe, advanced in years, and though the contract requires that he shall not assign or sub-let it to any person or corporation without the consent of the Government, the risk of its passing into the hands of persons less capable and possessing less interest in the development of the Colony is by no means remote.

8. All this has been fully pointed out to your Ministers and the Legislature, and I can only conclude that they have satisfied themselves that the danger and evils resulting

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* No. 8. † Nos. 20 and 22.

from the corruption which, according to the statement of the Receiver General, has attended the administration of these services by the Government, are more serious than any evils that can result from those services being transferred unreservedly to the hands of a private individual or corporation; and that, in fact, they consider that it is beyond the means and capacity of the Colony to provide for the honest and efficient maintenance of these services, and that they must therefore be got rid of at whatever cost.

9. That they have acted thus in what they believe to be the best interests of the Colony I have no reason to doubt, but whether or not it is the case, as they allege, that the intolerable burden of the public debt, and the position in which the Colony was left by the contract of 1893, rendered this sacrifice inevitable, the fact that the Colony, after more than forty years of self-government, should have to resort to such a step is greatly to be regretted.

10. I have to request that in communicating this despatch to your Ministers you will inform them that it is my wish that it may be published in the "Gazette."

I have, &c.,
J. CHAMBERLAIN.

No. 27.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

SIR, Downing Street, March 30, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 6th March,* forwarding a Memorial from the Newfoundland agents of the Anglo-American Telegraph Company protesting against the Railway Contract Act.

I shall be glad if you will inform the Memorialists that I have carefully considered their representations, but that I am unable to comply with their prayer, and that the rights of the Company appear to be sufficiently safe-guarded by the Supplementary Act which has been passed.

I have, &c.,
J. CHAMBERLAIN.

No. 28.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received March 31, 1898.)

SIR, Government House, St. John's, March 16, 1898.

I ENCLOSE herewith for your information a copy of the "Evening Herald"—the Government organ—containing the speech† of Mr. Morine, the Receiver-General, on the financial prospects of the Colony for the year ending 30th June, 1899. "Evening Herald" of 14th March 1898.

It may be that the principal point of interest in it is the complacency with which it is assumed that the grant by the Imperial Government of a sum (estimated, I believe, at £1,000,000) sufficient to reduce the annual interest payable on the Colonial Debt from about $600,000 to $400,000 will be the easy and certain sequence of an application for a Royal Commission.

I have, &c.,
H. MURRAY, Governor.

No. 29.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received April 11, 1898.)

SIR, Government House, St. John's, March 26, 1898.

WITH reference to my despatch of the 16th instant,‡ I enclose herewith for your information a copy of the resolutions which were last night adopted by the House of Assembly on the subject of a Royal Commission to enquire into the condition of the Colony. I also enclose a copy of the Government organ, giving a brief account of the proceedings in the House of Assembly on the introduction of the resolutions. As will be seen, the motion was unanimously adopted by all parties in the House, and it will be as unanimously passed by the Legislative Council. It will be borne in mind that when Resolutions of House of Assembly, 25/3/98. "Daily News," March 26, 1898.

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* No. 24. † Not printed. ‡ No. 28.

a resolution of a somewhat similar nature was moved by Mr. Morine, on behalf of the Opposition in 1896, it was opposed and thrown out by the Whiteway Government and its supporters. The reason for the present unanimity will be found in the expectations held out by the Receiver-General towards the close of his Budget speech, which I forwarded with my despatch of the 16th instant.* I understand that, according to present intentions, a delegation will proceed to London in June or July next in order to confer with you on the subject of the Royal Commission and the expected loan or grant from the Imperial Government.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 29.

House of Assembly, March 25, 1898.

Extract from Journal of the House.

The Chairman reported that the Committee had adopted the following resolutions :—

Resolved. That it is the opinion of this House that it is desirable that the Government should open negotiations with Her Majesty's Government on the basis of the proposals contained in a despatch from the Right Honourable the Secretary of State for the Colonies to His Excellency Sir Terence O'Brien, Governor, of the 9th February, 1891, and referred to by His Excellency the Governor in his speech at the opening of the present Session, for the appointment by Her Majesty's Government of a Commission to enquire into various subjects pertaining to the condition and affairs of the Colony, and more particularly set forth in the said despatch.

2. Resolved. That provision be made for the expenses necessary for the conduct of the negotiations referred to in the foregoing resolution.

3. Resolved. That the House requests the concurrence of the Honourable the Legislative Council in the foregoing resolutions.

The motion that the report be received and adopted was carried by a unanimous vote of the House, and on motion of the Honourable Receiver-General it was ordered that the names of all Members voting be inscribed in the Minutes.

Edward Shea,
Clerk of the House of Assembly.

Enclosure 2 in No. 29.

Hon. the Premier moved the adoption of the following Resolution :—

"Resolved.—That it is the opinion of this Committee that it is desirable that the Government should open negotiations with Her Majesty's Government, on the basis of the proposals contained in a despatch from the Rt. Honble. the Secretary of State for the Colonies to His Excellency Sir Terence O'Brien, Governor, of the 9th February, 1891, and referred to by His Excellency the Governor in his Speech at the opening of the present Session, for the appointment by Her Majesty's Government of a Commission to enquire into various subjects pertaining to the condition and affairs of the Colony, and more particularly set forth in the said despatch.

"That the concurrence of the Honble. the Legislative Council in foregoing resolution be requested."

Hon. the Premier reminded the Committee that as far back as 1891 Her Majesty's Government had offered to send out a Commission to enquire into our agricultural and mining resources, the financial condition of the Colony, the French Treaty Rights and how far they had operated against us, and to report as to what remedies could be applied. The local Government of the day did not entertain this offer favorably, on account of certain conditions attached to the offer. There had since been two applications on our part for assistance from the Imperial Government, once after the fire in St. John's in 1892, and afterwards in 1894 after the suspension of our Local Banks. The present Government were of opinion that the time is now favorable for the renewal of this effort

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* No. 28.

to have our affairs placed before Her Majesty's Government in a proper manner. He (Hon. the Premier) was of this opinion because the statesman now in charge of the Colonial Office in England, Mr. Chamberlain, was a man whom he felt sure would take the most favorable view of our case, and would be willing to assist us in every way. It was fortunate for us that at this time such an able man filled the position of Secretary of State for the Colonies. It must, however, be understood that nothing should follow from these negotiations that would in any way seriously affect our own rights of Government. The Resolutions are entirely free from anything that can be construed as entertaining that which may take away or even limit the rights of self Government which the Colony now enjoys. The practical results of these negotiations will have to be submitted to this Legislature for their approval. He would therefore ask the Committee to assent to the proposals which were now before the chair.

Mr. Bond considered the matter before the chair to be a National rather than a Party question. He congratulated the Hon. the Premier on the able and dispassionate manner in which he had introduced these Resolutions. He desired to take the earliest opportunity of recording his support to the Resolutions, and he and those associated with him would wish "God Speed" to the Premier on his mission to the Imperial Government. There was good reason, and good hope, in our proposal to approach the Throne on the matter of assistance to develop our natural resources, because in the past England had always been willing to assist her Colonies. It was time, also, that our claims for the settlement of the Treaty Rights were enquired into, and the difficulties in connection therewith set at rest. Two things he would ask for, first, that no sanction on our part should be given to any Bill on the lines of that submitted in 1891, and second that we can consent to nothing that may lead to the abrogation of the Charter of the Colony. He again wished the Government every success in their mission, and believed the result of the negotiations would receive the unanimous sanction of the Legislature.

Hon. Receiver-General thought it a happy omen that this important matter should receive the hearty approval of every member of the House. So much had been said by the Hon. the Premier and the leader of the Opposition, that there was not much for him to touch upon, but he was pleased that we were all agreed that the best thing that could happen to the Colony at the present time was the coming of a Royal Commission. The good things that this Commission would have to say about our great natural resources must result in the immediate influx of capital, so that these resources may be developed, and employment of various kinds be given to our people. He (R.G.) believed the coming of the Commission would also result in our financial burdens being considerably lessened. Perhaps the most important matter for the Commission to deal with would be to take evidence and report upon the condition of the people on the French shore, and to ascertain in what particular respect the Treaty obligations of Great Britain and France may have operated to the prejudice of that portion of our population, and further to suggest remedies for the removal of these disadvantages. The more he (R.G.) thought of the matter, he considered our case was so strong that our claims could no longer be denied. We shall go to the Secretary of State for the Colonies with our colours nailed to the mast. We shall plead not only for sympathy but for justice. The present Head of the Colonial Office stands second to no man in the British Empire for ability and influence, and in granting us a full measure of assistance he (Mr. Chamberlain) would only be carrying out the policy he had always advocated. At the same time we can never assent to anything that may interfere with our rights of local self government. This was the position that he (R.G.) had always taken.

Mr. Morris desired to add a few words in support of the Resolutions before the chair. He was in accord with such proposals respecting a Royal Commission now because the Colony was never in a better condition to approach the British Government for assistance. By the recent railway contract we had decreased our National Debt by one million dollars, and we had converted what were liabilities to be assets of the Colony. He believed the Imperial Government could float a loan for us which would save us three hundred thousand dollars a year in interest alone. He hoped that the result of the negotiations would also include the settlement of the French shore question.

Mr. Donnelly supported the Resolutions, and was of opinion that our claims for sympathy and justice from the Motherland would receive far more favourable consideration from the hands of Mr. Chamberlain than could have been hoped for in 1891 from Lord Knutsford, who was Secretary of State for the Colonies at that time. He (Mr. D.) was especially anxious that the present condition of the people living on the French shore should be properly enquired into, but he agreed with the Leader of the Opposition that no

Treaty Bill such as that submitted in 1891 should be entertained. He was glad that the assurance was given that our rights as a self-governing Colony were in no way to be interfered with.

Mr. Gibbs also spoke in support of the Resolutions, after which the Chairman, Mr. Goodridge, reported the Resolutions to the House. The motion that the Report be received was carried unanimously, and the names of the members present were inscribed in the Minutes.

Hon. the Premier was granted leave to introduce a Bill relating to the Municipal Affairs of the town of St. John's. The Bill was read a first time, and ordered to be read a second time to-morrow.

The House then adjourned till to-morrow (Saturday) at 3 o'clock p.m.

No. 30.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

SIR, Downing Street, April 15, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th ultimo,* forwarding a report of the speech of the Receiver-General of Newfoundland on presenting the Budget of the Colony for 1898–99, and of your despatch of the 26th ultimo,† enclosing a copy of Resolutions passed by the House of Assembly, which were foreshadowed in that speech, in favour of the Colonial Government opening negotiations with Her Majesty's Government on the basis of the proposals contained in Lord Knutsford's despatch of 9th February, 1891, for the appointment by Her Majesty's Government of a Commission to enquire into the condition and affairs of the Colony. It appears from the report of the debate on the introduction of the Resolutions that it is contemplated that the issue of the Commission will lead to the grant of substantial aid to Newfoundland from the Imperial Government.

2. You will be good enough to point out to your Ministers that circumstances have greatly changed since 1890 and 1891. Then application was made for a guaranteed loan for the development of Newfoundland by building a railway or otherwise, and Her Majesty's Government were prepared to issue a Royal Commission with a view to such a loan if the report of the Commission were favourable. The Colonial Government of the day deliberately refrained from inviting the Legislature to apply for the Commission, and proceeded with the railway. Now, not only the railway so built but also most of the other substantial assets of the Colony have been alienated, and there is no practical object to gain in issuing a Royal Commission such as the Receiver-General suggests.

3. An application for a Commission at the present time is, therefore, only an application for financial assistance to enable the Colony to meet the obligations it has incurred, and which the Receiver-General declares it is unable to meet without aid. Such an application cannot for a moment be entertained, and I request that you will at once inform your Ministers that it is impossible for the Imperial Government to take any responsibility, or accord any financial assistance, in the case of a self-governing Colony, which has had full control of its own finance, and is solely responsible for its mismanagement.

I have, &c.,
J. CHAMBERLAIN.

No. 31.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received May 14, 1898.)

SIR, Government House, St. John's, 30th April, 1898.

Minute of Council, 30th April, 1898.

I HAVE this evening received from my Ministers their reply to your despatch of the 23rd ultimo.‡ They are anxious that I should send it by the mail which leaves to-morrow, and I send it accordingly; but they have taken so much time in framing their reply that I am not sure whether it will arrive in time for publication with the rest of the papers on the subject of the contract.

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* No. 28. † No. 29. ‡ No. 26.

2. It is hardly necessary that I should make any remarks on their reply.

I reassert the opinion which I expressed in my Despatch of the 25th February,* that among the nominal supporters of the Bill, there was not that consensus of opinion in favour of the sale of the railway which the numbers alone who voted for it might lead one to think. I also reassert the statement that I made in the same despatch, that the supporters of the party had been informed that the Colony could not meet its engagements unless the proposals in the contract were accepted. I learnt this on the 24th February before the Receiver-General had informed the House of Assembly that the rejection of the contract meant "Confederation or a Crown Colony." The argument is the same, and, even if I had not heard that such was the case, it is hardly probable that an argument which was thus used in public had not been used at an earlier date in private.

3. I did not state in my Despatch of 2nd March† that "greater weight was to be given to the utterances of a clerical paper (Methodist), or to the opinion of the Bishop of St. John's (Roman Catholic), than to the opinion of men of business"; but I pointed out that such utterances showed that among educated and non-party men there was wanting that consensus of opinion which my Ministers still think exists in favour of the contract.

As to the Bishop's letter, I should have declined to produce it if it had been asked for, but as it was not asked for, "I did not decline to let Ministers see it."

4. I made no imputation against Mr. Morris. Any one with any experience is aware that a Member has to consider the interests of his constituents when dealing with a question of great importance to them, Mr. Morine stating in his speech "that it would result in the utmost benefit to the people of St. John's West."

5. I was in error in stating that of the five members of the Opposition who voted for the contract, three sat for St. John's West; two of them did so sit and vote. I made a mistake as to the third, there being two members of the same name—but with a slight difference in the spelling; one voted for, and the other, who sits for St. John's West, against the Bill.

6. As to the Opposition protest, I have only to observe as regards the proceedings of the Legislature, which are referred to in the 2nd paragraph of the reply to the memorial of the Opposition party, that the fact is that except upon the resolutions there was practically no discussion in the House of Assembly on the merits of the contract.

7. On Tuesday, February 22nd, Sir James Winter moved and explained the resolutions in a committee of the whole House. Mr. Bond asked for time to consider the contract till Friday the 25th. Sir James Winter agreed to give till Thursday the 24th. On that day a debate commenced which terminated the next day, when a division took place, no one speaking on the Ministerialist side except Sir James Winter and Mr. Morine.

8. On the afternoon of Thursday, the 3rd March, immediately after I had signed the contract, the Bill to carry the contract into effect was introduced by Sir James Winter. The Bill passed rapidly, in less than an hour, through all its stages that afternoon, and on the same afternoon it was sent up to the Legislative Council and there read a first time. It was read a second time on the 4th, and on Monday, the 7th March, it passed through Committee, and was read a third time without a division. The Honble. Mr. Knowling was the only Member who spoke against it.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 31.

Certified Copy of Minutes of the Honourable Executive Council approved by His Excellency the Governor on the 30th April, 1898.

30th April, 1898.

Resolved,—That His Excellency the Governor be respectfully requested to transmit the accompanying Minute of the Committee of Council to the Right Honourable the Secretary of State for the Colonies.

J. ALEX. ROBINSON,
Colonial Secretary.

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* No. 20. † No. 21.

With reference to certain statements made in a letter, dated February 25th, 1898, from His Excellency the Governor to the Right Honourable the Secretary of State for the Colonies :—

1. It is true that the supporters of the Government in the Legislature were not absolutely unanimous privately in their support of the purchase clause of the railway contract. One member of the Legislative Council supporting the Government—and one only—was opposed to it, though he did not vote against it. And one member of the Government party in the Assembly was privately opposed to the purchase clause, though he afterwards voted for the contract. Otherwise the accord of the supporters of the contract was unprecedentedly hearty, a heartiness and unanimity upon an important question greater than ever before witnessed by the most experienced of Ministers.

It is a further important fact that the support given to the measure by those who on general policy are political opponents of the Government, and especially the members of the Legislative Council, was hearty and unqualified, and the expression of a well-instructed and honest opinion upon the merits of the measure itself.

2. It is incorrect that the party supporting the Government were informed at a meeting that unless the contract were accepted the Colony could not meet its engagements on the 30th June next. Ministers desire to impress this fact, that with the exceptions just noted, the free, instructed, and conscientious opinion of the Government supporters in the Legislative Council and Assembly was from the outset in favour of the railway contract and all its details.

With reference to His Excellency's letter, dated 2nd March, 1898 :—

1. Ministers are not prepared to admit that greater weight should be given to the utterances of a "church paper" upon a matter of State than to expressions of ordinary newspapers, or to the opinion of a Bishop as to a railway contract, than to the opinions of men of business. A perusal of the article in the "church paper" referred to, and an examination of the contract, will show that its editor had not taken the precaution to read the contract ; and as to the Bishop's letter, the Governor has declined to permit Ministers to see it.

2. The imputation that Mr. Morris and others voted for the contract because the district of St. John's will be specially benefitted by it is unfounded and unjust. Of the six members for St. John's, three voted against the contract, and the vote given by Mr. Morris was quite in accord with the previous policy of the Government of which he was a member. Ministers cannot admit that it is justifiable, upon conjecture, to attribute to members of the Legislature, with reference to their conduct as such, motives less broad than they themselves profess.

With reference to His Excellency's second letter of date March 2nd, 1898 :—

1. It is incorrect that "of the five members of the Opposition who voted for the contract, three sit for St. John's West." One sat for St. John's East (Mr. Fox), one for Ferryland (Mr. Cashin), and one for Carbonear (Mr. Duff). The Opposition does not contain men of greater standing, ability or experience than the members of that party who voted for the contract.

With reference to the Memorial of certain members of the Opposition party in the Assembly :—

1. Denunciation of land concessions made to R. G. Reid in 1893, under the late Government, was *not* a large factor in the political campaign which terminated in the defeat of that Government. In one district only—namely, in Twillingate, was it made prominent, and in that district the late Government was supported. No deductions as to the feeling of the people on the subject can be drawn from the result of the General Elections in 1897.

2. It is not correct that "only after a strenuous effort the Opposition succeeded in having 48 hours granted to them in which to consult and decide upon the question." Delay was granted immediately upon request for it, and abundant opportunity for discussion was given both upon the resolution authorising a contract, and upon the second reading of the Bill to confirm it ; while upon the Committee stage of the Bill, the Opposition refrained from all discussion, to the surprise of the Government.

3. It is incorrect that the contract is "an absolute conveyance in fee simple of all the railways, the dock, telegraph lines, mineral, timber, and agricultural lands of the Colony." The recklessness or worse of such a statement should be sufficient proof as to the unreliability of the memorialists. The contract conveys about 1,500,000 acres of land, not one-tenth part probably of the mineral, timber, and agricultural lands of the Colony. Along the line of railway itself, the Colony will retain one-half of all the good land, and all the swamp or barren land. The dry dock and telegraph lines were amply

paid for, while it was the Colony's reversionary right in the railway, at the end of fifty years, which was sold, not the present fee simple.

4. It is incorrect that the land to be granted under the contract will be taken along the seaboard. Under the contract of 1893, Mr. Reid took blocks of land on both sides of the railway to a distance of 8 miles, but under the present contract he will take to a distance of 10 miles, so that he must receive a large portion of his land under the new contract in belts between 8 and 10 miles on either side of the railway. Large quantities of mineral land on the seaboard are already under lease to various parties, which leases will not be affected by the contract, and as to the remainder, if Mr. Reid discovers and works mines, the Colony can obtain from him that which it has never yet obtained from others, namely—a royalty upon all minerals mined.

5. It is untrue that "under the proposed conveyance, all ungranted lands are subject to be reserved to Mr. Reid for selection for the next three years." Such palpable misstatements require for their refutation merely a glance at the contract itself. A serious responsibility rests upon those who wilfully made so erroneous and damaging a statement.

6. It is incorrect that the contract includes "a monopoly for the next thirty years of the coastal carrying trade." Ministers submit that such wilfully misleading statements disentitle the memorialists to any consideration. The contract does not purport even to affect the coastal carrying trade, which is as free to the whole world as it has always been in the history of this Colony. Coastal steamers have been employed for many years to carry mails and passengers for subsidies granted for a term of years; and by the new contract, a better and cheaper system of steam boat communication than the Colony has ever possessed has been arranged for, but this does not affect the coastal carrying trade, which is conducted chiefly in sailing vessels.

With reference to the letter of the Right Honourable the Secretary of State for the Colonies, dated March 23rd, 1898, and to various comments made therein :—

(*a*) It is incorrect, and very, very far from the actual fact, that "under this contract (1898) and the earlier one of 1893, for the construction of the railway, practically all the Crown lands of any value become, with full rights to all minerals, the freehold property of a single individual." A glance at the contract of 1898 will show that one-half of all the land along the line of railway, and as much of the other half as the Contractor may reject as being marsh or barren, remains the property of the Colony, to be rendered more and more valuable by the enterprise of the Contractor or his successors on adjacent lands belonging to him or them. The total area of the Colony is 27,000,000 acres, of which 3,500,000 acres may be considered as lakes, ponds, &c., 500,000 acres as granted to various persons (not including land covered by timber licenses), leaving 23,000,000 acres from which to select the 3,500,000 acres to be granted to the Contractor under the two contracts 1893 and 1898. In addition, the area of Newfoundland Labrador, in which the Contractor may take some of his land, may be estimated at 70,000,000 acres.

(*b*) The contract of 1893 granted the contractor about 2,500,000 acres for operating the railway for seven years from its completion; not for "constructing" the railway. A glance will show that under that contract, the contractor would probably have procured all or almost all the good land along the line of railway for a depth of 8 miles on both sides. By a provision in the new contract, the contractor will obtain less of this land out of the larger total than he would have procured under the 1893 contract. Attention is especially called to the fact that in making the new contract, the then existing situation was the paramount consideration—not theoretical doctrines—and that the situation was this—that after seven years, with all the good land along the railway in the hands of the contractor, the total cost of operating the railway to develop those lands—a cost far greater than the revenue of the railway—would have fallen upon the Colony. It was necessary to provide, therefore, that the cost of operating the railway should fall upon the man who should own so much of the land. The Legislature had in 1898 to deal with things as they were—not as they might have been.

2. As to the telegraphs, it should be borne in mind that these were only, as it were, additions to the Anglo-American Company's system in this Colony, built by the Colony from time to time because the Company would not construct and operate them. They were never remunerative to the Colony, the expenditure upon their operation annually exceeding the income from them by 200 per cent. or more. A portion was already under the control of the contractor, under the contract of 1893. By the contract of 1898, the system of Government lines was consolidated, and a saving made by the Colony in the annual cost. It must be borne in mind that in this Colony—in North America, indeed—Governmental control of telegraphs is an anomaly, an accident, not part of a considered policy. All American or Canadian telegraphs are operated by companies, and nine-tenths

of the telegraph work of this Colony is done, and will continue to be done, by the Anglo-American Company. It was, furthermore, almost essential that the person operating the railway should also operate the general telegraphs, as the telegraph line for railway purposes is part of the system for general purposes.

3. We are at a loss to understand what is meant by the statement that "the postal service" is transferred to the Contractor. He has been given a contract to carry mails by various steamers, and by the contract of 1893 he was subsidized to carry mails by railway, as a matter of course, but he has not been given any control whatever over the postal service itself. Mails in this Colony have all along been carried by sea in steam boats under long time contracts, and the contract with Mr. Reid differs merely in this, that it is for a longer time than usual, for a better service, and for a cheaper rate. It is not exclusive—not a monopoly—and the Colony can employ other carriers when it pleases.

4. "Local sea communication" is a misleading phrase, when applied to the conditions of the contract as to "local steam communication." It is, perhaps, necessary to explain that the railway line passes by the heads of the great bays at places remote to the settlements in which the people reside, which places were formerly reached by sea in steamers known as "Coastal boats"; subsidized under long time contracts. This system of coastal boats has now been abandoned, in favor of a system of bay boats, connected with the railway system, and really a part thereof, extending to remote sections of the Colony the benefits conferred by the railway. This system of bay boats was essential to the railway; it was necessary to subsidize them, which was done by paying them for carrying mails, and, therefore, it is apparent that local steam communication and carrying the mails were matters concerning which it was essential that a contract should be made with the contractor for operating the railway.

5. The dry dock in St. John's was leased in 1890 to a local company. The interest on the amount for which the dock has been sold to contractor Reid is more than the annual rental previously received. The dock is built of wood, and likely to need considerable repairs in a few years. It is convenient as a railway terminus; in a contracted harbour it is the only really good site for such a terminus. Its preferential use for Her Majesty's ships of war, and for Governmental purposes, has been reserved. The Colony is fortunate in getting rid of its care and expense. Such docks, when for commercial purposes only, are private concerns usually on this side of the Atlantic.

6. It is wholly incorrect to say "The colony is divested for ever of any control over, or power of influencing, its own development," and equally incorrect to say that the Colony is divested of "any direct interest in, or direct benefit from, that development." The Colony will for ever control freight rates, which can never exceed a specified maximum. The steamboat contracts are for thirty years only, the subsidy for carrying mails by rail for fifty years only. Half or more of all the land along the line of railway will continue to belong to the Colony, and vast areas elsewhere. The contractor can only profit by promoting development, and development cannot take place without interest and profit, direct and indirect, to the Colony. Only by the sale of its land to speculators, miners, and investors in industrial pursuits could the Colony ever profit from its lands; and now it has for the first time succeeded in vitally interesting a great capitalist in that development, which he must promote for his own financial safety and advantage.

a. It is a mistake—based upon a misconception of facts—to say that the Colony will not have "the guarantee for efficiency and improvement afforded by competition." Rates of freight by sea and land must at all times be controlled in this Colony by the competition of steamers and sailing vessels. In the season of open navigation freight rates are absolutely controlled by the incessant competition of sailing craft. By a condition of the contract it is provided that rates made to meet this competition cannot be increased in the season when navigation is closed. As to the telegraph service, that has never been open to competition here; but by the contract, the rate after 1904 is never to exceed half the present rate. No exclusive right is given to the contractor, and the Anglo-American company will, it is presumed, continue to operate its lines after that date. And generally, as to telegraphs, steamers, and even railways, it should be noted that the Government or private parties are free under the contract to compete where, how, and when they please.

7. The Government cannot concede that operating railways, telegraph, or dry dock, or carrying mail by rail or steamboat, are "functions of a Government," and that they have been "abdicated." Despite all that may be said of state control of these public services, theoretically, it is apparent that, in their initial stages at least, they are beyond the capacity of a small and poor Colony; and, furthermore, that for their successful operation by a Government as public services it is essential that a public spirit should exist such as cannot be found in small Colonies. The Government place upon record their

opinion, based upon observation and experience, that the operation of such public services by a Government tends inevitably to corruption and extravagance, to inefficiency and demoralization ; and that direct governmental operation of railways, in this Colony, would not only be attended by all these evils, but would also result in materially retarding the development of the Colony.

8. With all that has been said of the contractor's energy, capacity, and character, Ministers heartily concur. They do not, however, share in the misgivings as to the contract passing into the hands of persons less capable than contractor Reid, or with less interest in the Colony's development. It is understood that the contract is practically to be carried out under Messrs. William D. and Henry D. Reid—sons of the contractor ; the former of whom has been in charge of the construction of the entire railway, and the latter of whom has from the outset been foremost in the management of the contractor's general business here. These gentlemen propose to settle in the Colony, and to control the carrying out of the contract, and it is pleasant to know that they possess similar qualifications to those which have so justly made their father—contractor Reid– a man of marked importance.

With especial reference to the contention that the railway, telegraph, and dry dock are assets pledged to the Colony's bond-holders resident abroad (mentioned in the Opposition Memorial), it is only necessary to say that the revenue of the Colony is the bond-holders' actual and best security. Within 50 years—during which the contractor will operate the railway for a land subsidy—the operation must cost annually a greater sum than the income will amount to, and by the contract therefore an annual loss to the Colony's revenue is avoided, to the great advantage of the bond-holders.

Within 50 years the bonds of the Colony now floating will have been paid off, and, consequently, in the disposition of the reversionary right of the railway the present bond-holders have no concern. In the meantime their security has been increased, not only contingently by the evasion of a threatened burden on the revenue, but by a decrease in the total debt and interest charge of the Colony, from the appropriation of the purchase money paid by the contractor to the payment of bonds of the Colony now due, and now in course of payment.

In conclusion, Ministers desire to say that they consider the contract is not merely a defensible one, but a great one, a measure of which they are proud, and which they confidently believe will be attended by great benefits to the Colony, and thereby to the empire. They expect marked development of the Colony's resources to result, with advantage to the Colony and its people ; and they can at least most conscientiously add that the contract has from the outset seemed to them to embody the one great opportunity for a long looked for and much needed change in the industrial condition of the Colony.

As a reply to the suggestion made by the Opposition to the effect that an appeal should be made to the electorate upon the policy of this measure, it may be stated that a vacancy in one of the largest and most important districts in the Colony, viz., that of Trinity, has just been filled by the return of the Colonial Secretary, a new and untried candidate in the constituency, without opposition.

J. Alex. Robinson,
Colonial Secretary.

No. 32.

Mr. CHAMBERLAIN to Governor Sir H. H. MURRAY.

Sir, Downing Street, June 3, 1898.

I have the honour to acknowledge the receipt of your despatch of the 30th ultimo,* transmitting to me the reply of your Ministers to your despatches, to the memorial of the Opposition members, and to my despatch of the 23rd of March,† on the subject of the sale of the Newfoundland Railway, and connected matters.

2. I have not found in this reply any reason to alter my general opinion of the contract made with Mr. Reid, and I notice that in some parts of their reply your Ministers do not quite accurately represent my comments.

---

* No. 31. † No. 26.

3. I observe that in paragraph 7 of their reply your Ministers substantially concur in the main conclusion at which I had arrived in regard to the contract and which was expressed in the 8th paragraph of my despatch and in these circumstances I do not consider that any useful purpose would be served by arguing the matter in detail ; and if the contract should result in the benefits to the colony which your Ministers anticipate, I need scarcely say that such a result will be most welcome to Her Majesty's Government.

4. I have added the reply and this despatch to the papers which are being presented to Parliament.

I have, &c.,

J. CHAMBERLAIN.

NEWFOUNDLAND.

FURTHER CORRESPONDENCE

RELATIVE TO THE

CONTRACT FOR THE SALE OF THE GOVERNMENT RAILWAY,

AND FOR OTHER PURPOSES.

(*In continuation of* [*C.*—8867] *May* 1898.)

Presented to both Houses of Parliament by Command of Her Majesty.
January 1899.

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28	Ditto	November 25. (Rec. Dec. 6.)	Expresses his views on the situation, and recommends that before the Act is finally allowed the wishes of the electorate should be ascertained.	31
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Serial No.	From or to whom.	Date.	Subject.	Page.
32	Governor Sir H. H. Murray.	December 10. (Rec. Dec. 23.)	Transmits a copy of an open letter addressed by Mr. E. M. Jackman to Mr. Reid, the statements in which, with the exceptions indicated, seem to state concisely some of the leading objections to the contract.	36
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NEWFOUNDLAND.

FURTHER CORRESPONDENCE

RELATIVE TO THE

CONTRACT FOR THE SALE OF THE GOVERNMENT RAILWAY,

AND FOR OTHER PURPOSES.

(*In continuation of* [*C*—8867] *May* 1898.)

No. 1.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received August 30, 1898.)

[*Answered by No.* 2.]

Government House, St. John's,
August 19, 1898.

SIR,

I HAVE the honour to forward to you herewith two petitions addressed to Her Majesty the Queen in Council bearing on the respective subjects of:—

(1.) My resignation of the Governorship being reconsidered.

(2.) The disallowance of the Railway Act passed at the last session of the Legislature.

The petitions were formulated and signed at a public meeting held in St. John's on the 17th instant.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 1.

St. John's, Newfoundland,
August 18th, 1898.

SIR,

I have the honour to enclose herewith a petition* from the citizens of St. John's, addressed to Her Majesty the Queen in Council, and relating to the appointment of a Governor of this Colony, and would request you to be good enough to forward the same to the Colonial Office at the first opportunity.

As the matter is a pressing one, it has been deemed advisable to forward the petition as soon as possible; but if more time were at our disposal there is no doubt that an immense number of signatures would be obtained.

I have, &c.,
A. le C. BERTEAU,
Secretary to meeting held British Hall, August 17th, 1898.

His Excellency
Sir H. H. Murray, K.C.B.,
Governor.

* Similar petitions from Pouch Cove and Pilley's Island were subsequently forwarded by the Governor.

To Her Most Gracious Majesty the Queen in Council.

The Humble Petition of the undersigned citizens of Saint John's, Newfoundland,
Most respectfully sheweth,

That your petitioners are desirous of approaching Your Majesty upon a question which your petitioners regard as being of vital importance to the future of the ancient and loyal Colony of Newfoundland.

The recent announcement of the intended resignation by Sir Herbert Murray of the office of Governor of Newfoundland has caused widespread anxiety for the welfare of this Colony, which at the present moment has reached a critical point in its history.

An extraordinary and, your petitioners believe, dangerous experiment has recently been tried here. The whole railway system, docks, telegraphs, and steam service of the Colony, together with large areas of public lands, have been handed over by the Government to a private contractor. This transfer was accomplished without submitting the question to the electorate for approval or rejection. It was done almost without consideration in the Legislature, and was passed through that body with indecent haste. At that moment but one voice could effectually be raised against the proposed sacrifice—that of Sir Herbert Murray—and the firm stand which he took in the matter is already upon record. The result of that experiment is yet to be known, and your petitioners, in common with the vast majority of the people of this Colony, feel that while Sir Herbert Murray continues to hold the office of Governor all attempts to encroach upon the liberties and rights of the people of Newfoundland will meet with determined opposition from his Excellency.

Sir Herbert's great experience of administration previous to his arrival here enabled him to obtain, in a surprisingly short time, an intimate knowledge of our local conditions and requirements, and during the period of his stay amongst us the extent of that knowledge has been continually manifested to our advantage.

Recent events have shown that contingencies may arise in which the welfare of the Colony might largely depend upon the presence, at the head of affairs, of a strong capable administrator, whose integrity and honesty of purpose have won for him the respect of the whole community.

Your petitioners therefore humbly pray that his Excellency Sir Herbert Murray may be requested to reconsider his decision and to give the Colony the benefit of his services at least until the expiry of the usual term of a Colonial Governorship, and, if possible, for a longer period.

And as in duty bound your petitioners will ever pray, &c., &c., &c.

Edward M. Archibald,
Daniel M. Hogan,
&c., &c., &c.

August 17, 1898.

Enclosure 2 in No. 1.

St. John's, Newfoundland.
August 18th, 1898.

Sir,

At a public meeting held last evening in the British Hall, a petition* was adopted and largely signed, relating to the recent Railway Contract Act, and I have the honour, as Secretary of that meeting, to enclose the said petition, and to request that you will be good enough to forward it to the Secretary of State at the earliest opportunity.

Copies of the petition are being sent to the out ports, and we expect that they will be largely signed. When the copies are returned they will be forwarded at once.

I have, &c.,
A. le C. Berteau,
Hon. Secretary.

His Excellency
Sir H. H. Murray, K.C.B.,
Governor.

---

* Similar petitions from Pouch Cove, Pilley's Island, Scilly Cove, Old Perlican, Western Bay, Portugal Cove, Ochre Pit Cove, Musgrave Harbour, Port de Grave, Torbay and District of Trinity were subsequently forwarded by the Governor.

To Her Most Gracious Majesty the Queen in Council.

The Petition of the undersigned inhabitants of the Island of Newfoundland, most respectfully sheweth,

That in the month of October Eighteen hundred and ninty-seven a general election took place in Newfoundland, which resulted in the return of the present Government Party, led by Sir James Winter. During the campaign preceding that election Sir James Winter's party relied chiefly for securing the support of the electorate upon denunciation of the land and other concessions made by the late Government in the year 1893 to Mr. R. G. Reid, a railway contractor. The return of Sir James Winter's party to power must be largely attributed to their attitude upon this question.

One of the first acts of the new Government was the introduction into the House of Assembly of a bill entitled "A Bill relating to the Operation of the Railway and other matters," whereby the railways, docks, telegraphs, and steam service of the entire Colony were transferred to the same Mr. R. G. Reid, accompanied by new and liberal grants of public land.

Notwithstanding the fact that under the contract made in 1893 between the Newfoundland Government and Mr. R. G. Reid, the latter was bound to operate the railway without further compensation, until the year 1903, this gigantic scheme was hastily introduced into the legislature and passed through the House of Assembly in all its stages in half an hour. No opportunity was given for adequate consideration or discussion of such an important measure.

The extraordinary haste with which the Bill was rushed through the Legislature prevented the constituencies from learning that such a sweeping transfer of the Colony's assets was even contemplated, much less accomplished, by the members of that very party who a few short months before had been so loud in denouncing the far milder concessions of their predecessors. Owing to the fact that the population of Newfoundland is scattered over an extensive sea-board, with comparatively few opportunities for communication with the capital, it is only at the present time that the outlying districts are becoming aware of what has been done in this matter by their representatives in the House.

In the light of that knowledge so recently acquired, your petitioners desire most respectfully to protest against the ratification of this improvident and extraordinary Bill.

And your petitioners humbly pray that Your Majesty may be graciously pleased to disallow the Bill "Relating to the Operation of the Railway and other matters," until its proposals shall have been submitted to the constituencies at a general election.

And as in duty bound your petitioners will ever pray &c., &c., &c.

Edward M. Archibald,
Daniel M. Hogan,
&c., &c., &c.

August 17, 1898.

No. 2.

Mr. CHAMBERLAIN to Governor Sir H. H. MURRAY.

Sir, Downing Street, September 2, 1898.

I have the honour to acknowledge the receipt of your despatch of the 19th ultimo,* covering two petitions to Her Majesty the Queen on the subject of your resignation of the Governorship of Newfoundland, and of the Railway Bill passed at the last session of the Legislature, both of which have been duly laid at the foot of the Throne.

With regard to the first of these petitions, I would refer you to my despatch of the 31st ultimo,† and as to the second, to my despatch of the 23rd March last,‡ to which I have nothing to add.

I have, &c.,
J. CHAMBERLAIN.

---

* No. 1.

† (Not printed) : The despatch eulogised the services of Sir H. H. Murray and regretted that the petition could not be granted, as other arrangements had been made.

‡ No. 26 in [C. 8867].

No. 3.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received September 12, 1898.)

[*Answered by No.* 4.]

Government House, St. John's,
August 30, 1898.

SIR,

WITH reference to my despatch of the 19th instant,* I have the honour to forward herewith to you two petitions, from Spaniard's Bay and Bay Roberts, in Conception Bay, on the subject of my remaining here, and in connection with the Railway Act passed at the last session of the Legislature.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 3.

SIR,

St. John's, Newfoundland, August 29, 1898.

REFERRING to my previous letter of the 18th instant, I have the honour to enclose a copy of the petition† relating to the appointment of a Governor of this Colony, which has been largely signed in Bay Roberts and Spaniard's Bay, and to request that the signatures may be forwarded to the Colonial Office.

I have, &c.,
A. LE C. BERTEAU,
p.p. C. O'N. C.

His Excellency
Sir H. H. Murray, K.C.B.,
Governor.

Enclosure 2 in No. 3.

SIR,

St. John's, Newfoundland, August 29, 1898.

REFERRING to my previous letter of the 18th instant, I have the honour to enclose a copy of the petition‡ relating to the recent railway Contract Act, which has been largely signed in Spaniard's Bay and Bay Roberts, and to request that the signatures may be forwarded to the Colonial Office.

I have, &c.,
A. LE C. BERTEAU,
p.p. C. O'N. C.

His Excellency
Sir H. H. Murray, K.C.B.,
Governor.

[The petition is identic with that in Enclosure 2 in No. 1, except paragraph 4, which runs as follows] :—

"The extraordinary haste with which the Railway Bill was rushed through the Legislature prevented the constituencies from learning that such a sweeping transfer of the Colony's assets was even contemplated, much less accomplished, by the members of that very party who a few short months before had been so loud in denouncing the far milder concessions of their predecessors. And it is only since the publication of the correspondence relative to the Railway Contract that the people had an opportunity of understanding on what grounds and by what means the Contract received the temporary assent of His Excellency the Governor. And owing to the fact that the population of Newfoundland is scattered over an extensive sea-board with comparatively few opportunities for communication with the capital, it is only at the present time that the outlying districts are becoming aware of what has been done in this matter."

---

* No. 1. † Identic with that in Enclosure 1 in No. 1.

‡ Three similar petitions from Harbour Grace and neighbourhood were subsequently forwarded by the Governor.

No. 4.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

SIR, Downing Street, September 16, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 30th ultimo,* covering two petitions from Spaniard's Bay and Bay Roberts, regarding, respectively, your tenure of office and the Railway Act, both of which have been duly laid at the foot of the Throne.

I have, &c.,
J. CHAMBERLAIN.

No. 5.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received September 23, 1898.)

[*Answered in terms similar to No. 4.*]

SIR, Government House, St. John's, September 14, 1898.

I HAVE the honour to transmit to you, in continuation of my despatch of the 6th instant,† petitions from Torbay,‡ St. Lawrence‡ and Upper Island Cove, against the Railway Contract, 1898, and with reference to my retention of the Governorship of the Colony, from Torbay§ and St. Lawrence.§

2. It will be observed that in the petition from Upper Island Cove, reconsideration of the Railway Contract Bill is urged on the ground that in the printed correspondence with the Secretary of State on the subject my Executive Council urged that as the ultimate power of the Crown of disallowing the Act protected all interests, their conduct of legislation should not be interrupted in its intermediate stages.

3. This view of the matter thus expressed by my Ministers will be found in Parliamentary Paper C–8867 of 1898, Page 3, No. 7, and at Page 20, Enclosure 2, in No. 21.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 5.

[The petition from Upper Island Cove respecting the Railway is identic with that in Enclosure 2 in No. 1, with the addition of the following paragraphs] :—

"Your petitioners have lately had an opportunity of perusing the correspondence between the Secretary of State for the Colonies and His Excellency the Governor, relative to the said Railway Bill, and observe that the Executive Council urged the Royal Assent being immediately given to the Bill on the grounds that the measure could be disallowed hereafter if found unjust or inexpedient."

"Your petitioners respectfully beg to point out that nothing has occurred since the date of the Minute of Council asking for the Royal Assent to alter the relative position of the parties, and no expenditures have been undertaken by the Contractor not referable to pre existing contracts except to a very limited extent, and the amount of which is easily capable of exact ascertainment."

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* No. 3.
† Not printed: Despatch forwarding petitions.
‡ Identic with that in Enclosure 2 in No. 1.
§ Identic with that in Enclosure 1 in No. 1.

No. 6.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received September 30, 1898.)

[*Answered in terms similar to No.* 4.]

Government House, St. John's,
SIR, September 19, 1898.

IN continuation of my despatch of the 14th instant,* I have the honour to forward herewith to you three petitions† against the Railway Contract, 1898, from :—

(1.) Outer Cove and Middle Cove (St. John's East).
(2.) Logy Bay (St. John's East).
(3.) St. Mary's (Placentia and St. Mary's).

In forwarding these memorials I have to observe that the Colony now seems to be waking up to the impolicy of the Railway Act. Until the printed correspondence had been received at the out-ports, the question appears to have received but little consideration, and the lateness of the date, 19th July, to which the publication of your despatch, No. 18 of the 23rd March last, was postponed, has produced a feeling prejudicial to the Ministry. If an appeal was now made to the electors generally, it is, in my opinion, probable that most of those who voted for the Contract would lose their seats ; in St. John's such would *certainly* be the case, popular as the men were who headed the poll in the East and West Districts at the last General Election.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 6.

SIR, St. John's, Newfoundland, September 17, 1898.

I HAVE the honour to acknowledge your Excellency's communication of the 12th instant and the despatch of 2nd September enclosed therein, and to express to your Excellency the deep regret with which the petitioners learn that your Excellency's departure is inevitable.

With regard to the latter part of the despatch of 2nd September, the prior despatch of 23rd March, therein referred to, has lately been made public, and its tenour is known to the signatories of the petition relating to the Railway Contract Act, 1898.

In this connection I beg to enclose petitions† from Outer Cove, Middle Cove, and Logy Bay (St. John's East), and St. Mary's (Placentia and St. Mary's), and to request that they may be forwarded to the Colonial Office.

I have, &c.,
A. LE C. BERTEAU,
p.p. C. O'N. C.

His Excellency
Sir H. H. Murray, K.C.B.,
Governor.

No. 7.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received September 30, 1898.)

[*Answered in terms similar to No.* 4.]

SIR, Government House, St. John's, September 20, 1898.

I HAVE the honour to forward to you herewith, at the request of Dr. Tait, 24 Petitions as set forth in the accompanying copy of that gentleman's letter of this date.

I have, &c.,
H. MURRAY,
Governor.

---

* No. 5. † Identic with that in Enclosure 2 in No. 1.

Enclosure in No. 7.

To His Excellency The Governor.

St. John's, September 20, 1898.

May it please Your Excellency :—

I have the honour to forward to you petitions from several places, as follows :—

10 petitions from people of Twillingate.
1 „ „ Burgeo and La Poile, asking for your retention as Governor : also,
8 petitions from people of Twillingate.
4 „ „ Fogo.
1 „ „ St. John's East, against the Railway deal, all of which I am instructed to ask you to be so kind as to transmit to the Right Honourable the Secretary of State for the Colonies.

I have, &c.,
J. Sinclair Tait.
Secretary of Committee of Members of the Liberal Party.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

The Memorial* of the undersigned humbly sheweth,

That your memorialists, electors of the District of Twillingate, have heard with regret that His Excellency the Governor of this Colony, Sir Herbert Harley Murray, K.C.B., has tendered his resignation to Her Majesty's Government.

We assume that His Excellency has been moved to this course of action by reason of the views that he entertains and has deemed desirable to convey to Her Majesty's Government, respecting the transfer of the Railway and other assets of the Colony to one R. G. Reid, which views are not in accord with those entertained by his Executive.

We have recently had an opportunity to peruse the correspondence relative to the sale of the Railway and other assets and we are in perfect accord with the protests that have been made against the said sale.

We desire to declare our approval of the attitude taken by His Excellency the Governor in relation to the matter, being of opinion that the extraordinary nature of the transaction entirely justified His Excellency's despatches, and we regret exceedingly that the Bill covering the transfer aforesaid was not reserved for Her Majesty's approval until the people of this Colony were afforded an opportunity to express their views in relation thereto.

Your memorialists believe that the interests of the Colony will be best conserved by the continued presence of His Excellency Sir Herbert Murray at the head of the Executive Government, and they most respectfully pray that Her Majesty's Government will request the re-consideration by His Excellency of his resignation and urge His Excellency's retention of office for a further term.

And as in duty bound, your memorialists will ever pray.

George Stewart,
Duncan Parsons,
&c., &c., &c.

[Note.—The other nine petitions were in identic terms.]

(From Burgeo and La Poile.)

To the Right Honourable Joseph Chamberlain, M.P., &c., &c.,

Her Majesty's Principal Secretary of State for the Colonies.

The Petition† of the undersigned inhabitants of Newfoundland humbly sheweth,

That your petitioners have learned with profound regret of the approaching retirement of his Excellency Sir Herbert Murray from the office of Governor of this island.

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* Similar petitions from Twillingate (North-West Arm) and Bay St. George were subsequently forwarded by the Governor.

† Four similar petitions from Harbour Grace and neighbourhood were subsequently forwarded by the Governor.

The present is a time of most critical anxiety in the Colony's history,—one which demands in the responsible position of Governor a man who is honest of purpose, independent of judgment, and trusted by all classes of the people.

His Excellency's intimate knowledge of every political, social, and commercial institution of the Colony, obtained by a close study of our local conditions since the date of his first arrival as Relief Commissioner in 1895, renders him peculiarly fitted for the office which he holds.

In the acquirement of this knowlenge His Excellency must have been considerably aided by his experience in the Civil Service of the mother-country. This experience is in itself a sufficient guarantee of His Excellency's capacity to deal with questions at the present time arising in this Colony, for whose determination a strong and capable administrator is needed.

As the jealous guardian of constitutional rights, and the steadfast protector of public interests, His Excellency has won the most widespread confidence and the highest regard.

His courage, probity, and unswerving integrity have provoked the respect and admiration of every creed and party, and by their high example have unquestionably raised and strengthened the standard of public duty throughout the Colony.

Under such circumstances the retirement of His Excellency from the Governorship of this Colony seems but little short of a public calamity, and one which your petitioners feel bound to employ every means in their power to avert.

Your petitioners therefore respectfully pray that His Excellency may be asked to reconsider his decision, so that not only may his term of office extend to the usual limit of a Colonial Governorship, but that at the expiration of that period it may be renewed.

And, as in duty bound, your petitioners will ever pray, &c.

GEO. WINSLOW,
&c., &c., &c.

DISTRICT OF TWILLINGATE.

To the Right Honourable HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES.

The Petition* of the undersigned humbly sheweth,

That your petitioners are duly qualified electors of this Colony. That they desire respectfully to protest against the ratification by Her Majesty's Government of the Bill passed by the Legislature of this Colony disposing of the Government railway and other assets of the Colony.

That your petitioners have refrained from any action in the premises up to this time, believing that such extraordinary and unprecedented legislation would not receive the approval of Her Majesty's Government.

That your petitioners have only very recently been made aware of the attitude of Her Majesty's Government respecting the said Bill.

That although it appears by your despatch to His Excellency the Governor, bearing date the 23rd of March, that His Excellency's Ministers were requested by you to give publicity to the views of Her Majesty's Government in relation to the said Bill, the same was withheld from publication until the 19th day of July.

That your petitioners avail of the earliest opportunity, after due consideration of the whole of the correspondence relative to the transfer aforesaid, to protest against and condemn the conduct of which the Executive Government have been guilty, and to express their entire approval of the protests that have been forwarded to Her Majesty's Government against the measure.

That your petitioners concur in the view taken by Her Majesty's Government that by the transfer complained of "the Colony is divested for ever of any control over or power of influencing its own development, and of any direct interest in or direct benefit from that development," and they contemplate with alarm the possible ratification of the said sale or transfer by Her Majesty's Government.

That your petitioners were in no way informed by the Government of their intention to make the transfer complained of, but, on the contrary, from the pronouncement of the present Government party at the polls, they had reason to regard any concessions by them to R. G. Reid as impossible.

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* Similar petitions from Jean de Bay (Burin), Killigrews (Harbour Main), &c., Twillingate District (2), Bay St. George, and Codroy Harbour were subsequently forwarded by the Governor.

That your petitioners have been deceived, and their dearest rights have been sacrificed by the political party at present in power in this Colony.

Your petitioners therefore pray that before the Bill complained of is finally approved and confirmed by Her Majesty in Council, the electors of this Colony may have an opportunity to pass upon the measure at the polls.

And as in duty bound your petitioners will ever pray, &c., &c.

JACOB MANUEL,
THOMAS CLARK,
&c., &c., &c.

[NOTE.—The petitions from Fogo and St. John's East were in identic terms.]

No. 8.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 8.45 p.m., October 7, 1898.)

TELEGRAM.

Another large public meeting at St. John's 4th October, convened by other parties than those who convened first; petition sent home by mail yesterday. But petitioners request me to inform you what is purport of petitions by telegraph; petitioners denounce strongly terms of contract as ruinous to Colony and in contradiction of promises held out at last general election; strongly condemn mode in which Act rushed through Legislature. As it has been adopted without the knowledge of electors generally, and as its consequences to Colony so far reaching, they petition that Her Majesty the Queen in Council may either disallow Act or withhold final assent until people have voted on it. They petition me dissolve legislature for such purpose; deputation from petitioners informs me that similar petitions have been sent to out-ports and expected to receive 20,000 signatures in four weeks or five weeks, on return of fishing population; at last general election 36,000 votes polled; petitioners wish telegram sent because, while they do not recognize legal liability of Colony for expenditure of contractor previous to assent of Her Majesty to Act, they understand, that although little expenditure has as yet taken place which is not referable to pre-existing contract, heavy expenditure just now in contemplation under this railway contract.

No. 9.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received October 11, 1898.)

[*Answered in terms similar to No.* 4.]

Government House, St. John's,
September 29, 1898.

SIR,

I HAVE the honour to enclose herewith for your information a copy of certain resolutions passed at a public meeting at Twillingate, on the 26th instant, against the ratification by Her Majesty of the Railway Contract Act, 1898.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 9.

Twillingate, September 27, 1898.

SIR,

AT a public meeting convened yesterday at the request of the citizens (permission was given to me by Francis Berteau, Esq., Stipendiary Magistrate, to call the same), the following Resolutions were moved by the Revs. Canon Temple, R.D., and T. H. James, Chairman of the Methodist District, and the same to be forwarded to your Excellency.

I may say the Town Hall was well filled with the electors, representing every denomination and political party. Resolutions passed unanimously, there being not one dissentient voice : good order prevailed throughout the whole meeting.

In conclusion we hope that the petitions and these meetings will have the desired effect, as the people seem unanimously opposed to said Bill.

I have, &c.,

CHARLES GEORGE D. MAYNE, J.P.

To His Excellency
Sir Herbert Harley Murray, K.C.B.,
&c., &c., &c.

COPY OF RESOLUTIONS of sympathy with the action at the meetings held at St. John's against Railway Bill and protest against the ratification of the same.

Resolution 1 of sympathy, &c. :

Moved by the Rev. Canon Temple, R.D., and seconded by Mr. Andrew Austey :—

Whereas :—We have heard that Public meetings have been held at St. John's and other large centres, thereby giving the Electors an opportunity of publicly protesting against the "Reid Railway Contract" and

Whereas :—We believe that it is the duty of the full electorate of the Colony to give expression of their views in regard to the matter in the strongest manner possible,

Be it therefore

Resolved :—That as electors of this District we wish to express ourselves as in perfect accord with the action taken and sentiments expressed at those meetings for that purpose.

Resolution 2 of Protest, &c. :

Moved by the Rev. J. H. James, Chairman of the Methodist District, seconded by F. J. R. Stafford, Esq., M.D. :

Whereas :—We the Electors of Twillingate in the District of Twillingate have heard with great surprise that His Excellency the Governor has been requested to send to the Queen in Council the "Reid Railway Contract" or "Bill" for final ratification ; and

Whereas :—We believe the said contract to be inimical and destructive to the best interests of the inhabitants of this Colony,

Be it therefore

Resolved :—That we the Electors here assembled strongly protest against the ratification of the aforesaid Railway Contract until the whole people shall have an opportunity of passing their votes upon it at the polls ; and it is further

Resolved :—That we do hereby pledge ourselves to support His Excellency in any legal action that he may think proper to adopt for the disallowance of such far-reaching, unparalleled and atrocious legislation ; and further that a copy of these resolutions be sent to His Excellency Sir H. H. Murray, Governor. &c.

I hereby certify that the foregoing resolutions were moved and seconded by the aforenamed gentlemen and carried unanimously at a public meeting held in the Town Hall at Twillingate, District of Twillingate, on Monday night the 26th September, A.D. 1898, there being upwards of 300 Electors present.

CHARLES GEO. D. MAYNE, J.P.

No. 10.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received October 20, 1898.)

[*Answered by No.* 23.]

Government House, St. John's,
October 6, 1898.

SIR,

WITH reference to my telegram of the 7th instant,* I have the honour to forward for your information, the resolutions against the Railway Contract, 1898, which were adopted at a public meeting held in St. John's on the 4th instant. The meeting was large for a small town like St. John's, about 1,300 or 1,400 being present.

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* No. 8.

2. With the petition I also forward copy of a memorandum, dated 5th October, which was left with me by a deputation who submitted the resolutions to me, and which was the cause of the telegram which I sent you on the 7th instant.*

3. The deputation wished me also to state that petitions of the same purport as that which I now enclose have been sent out to the out-ports, and that they expect that within the next five or six weeks, on the return home of the population engaged on the fisheries, fully 20,000 signatures will be appended to them. They state that 36,000 votes were recorded in the Colony at the last general election, and that they believe a large majority of the voters are opposed to the Contract against which the petitions are addressed.

4. As to the last paragraph of the memorandum, I would observe that Mr. Henry Reid left St. John's a few days ago for England, in order to arrange for the building of the vessels which, under the Contract, will be required for the coastal service (*see* Clause 45). His arrangements will doubtless involve very considerable outlay, as the vessels must be ready for service on the 1st April, 1900. It may be that such vessels will, under any circumstances, be required now that the Railway touches the Bays, and that the two vessels now in use would not be applicable to the service. I mention this as the memorandum is silent on the subject: I brought the point, however, to the attention of the deputation, but they held that as the vessels would probably be required, under the circumstances they did not attach much importance to it. On this point the Honourable A. W. Harvey, who was one of the deputation, is an authority, as he is one of the largest shareholders in the Company whose Contract expires on the 31st March, 1900.

5. I enclose a copy of a paper giving an account† of the meeting at which the petition was adopted. "Evening Telegram," 5th inst.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 10.

Whereas a Contract has been signed between the Government of this Colony and Robert Gillespie Reid, Esq., by which our whole railway system of nearly six hundred miles, which has just been completed at a cost to the Colony of some $13,000,000, together with the dry dock, our entire telegraph system, our coal and other mineral deposits, as well as several millions of acres of agricultural and timber lands, all together comprising almost the entire valuable assets of the Colony, have been absolutely alienated from the proprietorship of the Colony and handed over to the Contractor:

And Whereas, at the general election which took place in 1897, not only was the subject of the said Contract *not* placed before the electorate for their approval, but, on the contrary, the much more moderate and essentially different concessions granted to Mr. Reid under a then existing Contract were loudly condemned, and promises made to the voters that these privileges should not be extended, and no further privileges of such a nature should be granted:

And Whereas no allusion was made to the said Contract in the Speech from the Throne at the opening of the Legislature, although the subject was one of far-reaching consequence to hte future of the country such as had never before occurred in the history of the Colony, yet, shortly after the opening of the Session, without any reference having been made to the constituencies, and before the knowledge of the matter could have reached the voters, and in direct contradiction to the promises held out to them during the election campaign, the said Contract was, in a most hurried and unbecoming manner, pushed through both branches of the Legislature without due time being given for its consideration:

And Whereas the said Contract, while depriving the Colony of all its valuable assets, as before mentioned, makes no provision for the removal or appreciable reduction of the enormous debt of nearly $20,000,000, with which the Colony is burdened, and which debt was principally incurred in the construction of the said railway, dock, and telegraphs, which are now handed over to the Contractor for the insignificant sum of about one million dollars:

And whereas the Act embodying the Contract does not provide any adequate security to the Colony for the performance of the Contract by the Contractor, and the said Contractor is entitled to an indefeasible right and title to the whole of his lands, with mineral and timber rights, notwithstanding that he may never fulfil his Contract:

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* No. 8. † Not printed.

And whereas, by this unparalleled Contract the Colony is deprived of the means of influencing its future development, the functions of its autonomy are practically abandoned, and the highly valued privileges of responsible government, for which our forefathers so nobly fought, are basely sacrificed and the country is thrown back into a position of degradation and humiliation before the world at large,

Be it therefore resolved :—

(1) That we, a meeting of independent citizens of St. John's, of all shades of political and religious opinion, do hereby protest, with all the strength at our command, against this unjust and one-sided Contract, which, we feel confident, if allowed to be put in operation, will be the source of ruin and bankruptcy to the country, and we vehemently protest against legislation of such magnitude and far-reaching consequences being finally concluded without an appeal to the people.

[The above resolution was proposed by his Lordship the Bishop of St. John's, M. F. Howley, D.D., seconded by Jno. Browning, Esq.]

Be it also resolved :—

(2) That, for the reasons above set forth, and others which the Contract itself discloses, Her Majesty the Queen in Council be humbly prayed that she may be graciously pleased to exercise Her Royal Prerogative either by disallowing the said Act, or withholding Her allowance and final assent thereto, until the people have passed upon the question at the polls.

[The above resolution was proposed by A. W. Harvey, Esq., seconded by E. H. Jackman.]

And be it also resolved :—

(3) This meeting humbly petitions his Excellency the Governor to dissolve the Legislature in order that an expression of opinion may be had from the people of this Colony upon the measure known as the Railway Contract.

[The above resolution was proposed by J. D. Ryan, seconded by Robert Giles, Esq.]

And be it finally resolved :—

(4) That a deputation be appointed from this meeting to wait upon his Excellency the Governor and request him to communicate to the Right Honourable the Secretary of State for the Colonies, for presentation to Her Majesty in Council, the foregoing resolutions.

[The above resolution was proposed by Jno. Anderson, Esq., seconded by L. J. Geran, Esq.]

Robert Thorburn,
Chairman of Public Meeting.

Enclosure 2 in No. 10.

To His Excellency Sir Herbert Harley Murray, K.C.B.

May it please Your Excellency :—

We have the honour to submit to your Excellency the foregoing resolutions passed at a mass meeting of Citizens of St. John's, of all shades of religious and political opinion, held in the Total Abstinence Hall, on Tuesday evening, October 4th, under the chairmanship of Sir Robert Thorburn, K.C M.G., and we beg to request that your Excellency will be pleased to forward same to Her Gracious Majesty the Queen in Council. This deputation would respectfully request that a summary of these resolutions may be cabled to the Secretary of State for the Colonies, for the reason that information has reached them that the Contractor contemplates expenditures under this Act. This deputation while not recognising any legal liability on behalf of the Colony for sums expended by the Contractor prior to the Act having been submitted to Her Majesty the Queen in Council for allowance, would beg to point out that with the exception of the cost of re-railing that portion of the line from St. John's to Whitbourne, and, perhaps, some smaller expenditures easily ascertained, the Contractor has not yet undertaken any works not referable to pre-existing Contracts.

We have, &c.,
E. M. Jackman, Secretary.
Jas. B. Slater, Secretary.

Dated at St. John's this 5th day of
October 1898.

No. 11.

Governor Sir H. H. MURRAY to Mr. CHAMBERLAIN.

(Received October 24, 1898.)

[*Answered by No.* 23.]

Government House, St. John's,
October 13, 1898.

Sir,

I have the honour to forward to you petitions against the Railway Contract Act, 1898, as noted below.

I have, &c.,
H. MURRAY,
Governor.

By whom forwarded.	Locality from which Petition comes.
Mr. A. le C. Berteau	*Old Perlican and La Scie.
Dr. J. S. Tait	†St. John's.
„	†Robinson's Head.
„	†Clarenville.
„	†Fortune.
„	†Labrador.
Mr. A. le C. Berteau	‡Gull Island.
„	*Northern Arm. } Bay de Verde District.
„	*Grates Cove.

No. 12.

Governor Sir H. H. MURRAY to Mr. CHAMBERLAIN.

(Received November 5, 1898.)

[*Answered by No.* 23.]

Government House, St. John's,
October 27, 1898.

Sir,

I have the honour to forward to you petitions against the Railway Contract Act, 1898, as mentioned below.

I have, &c.,
H. MURRAY,
Governor.

P.S.—As regards the signing of petitions in St. John's, I was yesterday informed that a Committee of two gentlemen is always sitting in the town at the place where the petitions are signed for the express purpose of seeing that all who come to sign are 21 years of age, and thus voters.

I enclose a copy of the "*Evening Telegram*" of the 26th instant, in which will be found a letter signed "Veritas,"§ which bears closely on the subject of the Railway Contract, as also the heading "True Inwardness."§

By whom sent.	Locality from which Petitions come.
Mr. A. le C. Berteau	St. John's. (3. Petitions.)*
„	Bellevue & Chance Cove in Trinity Bay.†
„	Fermuse in District of Ferryland.*
Dr. Tait	1. Greenspond, Bonavista.†
„	1. Belle Isle, St. John's East.†
„	1. Brigus Port de Grave.*
„	1. Broad Cove, St. John's West.†
„	3. St. John's West.†
„	2. St. John's East.†
„	1. St. Anthony, St. Barbe.†
„	1. Lamaline, Burin.†

* Identic with that in Enclosure 2 in No. 1.
† Identic with that from the District of Twillingate (*see* p. 8).
‡ Identic with that in Enclosure 2 in No. 3. § Not printed.

No. 13.

GOVERNOR SIR H. H. MURRAY to Mr. CHAMBERLAIN.

(Received November 5, 1898.)

[*Answered by No.* 23.]

Government House, St. John's,
October 27, 1898.

SIR,

I ENCLOSE herewith for your information a copy of a letter from the Chairman and Secretaries of "A Citizens' Committee in St. John's," enclosing a Memorandum dealing with some of the legal points in the Railway Contract which are considered by them especially prejudicial to the interests of the Colony.

2. There is no question, on account of the nature of the country through which the Railway passes, and its proximity to the coast, but that under the 19th Section of the Contract, Sub-clause "H," the Contractor will have the right to select and have granted to him large tracts of land to make up the area to which he is entitled, and large selections are already being made under Sub-section "L" which have to be "reserved" in the interest of the Contractor under that Sub-section, subject, however, to any previous grant.

3. I was not aware until I received the enclosed Memorandum, for transmission to you, that the effect of the Contract is to give in the first place to the Contractor a legal right to the ownership of 5,000 acres for each mile of the lines which he operates, for it will be seen that under the 38th Section he is to "re-assign and transfer" to the Government half of the land so obtained and owned, and I conclude that it may be assumed that no "re-assignment or transfer" can take place without prior ownership.

4. It also would seem to be the fact that for every block selected, one mile in length and 10 miles in depth, under Clause 19—an area equal to 10 square miles, or 6,400 acres —the Contractor will be entitled to a "reserved" area elsewhere of 1,100 acres, viz., the difference between the 7,500 acres—the reduced extent of his rights after the purchase of the line—and the 6,400 acres, the area of each selected block.

5. As I understand that the Memorandum is the result of competent legal criticism, I do not venture to make any further remarks upon it.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 13.

St. John's, October 26, 1898.

SIR,

ENCLOSED we beg to hand you a Memorandum drawn up by the Citizens' Committee in St. John's setting forth their most salient objections to the Railway Contract lately entered into by the Colony with Mr. R. G. Reid. These objections are necessarily briefly stated, but, at the same time, sufficiently extended to convey the principal grounds upon which we rely in our opposition to the measure.

We will thank your Excellency to forward the enclosed to Her Majesty's Principal Secretary of State for the Colonies for his consideration in connection with the other papers which have been despatched to him on the subject of this Contract.

We have, &c.,
J. D. RYAN,
Chairman Citizens' Committee.
L. H. MILLER,
WM. R. HOWLEY,
Joint Secretaries.

To His Excellency
Sir Herbert Murray, K.C.B.,
&c., &c., &c.

MEMORANDUM.

That the Contract between the Government of Newfoundland and Robert Gillespie Reid is a ruinous bargain for the Colony of Newfoundland, in that it disposes of all the available assets of the Colony, including its railway and telegraph systems, the Colonial Dry Dock at St. John's, together with valuable freehold and waterside property

there, and also the coal reservations and the greater portion of the mineral and timber lands of the Colony, to Mr. Reid and his assigns in consideration of a payment by him of the very inadequate sum of one million three hundred and twenty-five thousand dollars, payable in instalments, from which payment has to be deducted the following sums, viz., one hundred thousand dollars for the ballasting of the railroad purchased by him ; one hundred thousand dollars for the re-railing of a portion of the said railroad ; one hundred thousand dollars for the construction of a branch line into the Graving Dock at St. John's, also the property of the said Mr. Reid ; and one hundred and forty thousand dollars for the paving of Water Street, St. John's, for the purposes of an electric car railway to be built by him there, and that these several sums, amounting to four hundred and forty thousand dollars, are to be repaid to the said Robert G. Reid and reduce the amount of the consideration to be received by the Colony from him to the sum of eight hundred and eighty-five thousand dollars. To show how inadequate this consideration is it is only necessary to refer to the fact that the portion of the railway line from St. John's to Harbor Grace, purchased by the Government in 1897 from the Newfoundland Railway Company for three hundred and twenty-five thousand pounds sterling, or one million four hundred and eighty-eight thousand five hundred dollars, now forms part of the railway assigned to Mr. Reid, not to speak of the dock, the lands, and the other subject matters of the Contract.

That, besides the transfer of the railways, telegraphs, and dock, the only assets which the Colony has to represent its funded debt, and the granting of increased land concessions to Mr. Reid, the present Contract confers upon him the whole of the subsidised carrying trade and mail services of the Colony and imposes annual charges upon the Colony amounting to one hundred and seventy thousand dollars.

That the contracts for local sea communication are entered into for the period of thirty years, and that the Contract for the carriage of mails by train is for the term of fifty years.

That no tenders were asked for nor was time given for competition from others before the Legislature concluded the said Contracts with the said Robert G. Reid.

That by a perusal of the said Contract it will be seen that the terms of the Contracts for local sea communication are undefined and left to the subsequent determination of the Executive.

That the Legislature was not furnished with any report from the Government Engineer or other officials as to the sums required to perform the works for which the said Robert G. Reid is to be paid under the said Contract, and that no means were taken to ascertain whether the said works and services could be performed for lower sums than those fixed by the Contract.

That the said sum of one hundred and forty thousand dollars for the paving of Water Street, St. John's, is to be a charge upon the city of St. John's, which was at the time of the said Contract under the control of a Municipal Council, and that the said Council was not consulted upon the matter. That by the terms of the said Contract the Government undertake with the contractor to procure the imposition of a fixed duty upon coal imported into the Colony, and so restrict the action of future legislatures. That under the Contract made between the Colony and the said Robert G. Reid in 1893 for the operation of the railway from Whitbourne to Port-aux-Basque, the said Robert G. Reid became entitled to five thousand acres per mile of railway, or, in all, two millions four hundred and fifty-five thousand acres, and that the land had to be taken in alternate blocks of five thousand acres along the said line of railway, except where land was not obtainable there, in which case the said Robert G. Reid was permitted tc take up elsewhere lands to the extent of the deficiency.

That under the Contract of 1898 the said Robert G. Reid is given, in addition to the lands to which he is entitled under the 1893 Contract, a further grant of 5,000 acres per mile, not only along the said line of railway from Whitbourne to Port-aux-Basque, but along the entire line of railway from St. John's to Port-aux-Basque, including the branch lines, subject to his right to return a certain portion of the said lands as hereinafter referred to.

That no public inconvenience arose from the concessions made to Robert G. Reid of lands along the line from Whitbourne to Port-aux-Basque, as the said lands were in the interior of the island and unoccupied, and not within the settled districts of the Colony.

That this statement does not apply to the lands adjoining the portions of the line between St. John's and Whitbourne and Whitbourne and Carbonear, as these lands lie in the most thickly populated portions of the country.

That the lands of the interior are for the most part inaccessible except by means of the railroad, which this Contract contemplates making the private property of Mr. Reid, and their value is necessarily greater to Mr. Reid than to the Colony or to any private landowner.

That the Government under this Contract proposes to retain more land along the said line of railroad than it was heretofore entitled to, and to so enable Mr. Reid to take further concessions elsewhere : by reason of the new method of selection on the part of the Government and the fact that the line of railroad runs, in many places, through marsh-lands and by the margin of lakes and rivers, and in other places along the sea-shore, where land is not obtainable, and because along the line of the St. John's and Carbonear railroads the greater part of the land is owned by private individuals, it is evident that a very large portion of the lands to which Mr. Reid will be entitled will be taken by him in other parts of the Colony.

Further, that the present Contract is purposely designed so that Mr. Reid may not be restricted in the selection of his areas to the lands along the line, in that, while it declares him to be entitled to ten thousand acres gross or seven thousand five hundred acres net per mile, it stipulates that the lands along the line of railway are to be divided into blocks or sections of one mile in length and ten miles in depth upon each side of the railway, so that upon each mile, even where land is available, Mr. Reid is entitled, in addition to the block taken, to acquire eleven hundred acres in some other part of the country.

Further, it is competent for Mr. Reid to re-transfer to the Government the one million five hundred and sixty-five thousand acres which the Contract provides that he shall re-transfer, from out of the interior lands granted to him, and so leave himself with a comparatively small proportion of his lands in the interior and to have the greater portion of them in eligible places along the seaboard, and along the shores of the bays and navigable rivers.

The effect of Mr. Reid being permitted to acquire millions of acres of the mineral bearing lands in whatever he may select of the limited mineral belt of this Colony, and to make his selection of these lands, as this Contract enables him to do, in areas of any size from one mile by ten to one hundred square miles, is to place in his hands a virtual monopoly of the mineral lands of this country. As his grants, unlike all other grants issued by the Government, do not require him to operate or develop the lands granted to him, it is possible that the mineral development of the Colony may be seriously retarded if its coast lands are also given into his possession. If he operate the railway he will practically control the development of the lands through which it runs without the necessity of acquiring any title to them, or even though he has re-assigned them to the Government under Section 40 of the Contract. If, in the event of the railroad proving unremunerative, Mr. Reid should cease to operate the railway, he would have four millions seven hundred and ninety-five thousand acres, mainly upon the coast, and where they were accessible without the use of the railway, and as his title to them and the minerals and timber which they contain is indefeasible and not subject to conditions of any kind, the non-operation of the railway would not affect his property in them, nor would his failure to operate the railway prejudice his title to the dock and other properties conveyed to him, nor, it is submitted, his right to the steamship subsidies. That there is, therefore, no guarantee that the line of railway will be continuously operated, although the Colony may, for this purpose, have parted with what may prove to be all its ungranted mineral and timber lands.

By this Contract the Colony unconditionally disposes of its most valuable lands, and places its subsidised carrying trade, mail and telegraph services, into the hands of a private individual, thus creating a huge monopoly which may hereafter seriously interfere with trade and industrial enterprises ; it materially increases its already large annual interest charge ; it parts with all its available assets and its power of influencing its future development, and in return has no adequate security for the faithful performance by the contractor of his part of the Contract. That the people of this Colony were altogether unaware of any intention upon the part of the Government or the Legislature to enter into any further contract with Mr. Reid during the currency of the contract made with him in 1893 for the operation of the railroad for a term of ten years. The matter was never submitted to the people during the election of last autumn, and the leaders of the present Government party at that time declared themselves as opposed to the land concessions made to Mr. Reid. No reference was made to any such legislation in the speech from the Throne at the opening of the last session of the Legislature, and when the Contract was introduced the resolutions confirming it were passed through the

Legislature without due time being afforded for their consideration. The majority of the electors outside of St. John's did not know that any legislation upon the subject was under consideration until after the Bill had passed through its several stages, and it was not until the correspondence of the Colonial Office was published that people generally became aware of the significance of the measure.

That the people as a whole are opposed to the Contract.

That the said Robert G. Reid has not undertaken any work in this Colony that is not referable to previous contracts, except some work in a small way upon the coal reservations and the necessary work of re-railing the line from St. John's to Whitbourne, and that any expenditures made by him are capable of exact ascertainment. That any work undertaken by him has been done with the knowledge that this Contract has not been allowed by Her Majesty's Government, and that the assent of the Governor was obtained upon the assurance of the Executive, by its despatch of March 2nd, 1898, "that the measure could be disallowed hereafter if found unjust or inexpedient."

All of which is respectfully submitted.

J. D. Ryan,
Chairman Citizens' Committee.
L. H. Miller, } Joint
Wm. R. Howley, } Secs.

No. 14.

Governor Sir H. H. MURRAY to Mr. CHAMBERLAIN.

(Received November 7, 1898.)

Telegram.

[*Acknowledged by No.* 24.]

In consequence of receipt of public letter which I had to answer, I enquired in writing of Morine his position as regards contractor at the time of contract and subsequently; not satisfied his reply, I required his resignation of all public offices.* He has complied.

Correspondence by next mail.

No. 15.

Sir F. EVANS, M.P., to COLONIAL OFFICE.

(Received November 8, 1898.)

[*Answered by No.* 25.]

43, Threadneedle Street, London, E.C.

Sir, November 7, 1898.

I have been requested by the Citizens' Committee of St. John's, comprised of a great number of the leading people of Newfoundland, to urge upon you the great damage which will be done to the interests of that Colony if the Contract made by the Colonial Government with Mr. R. G. Reid receives the Royal Assent.

I do not approach you solely as the representative of the Citizens' Committee, but also on behalf of the holders in this Country of Newfoundland Government Bonds, the capital and interest of which are dependent solely upon the assets of that Colony. The amount of Bonds issued on this market by the Newfoundland Government totals up to about £2,700,000, and of this, in the month of August last year, I received for distribution and in payment for the Railway, of which I was the Receiver, the sum of £325,000.

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* *See* Enclosures in No. 17.

The Government in their proposed Contract with Mr. Reid have virtually assigned practically all their Assets and they have not only done this but the Act provides for duties, which are now a source of Revenue, being raised to a point practically to prohibit the importation of those Goods and so still more seriously affect the Revenues of Newfoundland.

I beg to annex hereto a Memorandum* of objections to the Contract receiving the Royal Assent endorsed by a public meeting in St. John's. Petitions signed by 10,000 Electors of Newfoundland have already been presented to the Governor against the Royal Assent being given to the Contract, and I am assured that before the end of this month those petitions will be increased by the signatures of more than half the entire Electorate of the Colony.

I do not want to use hard language unnecessarily, but I venture to say that no Government of any Colony has ever attempted to pass a measure so fraught with evil to its people. How the Government of Newfoundland could so far forget the interests of the Colony as to pass a measure of this kind passes my comprehension. To a great extent, the duties of that Government will be abrogated if it is carried into effect, for Mr. Reid may abandon the operation of the Northern Railway and yet retain his hold for many years to come on the cash assets of the Colony to meet the subsidies assigned to him thereunder, while the valuable timber and mineral rights, building and agricultural lands which he would acquire under the Contract would deprive the Government of any other available assets.

The loss of these assets would inevitably lead to grave financial embarrassment—they form the basis upon which the loans have been made in London by the Colony, and they will be alienated by the Reid Contract.

What has Mr. Reid to pay to the Colony for all the great benefits that are to accrue to him under the Contract? He has to pay in instalments 875,000 dollars (say £175,000), scarcely one-half of the amount paid to me in August last year by the Government of Newfoundland for 90 miles of the railway which is to be made over to Mr. Reid.

I am quite aware that it is a grave matter for Her Majesty's Ministers to interfere where measures have been passed by the elected representatives of the people, but I submit that the evidence which has been sent forward to the Colonial Office by the Governor of Newfoundland and the statements in the Memorandum, which I annex hereto, are proof that this grave measure, involving, as I maintain, such calamitous results to Newfoundland, has never been before the Electorate of the Colony. That, on the contrary, the people of Newfoundland understood that the present Government were opposed even to the Contract with Mr. Reid made in 1893, which involved the giving of certain lands, &c., and the people remained in profound ignorance, until recently informed by the publication of the correspondence with the Colonial Office, that any such Contract as that now sought to be imposed upon the Colony was contemplated by the Government.

Immediately on this knowledge coming to them they have taken the only steps in their power to prevent its consummation, and that is by public petition to Her Majesty's Government.

It is not to be overlooked in considering this matter that the Solicitor to the Contractor was, until last Saturday, the Finance Minister of the Government who passed this Contract, and that he has resigned on the demand of Sir H. H. Murray, the Governor.

I trust, therefore, that this petition of the people of Newfoundland will be favourably received, and that they may be saved from the calamity which the passing of this Act would entail on the Colony.

I have, &c.,

FRANCIS EVANS.

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* Memorandum in Enclosure in No. 13.

No. 16.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received November 8, 1898.)

[*Answered by No.* 23.]

Government House, St. John's,
October 29, 1898.

SIR,

I HAVE the honour to forward to you petitions against the Railway Contract Act, 1898, as mentioned below.

I have, &c.,
H. MURRAY,
Governor.

By whom sent.	Locality Petition comes from.
Mr. A. le C. Berteau	Great Harbour, Fortune Bay.*
Dr. Tait	1 from Pool's Island, Bonavista Bay.*
„	1 „ Fair Island, „ *
„	1 „ St. Brendan's, „ *
„	1 „ Wesleyville, „ †
„	1 „ Ramea, District of Burgeo and La Poile.*
John Kennedy, Harbour Main	Resolutions passed at a Public Meeting against ratification of Railway Contract, 1898.‡

No. 17.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received November 21, 1898.)

[*Answered by No.* 24.]

(Extract.)

Government House, St. John's Newfoundland,
November 9, 1898.

WITH reference to my telegram of the 7th instant,§ I enclose for your information a copy of the "Daily News"—a paper now the organ of Mr. Morine—which contains the correspondence respecting the resignation by Mr. Morine of the offices held by him under the Crown.

The line taken by Mr. Morine in his reply to my letter of November 3 brought the question to a point whether I could, while representing the Crown, become openly a party to an arrangement under which a public servant on the Executive Council should serve and be paid by two masters, viz., the public and the Contractor, whose interests in the far-reaching railway Contract of the present year are so divergent. I came to the conclusion that if I did so I should become, while representing the Crown, a *particeps criminis* as against the manifest interest of the Colony. I felt unable to admit that the position which any former Minister may have held as the legal adviser of the Contractor had any bearing on the present case. At all events, I neither had nor have any *official* knowledge on the subject, though I *believe* that Mr. Emerson was the Contractor's legal adviser while he was a member of the Council.

But the Contract of 1893 was settled on behalf of the Contractor by Sir James Winter, who was not at the time in the Government; it was, in comparison with the present Contract, of but little importance, and with the exception of his claim to the minerals on the lands he was to receive, I do not recollect any legal claim having arisen out of it. But the present Contract is far otherwise; it affects the future of the Colony for many a long year to come, and important legal questions are sure to frequently arise out of it. In these questions, the interests of the Colony and the enormous interests of the Contractor will assuredly clash, and, whatever a man's intentions may be, it would be

* Identic with that from the District of Twillingate (*see* p. 8).
† Identic with that in Enclosure 2 in No. 1. ‡ Identic with Enclosure 1 in No. 10. § No. 14.

impossible for him to avoid being biased in favour of a Contractor whose permanent retainer he held, whether he was in or out of office.

That Contract was drawn at a time when Mr. Morine admits "that he was the Contractor's legal adviser on all matters submitted to him by the Contractor, but not on such questions, if any, arising between him and the Colony." Yet, as a Minister of the Crown and a servant of the public, he took the most leading part in forcing the Contract through the Legislature. Thus his action in the matter showed the impossible nature of the dual position which he held at the time, and which he appears still to think that he could hold with credit to himself and benefit to the Colony. If I had accepted his assurance as to the future, I felt that such an assurance would be of no value in the face of such a fact in the past. For the same reason I decided that it was not advisable to give him the choice as to which master he would serve in the future.

Enclosure 1 in No. 17.

Extract from "Daily News" of November 7, 1898.

CORRESPONDENCE between His Excellency the GOVERNOR and Hon. A. B. MORINE, Q.C., relating to the latter's resignation.

Government House, St. John's, Newfoundland,
SIR, November 3, 1898.

I AM directed by His Excellency the Governor to transmit, for your information, the accompanying copy of a letter received from Mr. A. le C. Berteau, Honorary Secretary of the Newfoundland Liberal Association, and with regard to the same I am to state, that His Excellency desires to be informed whether it is not the fact that you were at the period when the Railway Contract, 1898, was negotiated and made, and still are, holding a "retainer" as legal adviser to Mr. R. G. Reid.

I have, &c.,
J. H. W. SOUTHEY, Capt.
A.D.C. and Private Secretary.

The Hon. A. B. Morine, Q.C.,
Minister of Finance and Customs.

The Newfoundland Liberal Association,
SIR, St. John's, October 31, 1898.

AT the meeting of the Newfoundland Liberal Association held last evening, I was directed to communicate to Your Excellency the following resolution:

Resolved that the Secretary asks His Excellency if he is aware that the Minister of Finance and Customs, a member of the Executive, is, in his private capacity, solicitor to Mr. R. G. Reid, a large Contractor to the Government.

I have, &c.,
A. LE C. BERTEAU,
Hon. Secretary Newfoundland Association.

His Excellency Sir H. H. Murray, K.C.B.,
Governor.

YOUR EXCELLENCY, November 4, 1898.

IN reply to your question of this date, I have the honour to say:

I was before and at the time of the making of the Railway Contract, 1898, and I am now, the professional adviser of R. G. Reid, on legal questions and matters submitted to me by him, but not on such questions, if any, arising between him and the Colony, and I have not, and would not, while I am a member of the Executive Council, advise him on any matter in which there is any conflict of interest between him and the Colony.

I have, &c.,
ALFRED B. MORINE.

His Excellency the Governor.

Government House, St. John's, Newfoundland,
SIR, November 5, 1898.

I AM commanded by His Excellency the Governor to inform you that he has received your letter of the 4th instant, respecting your present position in the Government in connection with the Railway Contract.

His Excellency is unable to accept, either as regards the past or the future, the propriety of the position you have taken up in that letter, or the assurance which you have proposed to send him, as to your future conduct.

His Excellency is therefore unable, as a representative of the Crown in the Colony, to agree to your continuing as one of its ministers. He must therefore call upon you to resign to-day all the offices which you hold under the Crown, except that of Queen's Counsel.

The correspondence on the subject will have to be published and a copy of it sent to the Colonial Office.

I have, &c.,
J. W. SOUTHEY, Captain,
A.D.C. and Private Secretary.

The Hon. A. B. Morine, Q.C.,
Minister of Finance and Customs.

St. John's, Newfoundland,
November 7, 1898.

YOUR EXCELLENCY,

I HAVE the honour to acknowledge the receipt of your commands of Saturday's date. In reply I beg to say :—Inasmuch as the Royal Instructions direct you to consult your Council upon all matters of public business, and I am aware that you have neither asked nor received advice except from persons other than your Councillors, and as I hold my offices, except that of Councillor, not from you, but from the Governor-in-Council, you have no right to demand my resignation, certainly not of those offices I hold from the Governor-in-Council, in the manner adopted by you and I would therefore be justified in refusing to accede to your commands. But as I do not wish even to appear as desirous of retaining a position requiring mutual confidence and good faith, with the knowledge that my presence in the Council was distasteful to you, and do not care to be the cause of embarrassment or difficulty to the Government, I waive my right to object to the irregularity of your course, and hereby tender this my resignation of all offices and emoluments I hold under the Crown, except the office of Queen's Counsel.

Because of the high office which you hold, and the esteem and respect with which I should prefer to regard its occupant, I regret that your reasons for demanding my resignation, and the manner of doing so, are not such as convince me of your impartiality and courteous consideration.

You desire me to resign, ostensibly, because I am the solicitor and counsel for a contractor with the Government, but you kept Sir W. V. Whiteway, as Attorney-General, the Hon. Geo. H. Emerson, now a judge, and the Hon. E. P. Morris, Q.C. (all three solicitors and counsel for the same contractor), in your Executive Council for several years, during which time three large contracts with the Government were being carried out, and by this conduct you justified me in concluding that I was at liberty to accept from Mr. Reid a position similar to theirs. While the gentlemen referred to were in your Council, they, or some of them, frequently appeared in the Courts in actions against the Government. It has not been unusual here for Councillors themselves to be contractors with the Government of which they formed a part, notably Hon. A. W. Harvey, who is still, I believe, your friend and confidant.

You have known, too, for many months, that I occupied the position you now object to, for I have been openly in the Courts in that capacity, not seeking to conceal or cover up my position, and during all that time you have not uttered to me one word of disapproval or reproof. A remark in your letter about "an assurance which I have proposed to send as to my future conduct," might be construed by the misinformed to mean that I had offered you a partial and unsatisfactory assurance, which you declined to receive because of its partial character, whereas the truth is, that I have not been offered the opportunity of any personal discussion with you about this matter, and to a mutual friend with whom you discussed the subject, you refused, as I understand, to receive any assurance or explanation of any kind whatever, and immediately after sent me the unconditional demand I am now replying to, without so much as acquainting the Premier of your intention so to do. Whether, therefore, I have regard to the contrast of your treatment of others under similar circumstances, or to your neglect to afford me the ordinary courtesy of a personal interview, or to the unrelenting and abrupt manner of your recent conduct towards me, I am unable to conclude that your demand for my resignation is animated by that kindly and considerate spirit which was due from you to one of your Councillors, who had been an efficient and hard-working Minister, and whose position, to which you objected, was almost altogether due to your own conduct toward

his predecessors. I am now aware that you have for some time contemplated this action, and that you have discussed its propriety with persons not in your Council, and I claim that it was your duty to speak to me about the matter, to enquire of me as to all the circumstances, and to give me ample opportunity to re-assure you, if possible, of the propriety of my past and future conduct.

My private affairs have suffered by my devotion to public business, and, therefore, my resignation causes me no personal regret. I do regret, however, most keenly the inconvenience my resignation will cause my colleagues and the public, at this critical juncture, when the Anglo-American Conference is about to resume its work at Washington, and the French Treaties Question is in course of discussion, and I fear that your action in removing me from the Council at a time when the knowledge I had obtained with the Royal Commission would have been of advantage to the Government is not fraught with promise of good to the Colony, and will not aid in the settlement of that vexed question.

I have no objection whatever to your publication of this correspondence, and shall, myself, cause it to be published, now that you impliedly permit it, for your action will be attributed to many causes, and I shall be glad to have the truth known. I have done my whole duty in office, and have aided in the working out of reforms in the public service whose good effect will be felt for many a day. The people to whom I look for vindication, and whose support is the best defence of public men against oppression, will understand my position and will not fail to do justice to your Excellency's motives, or misunderstand the real reasons which will have for a period removed me from public office.

I have, &c.,
ALFRED B. MORINE.

His Excellency
Sir H. Murray, K.C.B.

November 6, 1898.

YOUR EXCELLENCY,

As you say "the correspondence on the subject (of my resignation) will have to be published," and, as I find that false reports are already being circulated, I propose to publish the whole correspondence in to-morrow's "News."

I have, &c.,
ALFRED B. MORINE.

Enclosure 2 in No. 17.

SIR HERBERT MURRAY to MR. A. B. MORINE, Q.C.

Government House, St. John's, Newfoundland,
November 7, 1898.

SIR,

I HAVE received your letter of this day's date, tendering the resignation of the Offices which you hold under the Crown, except that of Queen's Counsel. I accept your resignation accordingly.

Yours faithfully,
H. MURRAY,
Governor.

Alfred B. Morine, Esq., Q.C., M.H.A.

No. 18.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received November 21, 1898.)

[*Acknowledged December* 5, 1898.]

Government House, St. John's, Newfoundland,
November 9, 1898.

SIR,

I HAVE the honour to transmit, as requested, for your information, a letter which I have this day received from the Secretary of the Newfoundland Liberal Association, covering Resolutions passed by the Association, respecting the position held by Mr. Morine as Mr. Reid's Solicitor at the time the Railway Contract was passed by the Legislature.

I have, &c.,
H. MURRAY,
Governor.

Enclosure in No. 18.

Newfoundland Liberal Association, St. John's,
November 9, 1898.

SIR,

AT a meeting of the Newfoundland Liberal Association, held last evening, I was directed to forward to Your Excellency the following resolution :—

Whereas the reply of Mr. A. B. Morine, a member of the Executive Council, to the inquiry addressed to him on the 3rd day of November 1898, by His Excellency the Governor reveals the fact that immediately before and at the time of the hasty passing of the Railway Act, 1898, he, the warmest and most active advocate of that measure, and the man of all others who was responsible for rushing it through the Legislature, was acting as solicitor for R. G. Reid, the Contractor,

Be it therefore resolved :—That in view of the dual and improper position so occupied by Mr. Morine this Association is unanimously of the opinion that the passage of the Railway Act through the Legislature under such circumstances was a gross fraud upon the people of the Colony ; and

Be it further resolved : That His Excellency the Governor be requested to transmit to the Secretary of State for the Colonies a copy of this Resolution together with a copy of the Constitution* of this Association.

I have, &c.,
A. LE C. BERTEAU,
Hon. Secretary,
Newfoundland Liberal Association.

To His Excellency
Sir H. H. Murray, K.C.B.,
Governor.

No. 19.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received November 21, 1898.)

[*Answered by No.* 23.]

Government House, St. John's,
November 10, 1898.

SIR,

I HAVE the honour to forward to you Petitions and Resolutions from Public Meetings against the Railway Contract Act, 1898, as noted below.

I have, &c.,
H. MURRAY.
Governor.

By whom sent.	Locality from which sent.
Mr. J. Casey	Harbour Grace (Resolutions Public Meeting).
Mr. A. le C. Berteau	Salvage, Bonavista Bay (Petition).†
„	Rencontre, Fortune Bay „ †
„	Lawn, District of Burin „ †
Dr. J. S. Tait	St. John's East (2 Petitions).†
„	„ West (2 „ †)
„	„ „ Kilbride (Petition).†
„	Twillingate (Petition).†
„	Flat island, Burin District (Petition).†
„	Trinity (Petition).†
„	Fermeuse, District of Ferryland.†
„	Cape Ray, Burgeo and La Poile District.†
„	Conception Harbour, District of Harbour Main.†
„	Holyrood „ „ „ †
„	Harbour Main „ „ „ ‡
„	Salmon Cove „ „ „ ‡
„	Hearts Delight, District of Trinity.†

* Not printed.
† Identic with that from the District of Twillingate (*see* p. 8).
‡ Identic with that in enclosure 2 in No. 1.

Enclosure in No. 19.

SIR, Harbor Grace, November 3, 1898.

I HAVE the honour to forward to Your Excellency the enclosed copy of Resolutions unanimously passed at a public meeting of the citizens of the District of Harbor Grace, held at Harbor Grace, on Thursday evening, 27th ult., for the purpose of protesting against the Reid Railway Contract ("The Harbor Grace Standard," containing report of meeting, enclosed), respectfully requesting on behalf of said Citizens' Meeting that Your Excellency will be pleased to forward said Resolutions to the Right Honorable the Secretary for the Colonies for presentation to Her Majesty the Queen in Council.

His Excellency
Sir Herbert Murray, K.C.B.,
Governor, &c., &c., Newfoundland.

I have, &c.,
JOHN CASEY,
Secretary Citizens' Meeting.

THE FOLLOWING RESOLUTIONS were unanimously passed at a meeting of electors of Harbor Grace District, on Thursday, October 27th, 1898.

Whereas, a Contract has been signed between the Government of this Colony and R. G. Reid, Esq., whereby the principal assets of the Colony, comprising 600 miles of railway, our entire telegraph system, dry dock and adjacent property, have been sold to the said R. G. Reid for about one-twelfth of their cost:

And whereas, by the said Contract, the above assets, together with large additional areas of mineral, timber, and agricultural lands, have been alienated for ever from the proprietorship of the Colony:

And whereas, the said Contract had been entered into without having had any previous consideration from the people, and was carried hurriedly through both branches of the Legislature before the voters had due time to signify their approval or disapproval:

And whereas, a Contract had already been in existence by which the said Contractor was bound to operate our railway for six years longer free of cost to the Colony, and which rendered the present Contract wholly unnecessary at this juncture:

And whereas, if the said Contract be allowed to continue, the industrial progress of the Colony will be at the mercy of one man:

Be it therefore resolved, that it is the unanimous opinion of this representative meeting of inhabitants of the District of Harbor Grace, that a measure of such far-reaching results as the Contract with R. G. Reid should not receive the assent of Her Majesty the Queen in Council until the sentiment of the people of the Colony shall have been obtained thereon.

And be it also resolved, that Her Majesty the Queen in Council be humbly prayed to disallow the Act confirming the Reid Contract until the people shall have determined the question at the polls.

And be it further resolved, that the foregoing Resolutions be forwarded to His Excellency the Governor with the request that he transmit them to the Right Honourable the Secretary for the Colonies for presentation to Her Majesty the Queen in Council.

No. 20.

SIR F. EVANS, M.P., to COLONIAL OFFICE.

(Received November 23, 1898.)

[*Answered by No.* 25.]

43, Threadneedle Street, London, E.C.,
DEAR SIR, November 23, 1898.

REFERRING to my interview with you yesterday evening, I have since had an opportunity of again reading my letter to Mr. Chamberlain of the 7th inst.,* in reference to Mr. Reid's Contract with the Government of Newfoundland, and although that letter does not set out all the objections that could be raised to the Contract, I do not think it necessary to trouble Mr. Chamberlain with a further letter on the subject, especially as I find from my conversation with you that you are aware of the fact that publication in the "Gazette" of Newfoundland was delayed, so preventing early knowledge of the Act

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* No. 15.

reaching the people of Newfoundland, and, further, that while the Premier introduced the Bill the explanation was given by Mr. Morine, the Finance Minister—the then paid advocate of Mr. Reid—and that he stated from his place in the Legislature that no alterations of any kind would be entertained.

I cannot believe that Mr. Chamberlain will hesitate to disallow the Act, seeing that it has been passed by a Government whose chief officer was in the secret pay of Mr. Reid, and that every effort was made to keep both the Legislature and the people of Newfoundland in ignorance of the wide-reaching conditions of the Contract so gravely affecting the future of the Colony. These circumstances are evidence of a conspiracy led by the Finance Minister of the Colony to deliberately deceive the people.

I should be much obliged, in the interests of those whom I represent here and in Newfoundland, if you would show this letter to Mr. Chamberlain and advise me as early as you can of the decision at which he arrives.

I am, &c.,
FRANCIS EVANS.

Edward Wingfield, Esq., C.B.
&c. &c. &c.

No. 21.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received November 24, 1898.)

[*Answered by No.* 23.]

Government House, St. John's, Newfoundland,
November 12, 1898.

SIR,

I HAVE the honour to forward you herewith, as noted below, Petitions * against the Railway Contract Act of 1898.

I have, &c.,
H. MURRAY,
Governor.

By whom sent.	Locality from which sent.
Mr. A. le C. Berteau	Head of Fortune Bay, District of Fortune Bay.
„	Hermitage Cove „ „ „
Mr. W. H. Horwood, Q.C.	Upper Island Cove and Bishop's Cove, District of Harbour Grace.

No. 22.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 1, 1898.)

[*Answered by No.* 23.]

Government House, St. John's, Newfoundland,
November 17, 1898.

SIR,

I HAVE the honour to forward to you herewith, a Petition,† as mentioned below, against the Railway Contract Act of 1898.

I have, &c.,
H. MURRAY,
Governor.

By whom sent.	Locality from which sent.
Mr. A. le C. Berteau	Hearts Delight, District of Trinity.

* Identic with that from the District of Twillingate (*see* p. 8.)
† Identic with that in Enclosure 2 in No. 1.

No. 23.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

SIR, Downing Street, December 5, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 6th October.* forwarding copies of the resolutions passed at a public meeting of the inhabitants of St. John's on the 4th of October, urging that Her Majesty should be advised, either to disallow the Act passed in the recent Session of the Legislature of Newfoundland to give effect to the contract with Mr. Reid, or that, in any case, I should defer tendering advice to Her Majesty in regard to the Act, until the people of the Colony have had an opportunity of expressing their views on the question at a general election.

13 Oct. 27 Oct. 27 Oct. 29 Oct. 10 Nov. 12 Nov. 17 Nov.

2. I have also received your despatches† of the dates noted in the margin, covering further petitions and resolutions to the same effect from different parts of the Colony, as well as a memorandum by the "Citizens' Committee" of St. John's criticising the terms of the contract from a legal point of view.

3. Sir Francis Evans also, as representative in this country of the Citizens' Committee of St. John's, and on behalf of the holders in this country of Newfoundland Government Bonds, has addressed to me two letters‡ on the subject of the contract, copies of which and of my reply‡ are enclosed.

4. I have not yet, as you are aware, been furnished with an authenticated copy of the Act, and am not, therefore, in a position to advise Her Majesty in regard to it, and as I have not been furnished with the report of your Ministers on the statements and charges contained in the Petitions and other documents forwarded to me, it would be more in accordance with the usual practice for me to defer dealing with the Petition until they have had an opportunity of replying to the allegations of the opponents of the Act.

5. As, however, most of the points raised have been fully discussed in the minute of Council of the 30th of April last,§ and as the main facts are already before me, it does not appear to me desirable, in the present position of affairs in the Colony, to delay my reply to the memorial.

6. The step, which I am urged to take, is one for which there is no precedent in the history of colonial administration. The measure the disallowance of which is sought is not only one of purely local concern, but one the provisions of which are almost exclusively of a financial and administrative character.

7. The right to complete and unfettered control over financial policy and arrangements is essential to self-government, and has been invariably acknowledged and respected by Her Majesty's Government and jealously guarded by the Colonies. The Colonial Government and Legislature are solely responsible for the management of its finances to the people of the Colony, and unless Imperial interests of grave importance were imperilled, the intervention of Her Majesty's Government in such matters would be an unwarrantable intrusion and a breach of the Charter of the Colony.

8. It is nowhere alleged that the interests of any other part of the Empire are involved, or that the Act is in any way repugnant to Imperial legislation. It is asserted, indeed, that the Contract disposes of assets of the Colony over which its creditors in this country have an equitable, if not a legal, claim, but, apart from the fact that the assets in question are mainly potential, and that the security for the Colonial debt is its general revenue, not any particular property or assets, I cannot admit that the creditors of the Colony have any right to claim the interference of Her Majesty's Government in this matter. It is on the faith of the Colonial Government and Legislature that they have advanced their money, and it is to them that they must appeal if they consider themselves damnified.

9. No doubt, if it was seriously alleged that the Act involved a breach of faith or a confiscation of the rights of absent persons, Her Majesty's Government would have to examine it carefully, and consider whether the discredit which such action on the part of a Colony would entail on the rest of the Empire, rendered it necessary for them to intervene. But no such charge is made, and if Her Majesty's Government were to intervene whenever the domestic legislation of a Colony was alleged to affect the rights of non-residents, the right of self-government would be restricted to very narrow limits, and complications and confusion from the division of authority must arise.

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* No. 10.
† Nos. 11, 12, 13, 16, 19, 21 and 22.
‡ Nos. 15, 20 and 25.
§ Enclosure in No. 31 in [C—8867].

10. In so far as the demand for disallowance is based on criticism of the policy and details of the Act, I have already indicated that where no Imperial interests are involved, or unless the measure was so radically vicious as to reflect discredit on the Empire of which Newfoundland forms a part, it would be improper for Her Majesty's Government to intervene in what is essentially a matter of local finance, the policy of which is a matter for the Government and Legislature of the Colony.

11. But it is alleged, as a further reason for intervention, that though the subject was one of far-reaching consequence to the future of the Colony, no allusion to the contract was made in the speech from the Throne at the opening of the Session of the Legislature, and that when it was brought before that Body shortly after the beginning of the Session, it was pushed hurriedly through both Houses before knowledge of the matter could have reached the voters, and without allowing due time for its consideration.

12. These charges have been dealt with by your Ministers in the Minute of Council already referred to. They are questions affecting the conduct of Ministers in the administration of business for which they are responsible to the Legislature, and if the members of the Legislature have failed to protect the interests and discharge the duties of their position they will have to answer for their failure to their constituents. The fact that the constituencies were not consulted on a measure of such importance might have furnished a reason for its rejection by the Upper Chamber, but would scarcely justify the Secretary of State in advising its disallowance, even if it were admitted as a general principle of constitutional government in Newfoundland that the Legislature has no right to entertain any measure of first importance without an immediate mandate from the electors.

13. Nor is the fact that I have been urged to advise the disallowance of the Act by petitions alleged to be signed by more than half of the registered electors of the Colony one which can be properly considered by Her Majesty's Government in this connection. The Act was passed by the Assembly, elected so recently as November, 1897, by an enormous majority, only five members out of a house of 36 voting against it, and in the Legislative Council, as I gather from the last paragraph of your despatch of 30th April,* it was received with practical unanimity, only one member having spoken against it, and even he did not carry his opposition so far as to record his vote against the measure.

14. It is not the duty of Her Majesty's Government to attempt the task of deciding whether the action of the Legislature has been in accord with the opinion of the electorate. Even a Governor, who is to some extent in touch with local opinion, would be taking a serious step if, in response to petitions such as have been addressed to me, and against the advice of his Ministers, he refused to assent to a measure of local concern which had been duly passed by the Legislature ; and if he failed to find other Ministers prepared to assume responsibility for his action, and able to secure the support of the Legislature, his position would become untenable. Any such step on the part of a Governor would have to be taken entirely on his own motion. It is essential that for every act of the Governor in local matters full responsibility should attach to a Ministry amenable to the Colonial Legislature.

15. In advising Her Majesty as to the exercise of her prerogative of disallowance, the Secretary of State has to consider the legislation submitted from a still more restricted point of view than the Governor.

16. That prerogative is a safeguard for the protection of those interests for which the Secretary of State is responsible to Her Majesty and to the Imperial Parliament. To advise its exercise in cases where only local interests are concerned would involve the Imperial Government in liability for matters of the control of which it has divested itself, and for which the Colony has accepted full responsibility.

17. In the present circumstances of Newfoundland there are special reasons of the greatest importance which preclude Her Majesty's Government from taking such a departure from recognized constitutional principles and usage as the memorialists desire.

18. You have stated in your despatch of the 30th of April last*, that the language used by the responsible Finance Minister of the Colony, in the speech in support of the Contract which he delivered from his place in the Assembly, implied clearly that if the measure was rejected the Colony would be unable to meet its immediate financial obligations.

19. Neither in your despatches nor in the memorials is this assertion challenged, and it is obvious that if Her Majesty's Government were to annul a measure seriously declared

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* No. 31 in [C—8867].

by the person who is in the best position to know to be essential to the continued solvency of the Colony, the creditors of Newfoundland would not fail to fasten on Her Majesty's Government responsibility for the consequences of their action.

20. As I have already said, the debts of the Colony have been incurred solely on the credit of the Colony, and any step which would transfer responsibility for them in the slightest degree to the Imperial Government would entail consequences which would not be confined to Newfoundland, and which Her Majesty's Government would not under any circumstances be justified in contemplating.

21. The considerations which preclude me from advising Her Majesty to disallow the Act apply equally to the alternative request, that I should defer tendering advice to Her Majesty in regard to it until the people of the Colony have had an opportunity of expressing their views upon the measure.

22. The Act is already in force, and the Contract to which it gives effect has been in part already performed, and the continuing obligation of the Contractor would not be suspended until Her Majesty's pleasure was finally declared. It remains in full force till the Act is disallowed or repealed. It would be unjust therefore to the Contractor, and would only add to the already heavy liabilities of the Colony, to accede to the prayers of the petitions.

23. The question of the propriety of a dissolution is not one upon which I can advise ; it is entirely a matter for the Governor and his advisers.

24. While I am unable to advise Her Majesty to grant the prayer of the petitions, this decision must not be understood as an expression of opinion on the merits of the Contract, or on the action of the Government and the Legislature in connection with it. My opinion on these points has already been made known to the inhabitants of Newfoundland by the publication of my despatch of the 23rd March,* in which I commented on the extraordinary and unparalleled character of the Contract, and the serious consequences which may result from it.

25. My action has throughout been governed solely by constitutional principles, on which I am bound to act, and I think it desirable that it should be made quite clear that, in accepting the privilege of self-government, the Colony has accepted the full responsibilities inseparable from that privilege, and that if the machinery it has provided for the work of legislation and administration has proved defective, or the persons to whom it has entrusted its destinies have failed to discharge their trust, they cannot look to Her Majesty's Government to supplement or remedy these defects, or to judge between them and their duly chosen representatives.

26. I have to request that you will publish this despatch for the information of those who have signed the petitions.

I have, &c.,
J. CHAMBERLAIN.

No. 24.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

SIR, Downing Street, December 5, 1898.

I HAVE the honour to acknowledge the receipt of your telegram of the 7th ult., and of your confidential despatch of the 9th ult.,† reporting the circumstances in which you called upon Mr. Morine to resign all the offices held by him under the Crown, except that of Queen's Counsel.

I have, &c.,
J. CHAMBERLAIN.

No. 25.

COLONIAL OFFICE to SIR F. EVANS.

SIR, Downing Street. December 5, 1898.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letters of the 7th and 23rd ultimo,‡ forwarding a memorandum from the Citizen's Committee of St. John's, Newfoundland, which you endorse, with observations of your own, on the subject of the Act passed by the Legislature of Newfoundland to give effect to the Contract made by the Government of the Colony with Mr. Reid for the sale of the railway system, and other matters.

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* No. 26 in [C—8867]. † Nos. 14 and 17. ‡ Nos. 15 and 20.

2. I am to state in reply that Mr. Chamberlain has given careful consideration to the whole question, but in a matter where the Ministers of a self-governing Colony have stated that the financial stability of the Colony depends on the Contract for which they are responsible, Her Majesty's Government could not intervene without entailing on the Imperial Government responsibility for any financial difficulties into which the Colony might fall in consequence, and you will readily understand that this is a liability which Her Majesty's Government could not undertake.

3. The bondholders whom you represent have advanced their money solely on the credit of the Colony, and it is to those responsible for the management of its finances that they must look for the protection of their interests.

4. For this reason and others which have been set forth in a despatch* which Mr. Chamberlain has addressed to the Governor in reply to the petitions from the Colony, he is unable to advise Her Majesty to interfere with the operation of the Act.

I am, &c.,
H. BERTRAM COX.

No. 26.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 6, 1898.)

[*Answered by No.* 30.]

Government House, St. John's,
November 24, 1898.

SIR,

I have the honour to forward to you Petitions against the Railway Contract Act, 1898, as stated below.

I have, &c.,
H. MURRAY,
Governor.

By whom sent.	Locality from which sent.
Mr. A. le C. Berteau	St. Barbe District.†
„	St. John's East.†
„	Herring Neck, District of Twillingate.‡
Mr. P. F. James	Spaniard's Bay, District of Harbour Grace.‡
Dr. Tait	St. John's East.‡
„	Great Burin.‡
„	Burgeo.‡
„	Petites.‡
„	Channell.‡
„	Caplin Bay.‡
„	Tilt Cove Mine.‡
„	English Harbour.‡
„	Bay Bulls.‡
„	Witless Bay.‡
„	Ferryland.‡
„	Greenspond.‡
„	Placentia Bay.‡
„	Ladle Cove.‡
„	Hants Harbour.‡
„	St. Barbe.†
„	Freshwater, Redlands and Black Head.†
„	Harbour Grace.†
„	Topsail.‡
„	New Perlican.‡
„	St John's West.‡
„	St. John's East.‡
Mr. E. M. Jackman	Maddock's Cove.‡
„	Petty Harbour.‡

* No. 23.
† Identic with that in Enclosure 2 in No. 1.
‡ Identic with that from the District of Twillingate (*see* p. 8).

No. 27.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 6, 1898.)

[*Answered by No.* 30.]

Government House, St. John's,
November 24, 1898.

SIR,

I have the honour to transmit herewith, for your information, a letter, marked "A," from the Citizens' Committee of St. John's on the subject of the position held by Mr. Morine—lately Receiver General of the Colony—as the legal adviser of Mr. Reid, the Contractor, at the time that he took such a leading part in procuring in the late Session of Parliament the adoption by the Legislature of the Railway, &c., Contract.

2. I also transmit a letter of the same date, marked "B," from the same Committee pointing out that the petitions which have been forwarded by me to you have been largely signed by the Clergy and the leading business men at the several out-ports, irrespective of party politics, and that further petitions against the Contract, which they believe will be also largely and influentially signed, will be sent to me for transmission to you by the next mail.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 27.

A.

St. John's, Newfoundland,
November 24, 1898.

SIR,

On behalf of the Citizens' Committee of St. John's, we beg leave to direct your attention to the following facts affecting the Bill known as the Newfoundland Railway Act, in addition to those contained in the memorandum of legal objections recently submitted by us, viz :—

That the principal advocate of the Railway Bill in the House of Assembly and the only member upon the Government side who spoke in its favour, with the exception of the introducer of the measure, was the then Minister of Finance, who at the time held, without the knowledge of the Legislature, the position of general legal adviser to Mr. R. G. Reid, and that the said Minister was mainly instrumental in procuring the adoption of the measure by the House.

That the practice of any member of the Legislature, especially a Minister holding office under the Crown, bringing forward, promoting or advocating and voting for any measure or proceeding in Parliament in the interest of those with whom he has professional relations is contrary to parliamentary usage and public policy and we respectfully submit that the fact that this measure was procured by such means is an additional reason why it should be disallowed.

That this measure was introduced wholly in the interest of Mr. Reid.

That he was at the time under a Contract which compelled him to operate the railway system, with the exception of the line from St. John's to Harbour Grace and some small uncompleted branch lines, for a further period of seven years, and that he had, a short time previous to the introduction of the Bill, made an offer to the Government to undertake the operation of the line from St. John's to Harbour Grace and to pay therefor an annual rental of $15,000.

That the security which the Colony had for his faithful performance of the operating contract made by him with the Government lay in the fact that the consideration to be received by him under the Contract was land concessions to be taken along the line of railway, and that these lands could, for the most part, only be availed of or utilised by him by means of the railway.

That the present Contract, as pointed out in the memorandum previously submitted by us, provides Mr. Reid with the means of divesting himself of the ownership of the lands adjacent to the railway and enables him to take his land concessions in localities accessible without the aid of the railway, and so deprives the Colony of the only security it previously had for the operation of the railway system by Mr. Reid or his assigns.

That in order to secure the adoption of the measure by the Legislature the then Minister of Finance availed of his official position as Finance Minister to make a financial statement to the House in the course of his argument in support of the Bill and previous to the introduction of his budget, to the effect that the money consideration to be received from Mr. Reid under the Contract was immediately necessary to pay off certain debentures which had become payable, whereas in fact payment of the said debentures could have been provided without difficulty under the Act of the Legislature passed for that purpose.

For the foregoing reasons, and for the reasons set forth in the memorandum forwarded by us, we humbly pray that the Bill entitled the Newfoundland Railway Act be disallowed or be referred to the electorate in order to obtain a pronouncement thereon with a view to the subsequent disallowance of the Bill by Her Majesty's Government.

J. D. RYAN,
Chairman.
L. H. MILLER,
Secretary.

To the Right Honourable
Her Majesty's Secretary of State for the Colonies.

Enclosure 2 in No. 27.

B.

St. John's, Newfoundland,
November 24, 1898.

YOUR EXCELLENCY,

ON behalf of the Citizens' Committee of St. John's, we beg to request that you will transmit to the Right Honourable the Secretary of State for the Colonies the enclosed communication from the Committee relative to the advocacy of the Railway Bill in the Legislature by Mr. Reid's solicitor, and setting forth further reasons, in addition to those contained in the memorandum of legal objections previously forwarded, against the allowance of the Railway Bill.

We would take this occasion to point out to Your Excellency that the Petitions already sent in against the ratification of the Railway Bill, containing signatures to the number of about seventeen thousand, are from the principal towns in the colony as well as from the outport constituencies and have been largely signed by the clergy and other professional men as well as by the planters and persons engaged in the trade and fisheries of the country, irrespective of party politics. The Committee expect, before the next fortnightly mail leaves for England, to have the honour of forwarding to Your Excellency Petitions from extern districts, having three thousand signatures attached to them. Besides the Petitions referred to by us, we beg to acquaint Your Excellency that others are at present being signed in various parts of the country.

We have, &c.,
J. D. RYAN,
Chairman.
L. H. MILLER,
Secretary.

His Excellency Sir H. H. Murray, K.C.B.

No. 28.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 6, 1898.)

[*Answered by No.* 30.]

Government House, St. John's,
November 25, 1898.

SIR,

I HAVE forwarded in my despatch of the 24th instant,* for your information, further Petitions from Electoral Districts in this Colony, praying that Her Majesty will suspend her approval of the Act which embodies the Railroad, &c., Contract of the present year.

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* No. 27.

2. I have not hitherto expressed any opinion on the subject when forwarding the Petitions, as I all along considered that their value must depend on the number of signatures which they might collectively contain in relation to the number of the Electorate.

3. The number of signatures has, however, now reached a point at which you may expect from me some expression of opinion on the merits of the case.

4. The signatures to the Petitions which I have forwarded since the end of August, without including those which resulted from the first public meeting held in St. John's on the subject (*vide* enclosure to my despatch of 19th August 1898*), amount now to 16,280, and I am informed that further Petitions from the out-ports are still in course of signature. The wide apart and straggling nature of the settlements on the Coast will account for the delay in sending forward the Petitions, as well as the fact that several thousands of the Electors have only just returned from the fishery in Labrador. I think it would be a safe estimate that out of the 18,000 persons who on an average go up annually to Labrador—if women and men under 21 years of age are deducted—that at least 13,000 would be voters who have only lately returned to their homes.

5. Doubtless, the large number of "marks" in place of signatures has not escaped observation—an unsatisfactory sign of the illiterate condition of a large proportion of the population in a Colony in which such large sums have now for some 25 years been spent on the education of the people—but that fact bears no stronger on the question now at issue than it does on the general capacity at present of the population for the advantages of Representative Government, and I have no ground for stating that the signatures and marks are other than genuine.

6. The facts therefore remain to be considered, that out of an electorate of 49,000 registered voters, 16,280 have, up to this date, signed the Petitions against the Contract, and that of the 49,000 voters, only 36,490 recorded their votes at the General Election of 1897.

7. The purport of the Petitions is practically the same—though the form may vary. It is that a Contract which so deeply affects, immediately and in perpetuity, the future of the Colony, may not be finally sanctioned until it has been submitted for the consideration of the Electorate.

8. The number and value of the signatures to the Petitions may perhaps be best appraised if the population of the Colony is divided into two parts :—

Part 1, containing the electoral divisions covering the coast from Cape Race to Port-au-Basque and thence along the Treaty Shore to Cape St John.

Part 2, containing the electoral divisions from Cape Race northward to Cape St. John.

The result is as follows :—

—	Population Census, 1891.	No. of Electors, 1897-98.	No. who voted at General Election, '97.	No. of signatures up to present date.
Part 1 ...	55,177	14,417	10,488	3,284
Part 2 ...	142,757	34,497	26,002	12,675
			Add Labrador Petition	321
				16,280

In Part 1 there are 11 seats. In Part 2 there are 25 seats.

The enclosed table gives in detail the information here stated generally.

9. The only remark I have to make on that table, which is an analysis of the Petitions up to date, is this : The proportion of the electors who exercised the franchise in the last General Election, viz., $\frac{3}{4}$ths, is probably the normal number in General Elections both here and elsewhere, and considering the scattered nature of the population in this Colony, it seems to me rather a high average.

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* No. 1.

From the figures in the table it would seem that whereas in the more thickly populated districts set out in Part 2, the number of the petitioners, taken up to date as sent to me, represent nearly half the normal number of voters ; in the more thinly populated districts, set out in Part 2, they at present represent less than one-third.

I omit from this calculation the Petition forwarded in my despatch of the 19th August last,* as I have no record of the number of signatures attached to it, which I am told were nearly 800.

10. A consideration of the figures represented by the number of the signatures has led me to the opinion that it is advisable, if possible, that before the "final" stage is reached by Her Majesty's assent to the Act, the electorate should be given an opportunity of expressing their approval or disapproval of the Contract. I am aware of the expense to which the Colony would be put by a dissolution so soon after the General Election of last autumn : but that to my mind is not the most important factor in the case. I think that the far-reaching and at the same time very varied and complicated nature of the Contract is in itself a reason why it should be submitted to the deliberate consideration of the Colony.

The mode in which it was passed through a Legislature new to its work, the more than dubious position occupied by the Minister who had the chief hand in so rushing the Act, the doubtful accuracy of some statements made by him in order to influence the Legislature, will long be well remembered ; and I cannot but think that the political future of a Colony in which party government prevails will, in its early and late condition, be dangerously embittered if it can be said, as it undoubtedly will be said, in the absence of any dissolution, that all the valuable assets of the Colony were sold to a contractor by the government of the day, not only without any authority from the electorate, but in opposition to the strongest opinions publicly expressed in hostility even to the former Contract of 1893 by the man who was foremost in rushing the new one. Nor will it be forgotten, if the Act is sanctioned without an appeal to the electorate, that the Legislature of the day sold, without notice to the electors, almost all the assets of the Colony, but left most of the debt out of the proceeds of which those assets had been created a permanent weight round the neck of the Colony.

11. It seems to me sufficient for the moment to view the question from the standpoint of a self-dependent Colony, but if it is viewed with relation to confederation with the Dominion of Canada, it has to be borne in mind that in consideration of the value of the railway—the mines and lands which are to such a large extent alienated under the Contract—Canada was prepared in 1893 to grant in perpetuity $150,000 a year in aid of the local administration of Newfoundland as one of its provinces.

12. In arriving at this conclusion—though personally thinking that the Contract is most mischievous,—I by no means express, or am able to form, any opinion whether the Electorate, if consulted, will approve or disapprove of the Contract. Many influences will be at work, and in a colony such as this I should venture on no opinion, except that I think the educated minds of the Colony are mostly opposed to it. I am, however, fortified in the conclusion at which I have arrived by the fact that my Ministers, in the Minute of Council dated 2nd of March last (see printed correspondence, C—8867, page 20), urged upon you that "as the power of disallowance protected all interests, their conduct of legislation should not be interrupted in *intermediate stages*," thus anticipating, as it were, the possibility of, at least, the suspension of the Royal Assent until some kind of action had taken place.

13. It may be that there is no precedent for the course which I have submitted as advisable, but the circumstances attending the making of the Contract and its passage through the Legislature were so exceptional, and, in some respects, so peculiar, that it appears to me to be a case in which unusual action would be justified even at the risk of creating a precedent.

I have, &c.,

H. MURRAY,

Governor.

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* No. 1.

Enclosure in No. 28.

Part I.—Containing the Electoral Divisions along the southern shore from Cape Race westwards and the Treaty Shore to Cape St. John.

Seats.	District.	Population.	No. of Voters.	No. voted in 1897.	No. of Signatures to date.
3	Placentia	12,801	3,515	2,753	1,067
2	Burin	9,059	2,329	1,688	248
1	Fortune	7,671	1,953	1,254	159
1	St. Barbe	6,690	1,654	966	195
1	St. George's	6,632	1,844	1,375	277
1	Burgeo	6,471	1,537	1,075	648
2	Ferryland	5,853	1,585	1,377	690
11		55,177	14,417	10,488	3,284

Part II.—Containing the Electoral Divisions from Cape Race northwards to Cape St. John.

Seats.	District.	Population.	No. of Voters.	No. voted in 1897.	No. of Signatures to date.
3	St. John's East	20,776	4,611	3,633	3,137
3	St. John's West	15,251	3,871	3,174	2,395
3	Trinity Bay	18,872	4,733	3,734	1,142
3	Bonavista	17,849	4,809	3,345	527
3	Twillingate	16,780	4,336	3,423	1,858
3	Harbour Grace	13,881	2,946	2,239	1,256
2	Bay de Verde	9,708	1,763	1,183	675
2	Harbour Main	9,189	2,345	1,754	1,042
1	Port de Grave	7,986	1,872	1,295	356
1	Fogo	6,700	1,763	1,183	287
1	Carbonear	5,765	1,448	1,039	—
25		142,757	34,497	26,002	12,675

NOTE.—To the above totals must be added 321, the number of signatures attached to a petition, already forwarded, from a few of the fishermen of the Colony when on Labrador last summer.

No. 29.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received 7.15 p.m., December 7, 1898.)

TELEGRAM.

[*Answered by No.* 30.]

AM requested by Committee of Citizens to advise you by telegraph that petitions signed by over 1,800 electors against Railway Contract went by mail of yesterday ; that other petitions signed already make total amount of signatures exceed 20,000, and that petitions from out-harbours are still being signed.

No. 30.

MR. CHAMBERLAIN to GOVERNOR SIR H. H. MURRAY.

24 Nov.
24 Nov.
25 Nov.
Telegram,
7 Dec.

SIR, Downing Street, December 16, 1898.

I HAVE the honour to acknowledge the receipt of your despatches* as noted in the margin, relating to the Railway Contract Act, and the petitions for its disallowance.

* Nos. 26, 27, 28 and 29.

2. I can only refer you to my despatch of the 5th instant,* which fully explained my views on this subject. Those views are not modified by the considerations which are set forth in your despatch of the 25th ultimo.†

I have, &c.,
J. CHAMBERLAIN.

No. 31.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 19, 1898.)

[*Acknowledged December* 21, 1898.]

Government House, St. John's,
December 6, 1898.

SIR,

I HAVE the honour to forward herewith to you petitions against the Railway Contract Act, 1898, as noted below.

I have, &c.,
H. MURRAY,
Governor.

By whom sent.	From what locality.
Mr. A. le C. Berteau	Herring Neck, Twillingate District.‡
„	Belloram, Fortune Bay District.§
„	North River, Port-de-Grave District.§
Dr. J. S. Tait	King's Cove, Bonavista Bay.‖
„	Knight's Cove and Stock Cove, Bonavista Bay.§
„	Moreton's Harbour, Twillingate.‡
„	Petty Harbour, St. John's West.‡
„	Alexander Bay, Bonavista Bay.‡
„	Portugal Cove and Biscay Bay, Placentia.‡
„	Spaniard's Bay, Harbour Grace.‡
„	Seal Cove, Trinity Bay.‡
„	Burin and Mortier Bay, Burin.§
„	Lord's Cove, Burin.‡
„	St. John's West.‡
„	Push Through, Fortune Bay.‡
„	St. John's East.‡
„	St. John's West.‡
„	St. John's East.‡
„	St. John's East.‡

Total—Mr. Berteau		246
Dr. Tait		1,593
		1,839
Numbers to date by Despatch of 25th November, 1898¶ ...		16,280
British Hall Petition, said to be 800, but no record here ...		800
Total signatures to date		18,919

* No. 23. † No. 28. ‡ Identic with that from the District of Twillingate (*see* p. 8).
§ Identic with that in Enclosure 2 in No. 1. ‖ Identic with Enclosure in No. 5. ¶ No. 28.

No. 32.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 23, 1898.)

[*Acknowledged, December* 29, 1898.]

SIR, Government House, St. John's, December 10, 1898.

I HAVE the honour to herewith enclose, for your information, an extract from the "Evening Telegram" of the 5th instant, in which will be found a copy of a letter written by Mr. E. M. Jackman to Mr. Reid, setting forth the objections the former has to the Railway Contract of 1898.

2. The facts as stated are, in my opinion, with one or two exceptions, correct.

The cost of the Harbour Grace Railway is put at $2,000,000.

The direct line was purchased for - - - -	$1,625,000
And the cost of making the branch to Placentia was -	525,000
Total - - - - - - - - -	$2,150,000

3. I enclose a copy of the offer made in 1896 to the Whiteway Government by the Contractor. He did, as stated, offer to lease the Harbour Grace line for $15,000 a year, but he was to receive for mail service on it $7,200 a year; the net rental was therefore $7,800.

4. His land grants for working this line without paying any rent will be 275,000, and not 250,000 acres as stated.

5. I consider that the statement is erroneous where it is said that the Contractor will be paid in annual subsidy over one-tenth of the present revenue; the amount is about one-twelfth.

6. The cost of the stations and the terminal wharf was estimated by Mr. Bond at the Ottawa Conference in 1895 to exceed $500,000, though it is true that they will be built on a line which the contract of 1898 has practically sold to Mr. Reid; the obligation to build them exists under the 35th Section of the Operating Contract of 1893.

7. Subject to these observations, the letter seems to me to state concisely some of the leading objections to the contract of 1898.

I have, &c.,
H. MURRAY,
Governor.

Enclosure 1 in No. 32.

"EVENING TELEGRAM," December 5, 1898.

SECOND OPEN LETTER.

FROM MR. E. M. JACKMAN TO MR. R. G. REID.

"GOLD GLITTERS MOST WHERE HONOUR CEASES TO SHINE."

SIR,—The sixth objection to the Contract is based on the shameful sacrifice of the Harbor Grace Railway. This Railway was a paying concern, an asset complete in itself; its earnings for the past four years averaged $73,000 per annum. It was purchased from Sir Francis Evans for one million six hundred and twenty five thousand dollars. The Government paid you over three hundred thousand dollars for building its branch lines. The Harbor Grace Railway cost the taxpayers of the Colony two million dollars. Under the Contract of '93 you had to operate the Railway from Whitbourne to Port aux Basques for ten years free of charge to the Colony. You wanted to secure the Harbour Grace Railway for

THE PURPOSE OF CONTROLLING,

and managing, the whole Railway System. You made an offer in writing to the late Government before they went out of office to lease the Harbor Grace Railway and pay a rental of fifteen thousand dollars per annum. Under the Contract, or "sacrifice," of '98 you were made a present of this valuable paying railway for ever and for nothing; and, as the Act says, the branch of the said railway now in course of construction from

Brigus Junction to Clarke's Beach; thence to or near Tilton; also, the extension of said Railway now in course of construction from Harbor Grace to Carbonear. In connection with this magnificent gift presented to you by the Legislature of last session for nothing, we see your desire to drive an unscrupulous bargain, as the following proposals will prove. After this valuable road becomes your private property for ever, you say to the Government,

I WANT TO IMPROVE

my Railway by building a branch line into St. John's West. They vote you one hundred thousand dollars for that purpose. Then you say the road needs to be re-railed from Whitbourne to Topsail. They vote you another one hundred thousand dollars to re-rail your own line. Is that all? Oh, no! They deliberately vote you over 250,000 acres of land for operating a dividend-paying Railroad,—a Railroad that you previously offered to operate, without any land subsidy, and pay a rental of

FIFTEEN THOUSAND DOLLARS

per annum. Besides these concessions, they vote you the Municipal Basin and Marine Promenade for ever and for nothing. You wanted Water Street paved with granite to suit your Electric Railway. They vote you one hundred and forty thousand dollars for that purpose, without competition, or the consent, or approval of the Municipal Council, or the taxpayers of this city. Is that all? No, sir! The most barefaced public scandal has to be exposed in connection with

THIS " UNPARALLELED SACRIFICE,"

and I wish to direct the attention of the public to it. It has now leaked out that the Colony has to build all the railroad stations along the line. It was thought that you had to build these stations, because in common decency, honesty, and honor the people should not be called upon to build stations for your private Railroad. But we know now that outside the stations in St. John's the Government is to build all the stations, and pay for them out of the public funds of the Colony. At present the Government is building for you the following stations—Brigus, Brigus Junction, Carbonear, Clarenceville, and Bishop's Falls. After you submitted

PLANS AND ESTIMATES

for these stations, some members of the Executive said they were astonished at this "preposterous claim." These absurd concessions were forced through the Legislature on the plea of necessity. "Necessity is the argument of tyrants, it is the creed of slaves." The marked characteristics of your Contract are monopoly, tyranny, sacrifice, and slavery. It is monopoly, because, as Mr. Chamberlain says:—"The Contract will not even have the guarantee for efficiency and improvement afforded by competition," and because you own and control the most valued franchises of the people, and also because the exemption from all obligations on

YOUR LAND CONCESSIONS

give you a decided advantage over your competitors. For instance, if any other citizen had mineral claims extending 10 square miles, he would have to spend $60,000 on the property before he could get a complete title. You may have the next claim the same size, and have an indefeasible title without spending a single dollar to improve the property. It is tyranny because your standing solicitor, Mr. Morine, used his position as Finance Minister, before the budget was tabled, to tyrannize and intimidate the Legislature by stating that the Colony could not meet its obligations on the 30th June. The Governor, in his despatch to Mr. Chamberlain, says:—"I have little doubt that it was the knowledge of

THIS STATE OF AFFAIRS

which enabled the Contractor to press upon the Government terms so much harder on the Colony." It is now admitted by men of all shades of political opinion that your solicitor's statement was a huge bluff to intimidate the Legislature. It is a sacrifice because the Colony has sold its assets, its lands, its franchises, for less than the value of a first-class passenger steamer. If the Colony was in difficulties to-morrow we would stand before the financial world with a huge public debt of nearly twenty million

dollars, without any " substantial " assets. When we were in difficulties in 1895 we had our railroad, dock, telegraphs, &c.; these assets fairly represented our public debt, and on these assets the Dominion of Canada

OFFERED TO ASSUME $10,350,000

of our debt, besides offering an annual subsidy which capitalized would give $3,750,000 for our Crown Land Fees. These lands would be held in trust by the Government for the people. Now we have made a present of these assets and lands to you for less than one million dollars, we stand before the world beggared and humiliated. And in the words of Mr. Chamberlain's telegram, March 2nd, " deprived of all assets." The " Daily News " valued your claim at $15,000,000. In other words, the organ of the Government admit that they gave you $15,000,000 for less than $1,000,000. Your advertisements furnish us with further proof of this sacrifice. If you can get $2,000,000 subscribed for the pulp areas of Grand Lake and $1,500,000 for a couple of pyrites claims, what must be the value of the whole contract, including the control and ownership of the telegraphs, and the subsidized monopoly of the carrying trade of the Colony, by sea and land? You are paid in annual subsidies over one-tenth of the present revenue, and the taxpayers will have to support your gigantic monopoly at the rate of three thousand dollars per week for the next thirty years. On the second of March Mr. Chamberlain telegraphed the danger to the Executive in the following words:—" The additional annual charge of $170,000, besides deprivation of all assets, is a very serious thing for a Colony so heavily burdened." It was no use. " The die was cast," and the " business principles of Tupperism " triumphed over those who were " too green to burn." It is slavery because it binds future generations to pay a tribute or tax of not less than one dollar per ton on coal for ever. This tax on children unborn is not British fair play. There is not in English history such a degrading parallel. It means that our children must wear this badge of slavery because their fathers were foolish enough to discover a coal mine and then make a present of it to R. G. Reid. The slaves of the Southern States, or even the children of the convicts of Siberia were never asked to submit to such an indignity. No.

NOT EVEN FOR THE CZAR OF RUSSIA.

They took good care to tax coal in the interest of your mines, but did they stipulate that the miner was to get not less than a dollar per day for his labor? No, this Contract was forced down the throats of the members of both branches of our Legislature, like a horse doctor would give medicine to a sick beast. You drove a hard and humiliating bargain with the Government. It was said of a fellow-countryman of yours that he kept the Sabbath, and everything else he could lay hands on. You kept everything you had under the Contract of '93, and you took everything you could lay hands on under the Contract of '98. I am opposing the Contract,

NOT THE CONTRACTOR INDIVIDUALLY.

This Contract (outside of its blemishes) is an evidence of your faith in the country and its future. The faith you have in the energy, enterprise, and industry of your sons, is a proof of your intention to link your fortunes with our people. It is a pity that a contract involving such large interests should have been forced through the Legislature without the consent of the people. If you had a fair, honest, and equitable contract—" broad based upon the people's will "—you would receive the moral support of the people in your gigantic enterprise. The people feel that your contract was carried in the same disgraceful manner that Confederation was carried in Nova Scotia. The Anglo-Saxon and Celtic races always resent the purchase and sale of

THEIR RIGHTS AND PRIVILEGES.

A blow was struck against popular freedom on the floors of the Assembly when your solicitor domineered, and voted, in favor of a Contract specially drawn in your interest. It would take the pen of a Dickens to fittingly describe the scene, when your solicitor rose, with tears in his eyes, and uplifted hand, said: " I speak reverently to night when I say that there are homes in this city without a crust of bread, and if this Contract does not go through the young men must go to the Crow's Nest Pass to die of Black Diphtheria." I can imagine you mentally congratulating your solicitor when he says in his speech, " We do business in a business-like way." When you read the peroration where he dictated his now famous epitaph for his grave-stone you must have smiled and

said he has enough without begging a eulogy from a deceived people. If any apology is necessary for this open letter, I plead the importance of the issue. The figures and quotations used in this letter are taken from the correspondence on the Contract, published by command of Her Gracious Majesty Queen Victoria, and also from the report of our delegates upon the subject of Confederation with Canada. I have opposed the Contract, not because R. G. Reid was the contractor, but because I believe it is ruinous to the best interests of my native land.

Respectfully yours,
E. M. JACKMAN.

St. John's, December 3, 1898.

Enclosure 2 in No. 32.

DEAR SIR, St. John's, October 12, 1896.

I HEREBY offer to operate the road from St. John's to Harbour Grace—providing the Government supply new rails of the same pattern as those used on the N.N. and W. Railway—until August 1st, 1928, paying the Government therefor fifteen thousand dollars per annum, from the date of the commencement of actual operations, the Government to pay to the contractor the same mail subsidy as at present paid to the Newfoundland Railway Company, and to grant to him all the rights and privileges that is now enjoyed by the said Newfoundland Railway Company, and I will furthermore agree to the extension of the operating contract on the N. N. and W. Railway and its branches, to the same date as above, the Government to put six inches of extra ballast on said road and its branches, and providing further that the Government grant me in fee simple five thousand acres of land for each mile of railway operated—including the road from St. John's to Harbour Grace—the contractor taking over any lands that may have been already granted to the Newfoundland Railway Company.

Yours truly,
R. G. REID.

Honourable Robert Bond,
Colonial Secretary.

No. 33.

GOVERNOR SIR H. H. MURRAY to MR. CHAMBERLAIN.

(Received December 23, 1898.)

[*Acknowledged January* 4, 1899.]

Government House, St. John's,
SIR, December 13, 1898.

I ENCLOSE, for your information, an advertisement dated the 6th instant, under which my Ministers are trying to raise a small loan in the Colony under the Act of last session, cap. 10.

2. A large amount of debentures issued to Mr. Reid for building the railway have, I believe, been taken up by the Bank of Montreal, and while the Syndicate in London is gradually placing these debentures on the market, it is probably not thought prudent to attempt to float a new loan, however small, on that market.

3. I think it not unlikely that a small portion of these new debentures may be taken up in the Colony, as they carry 4 per cent. interest.

4. The necessity of raising money under the Act in question will be apparent from the following statement :—

The expenditure within the financial year ending 30th June, 1898, has, up to the present date, been as follows :—

On Governor's Warrant...	$1,660,495
Interest on Debt	646,225
Paying off 5% and 4½% Debentures	157,000
Total	$2,463,720

It will be seen on reference to section 1 of the Public Service Act, cap. 7, of last session, that $77,023 of the above expenditure is chargeable to the year 1896–97, but it has to be met out of the receipts—from revenue or otherwise—of the year 1897–98, and, as the accounts of neither of these years will be subject to audit, the amount charged to the respective years is not very material.

5. The *bonâ fide* revenue of the year 1897–98 will not exceed $1,570,000.

On this estimate the deficiency on "Ways and Means" for the year would be $893,720.

But of this amount there are three large items which will be chargeable to loans, viz. :—

$180,000 for advances made for some of the purposes mentioned in the Act to which the enclosed advertisement refers.

$157,000 for advances made for the redemption of the 5 per cent and 4½ per cent debentures.

There are two Acts dealing with the redemption of these debentures—

(A.) The redemption of Debentures Act of 1896, which authorises the issue of fresh debentures to the amount of $948,953 at 4 per cent to pay off the debentures bearing the higher rate.

(B.) The Appropriation Act of last Session, cap. 10, section 1, which authorises their redemption out of the railway sale made under the 38th section of the contract of 1898.

The first-named Act has not been put in force, and the $157,000 advanced out of the Treasury by the former and the present Government for the purpose in question has been repaid by the present Government out of the first instalment paid by Mr. Reid under the contract.

$100,000 which has been paid for right of way on the railway and for other railroad purposes, and which will be eventually met by debentures issuable from the railway loans.

The total of these three sums is $437,000, and if that amount is deducted from the $893,720, the amount of the disbursements made in excess of the *bonâ fide* revenue, a deficiency is left amounting to $456,720. In aid of it the $360,000, the balance of the bond loan, which was on deposit in the Bank of Montreal, has been taken, which reduces the deficiency to $96,000.

I think that this will be found to represent approximately the real condition of affairs.

6. The fact is, that every expenditure which could be charged upon the accounts of the year 1897-98 has been so charged, without much regard to the date at which the expenditure was authorised ; but such a course is attended with some advantages :—

(1.) The Audit Act of last session did not come into operation until the 1st of July. For the 10 previous years there has been no audit of the accounts of the Colony. As to the new Act, it is an improvement on "none at all," but it is radically wrong in an important respect.

(2.) It can, and possibly will, be argued that the estimates for the year 1897-98 were framed by the preceding Ministry.

(3.) It was important to be able to show, in defence of the railway contract, that Mr. Morine, the late Receiver-General, was to some extent correct in his statement that the Colony could not meet its financial engagements on the 30th June last without the aid obtainable by the contract.

(4.) By throwing every charge which could be so thrown on to the account of the previous year it will, it is hoped, be able to be shewn that the revenue receipts of the first six months of the current financial year will be sufficient to meet the expenditure incurred in it, including the interest on the debt due on the 31st December.

If this can be shown it may be that assistance may be obtained from the Bank of Montreal in floating the further debentures which must be put somehow on the market, and in meeting the deficiency of $96,000 to which I have referred.

I have, &c.,

H. MURRAY,

Governor.

Enclosure in No. 33.

"Royal Gazette"—6th December, 1898.

CONSOLIDATED STOCK.

The Minister of Finance gives notice that under the provisions of an Act passed in the last session of the Legislature, entitled "An Act to provide for the appropriation of certain sums of money, and for other purposes," he is authorized to raise by loan the sum of Three hundred and forty-nine thousand eight hundred and fifty-seven dollars and thirty-two cents, upon debentures chargeable upon and payable out of the public funds of this Colony, bearing interest at the rate of 4 per cent. per annum, payable half-yearly on the first day of January and the first day of July in each year. Provided that it shall be optional with the Government to pay off same after the expiration of twenty-five years upon giving twelve months notice of such intention.

Tenders for above amount will be received at this Office until the 31st day of December, 1898.

The Tenders must express how many dollars will be given for every One hundred dollars Stock.

W. J. S. Donnelly,
Acting Minister of Finance.

Minister of Finance Office,
St. John's, Newfoundland,
6th December, 1898.

No. 34.

Governor Sir H. H. MURRAY to Mr. CHAMBERLAIN.

(Received December 23, 1898.)

[*Acknowledged December* 29, 1898.]

Sir, Government House, St. John's, December 14, 1898.

I have the honour to forward to you petitions against the Railway Contract Act as noted below.

I have, &c.,
H. MURRAY,
Governor.

By whom sent.	Locality from which sent.
Mr. A. le C. Berteau ...	Heart's Content, Trinity District.*
do. ...	Turk's Cove, do.†
do. ...	Musgrave Harbour, Fogo District.†
Mr. E. M. Jackman ...	Francois, Burgeo and La Poile District.†
do. ...	Cul de Sac, do.†
do. ...	Lower Island and Caplin Coves, Bay de Verde District.†
do. ...	Harbour Grace.†
do. ...	Whitbourne, Trinity District.†
do. ...	Black Head, Bay de Verde District.†
do. ...	Burnt Islands, Burin District.†
do. ...	Trepassey, Placentia and St. Mary's District.†
do. ...	Catalina, Trinity District.†

* Identic with that in enclosure 2 in No. 1.
† Identic with that from the District of Twillingate (*see* p. 8).

Enclosure in No. 34.

MEMORANDUM.

Total number of signatures to petitions forwarded up to date by despatch of the 6th December, 1898*	18,919
Total number now forwarded...	1,178
Total to 14th December	20,097

A further table of the number of signatures by districts is enclosed. It practically brings the one accompanying despatch of the 25th November† up to the date of this despatch.

PART 1.—CONTAINING THE ELECTORAL DIVISIONS ALONG THE SOUTHERN SHORE FROM CAPE RACE WESTWARDS AND THE TREATY SHORE TO CAPE JOHN.

Seats.	District.	Population.	No. of Voters.	No. voted in 1897.	No. of Signatures to date.
3	Placentia	12,801	3,515	2,753	1,183
2	Burin	9,059	2,329	1,688	494
1	Fortune	7,677	1,953	1,254	270
1	‡St. Barbe	6,690	1,654	966	195
1	‡St. George's	6,632	1,844	1,375	277
1	Burgeo	6,471	1,537	1,075	710
2	‡Ferryland	5,853	1,585	1,377	690
11		55,177	14,417	10,488	3,819

PART 2.—CONTAINING THE ELECTORAL DIVISIONS FROM CAPE RACE NORTHWARDS TO CAPE JOHN.

Seats.	District.	Population.	No. of Voters.	No. voted in 1897.	No. of Signatures to date.
3	St. John's East	20,776	4,611	3,633	3,338
3	St. John's West	15,251	3,871	3,174	2,708
3	Trinity Bay	18,872	4,733	3,734	1,746
3	Bonavista	17,849	4,809	3,345	885
3	Twillingate	16,780	4,336	3,423	2,030
3	Harbour Grace	13,881	2,946	2,239	1,604
2	Bay de Verde	9,708	1,763	1,183	957
2	‡Harbour Main...	9,189	2,345	1,754	1,042
1	Port de Grave	7,986	1,872	1,295	461
1	Fogo	6,700	1,763	1,183	385
1	‡Carbonear	5,765	1,448	1,039	—
25		142,757	34,497	26,002	15,156

NOTE.—To the above totals must be added 321, the number of signatures attached to a petition already forwarded, from a few of the fishermen of the Colony when on Labrador last summer, and with 800, taken as the number on the petition from a public meeting at St. John's, the total is now 20,096.

* No. 31. † No. 28.

‡ Districts marked thus have not sent in any further signatures since last return, *vide* despatch of 25th November, 1898.§

§ No. 28.

COLONIAL REPORTS—ANNUAL.

No. 256.

NEWFOUNDLAND.

ANNUAL REPORT FOR 1896-7.

Presented to both Houses of Parliament by Command of Her Majesty.

January, 1899.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
By DARLING & SON, Ltd., 1-3, Great St. Thomas Apostle, E.C.

And to be purchased, either directly or through any Bookseller, from
EYRE & SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; and
32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

1899.

[C.—9046-24] *Price* 1*d*.

COLONIAL REPORTS.

The following, among other, reports relating to Her Majesty's Colonial Possessions have been issued, and may be obtained for a few pence from the sources indicated on the title page :—

ANNUAL.

No.	Colony.	Year.
227	Leeward Islands	1896
228	Bermuda	1897
229	Gambia	,,
230	Turks and Caicos Islands	,,
231	Barbados	,,
232	Lagos	,,
233	St. Vincent	,,
234	Sierra Leone	,,
235	Falkland Islands	,,
236	Straits Settlements	,,
237	British New Guinea	1896–97
238	Bahamas	1897
239	St. Lucia	,,
240	St. Helena	,,
241	Trinidad and Tobago	,,
242	British Honduras	,,
243	Malta	,,
244	Fiji	,,
245	Hong Kong	,,
246	Leeward Islands	,,
247	Grenada	,,
248	Gibraltar	,,
249	Gold Coast	,,
250	Mauritius and Rodrigues	,,
251	Solomon Islands	1897–98
252	Seychelles	1897
253	Labuan	,,
254	Ceylon	,,
255	Basutoland	1897–98

MISCELLANEOUS.

No.	Colony.	Subject.
1	Gold Coast...	Economic Agriculture.
2	Zululand	Forests.
3	Sierra Leone	Geology and Botany.
4	Canada	Emigration.
5	Bahamas	Sisal Industry.
6	Hong Kong	Bubonic Plague.
7	Newfoundland	Mineral Resources.
8	Western Pacific	Solomon Islands.
9	Dominica	Agriculture.
10	Virgin Islands	Condition during 1897.
11	Grenada	Agriculture in Carriacou.

No. 256.

NEWFOUNDLAND.

THE COLONIAL SECRETARY to the GOVERNOR.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward herewith the Blue Book of this Colony for the year ending 30th June, 1897, for transmission to the Right Honourable the Secretary of State for the Colonies.

TRADE.

The imports for the year under consideration amounted to $5,938,334, and the exports to $4,925,789, the balance of trade being thus against the Colony to the amount of $1,012,545. A deficiency of 300,000 quintals in the catch, and the diminution in price, of codfish, reduced the value of exports by considerably over $1,000,000. The prices ruling in the local market at the time of taking over the catch from the fishermen, though about the same as the previous year, were not borne out in the foreign markets, and, at the time of shipment abroad, values had decreased very considerably, resulting in large loss to our exporting firms. The imports were slightly less than in the previous year, as the following table will show :—

——	1895–6.	1896–7.
	$	$
From United Kingdom	1,875,754	1,960,999
„ British Colonies...	2,517,659	1,765,562
„ Foreign Countries	1,593,448	2,211,773
Total	5,986,861	5,938,334

1440*—75—1/99 Wt 21935 D & S—5 (B)

NEWFOUNDLAND, 1896–7.

By these figures it appears as if the trade with British Colonies had decreased, and that the trade with Foreign Countries had increased by the same sum. This is merely fictitious, and is the result of the imperfect system of tabulating imports in 1895–6, which has been corrected, to some extent, at least, in 1896–7. A large quantity of the productions of the United States come to us in bond, through Canadian ports, and these had, in the past, been included with the actual imports from the Dominion of Canada. Now, however, the Customs distinguish between the actual products of Canada and those merely passing through in bond, crediting the latter to the country of origin.

The total exports were :—

——	1895–6.	1896–7.
	$	$
To United Kingdom	1,727,852	1,349,273
„ British Colonies	1,334,340	951,072
„ Foreign Countries...	3,575,995	2,625,444
Total	6,638,187	4,925,789

FISHERIES.

Codfish.

Our principal fishery resulted in an average voyage, being 300,000 qtls. less than the previous year. The shippers to foreign markets were severely handicapped by the poor returns realized, prices having fallen considerably. The competition of the Norwegians and of the French to obtain possession of our fish markets is severe, the latter being in a specially favourable position, by reason of the large Government bounties, to undersell all rivals. Much effort has been put forth by our mercantile firms to perfect the cure of our staple, but there remains yet a great deal to be desired in this direction. Newfoundland cod, well-cured, is second to none, but, so long as fish is purchased " talqual " the incentive to proper cure and careful handling will be to a large extent absent, the lower grade fish being equally remunerative to the fisherman as the prime merchantable. The system is a pernicious one, and its continuance is fraught with danger to the Colonial trade. Lack of capital prevents experiments to any large extent with new markets. The Government, in the summer just past (1898), authorized Commissioners to visit the Mediterranean ports in the interests of the fish trade. But very little can be done by a short visit. Several permanent mercantile agents are needed, who must keep moving through the various sections of territory ; the needs of each market must be

studied as to quantity, cure, and packages required, and due attention to these matters must be given by shippers. The length of time required to work up such a trade, the uncertainty of the venture, and the need for ready money, are obstacles in the way of the experiment.

In my last report I quoted the average price of shore fish at $3 per qtl., and Labrador at $2.30. By the returns herewith you will notice the average rate to be about $2.50 and $2.00, respectively, for the year 1896–7.

The exports in connection with the codfishery were :—

—	1895–6.		1896–7.	
	Quantities.	Value.	Quantities.	Value.
		$		$
Codfish, dry ...	1,436,083 qtls.	4,297,699	1,135,817 qtls.	2,824,242
Cod oil	4,456 tuns	311,920	3,705 tuns	245,360
Cod liver oil ...	33,145 gals.	33,145	87,601 gals.	39,420
Fresh, green, and pickled codfish, haddock, ling, sounds, and tongues.	—	5,633	—	2,346
Total ...	—	4,648,397	—	3,111,368

Seal Fishery.

The prosecution of this fishery in the spring of 1897 resulted in but poor returns. The values are quoted, for seal oil, $75.00 per tun, and for seal-skins an average of 60 cents each, against $70.00 and $1.25, respectively, for 1895–6. Seal-skins vary in value according as they are the pelts of old or young or white-coats, and the average price is, of course, affected by the proportion of these in the season's catch.

The exports from this fishery are :—

—	1895–6.		1896–7.	
		$		$
Seal oil	3,305 tuns.	230,068	3,283 tuns.	246,263
Seal-skins	298,049 No.	372,461	195,340 No.	117,204
Total ...	—	602,529	—	363,467

NEWFOUNDLAND, 1896–7.

Lobster Fishery.

The yield of this important fishery, which, in this year under review, ranks next to the codfishery, was very encouraging indeed. The export was 58,883 cases, valued at $529,947; against 45,662 cases, valued at $376,711, for the previous year. The diminution in the size of the fish calls for notice, and shows the need of judicious legislation guarding the fishery. Such legislation, firmly and steadily enforced, together with a careful pack on the part of the canners, will ensure this industry being a source of wealth to those engaged therein.

Herring Fishery.

This fishery shows a lamentable falling off from what it was some few years ago. The export in 1896–7, compared with the previous year, was :—

——	1895–6.		1896–7.	
		$		$
Frozen herring ...	32,628 brls.	32,628	43,513 brls.	52,216
Pickled do. ...	40,113 brls.	98,665	19,731 brls.	49,960
Total ...	72,741 brls.	131,293	63,244 brls.	102,176

The prices ruling were $1.20 per barrel for frozen and $2.50 for pickled; against $1.00 and $2.45 in 1895–6.

Salmon Fishery.

A slight improvement, both in the catch as well as in the price, shows itself for 1896–7. From $17.40 per tierce in 1895–6 the price went to $19.25 in 1896–7.

The export was :—

——	1895–6.		1896–7.	
		$		$
Salmon, pickled ...	3,284 tcs.	57,003	4,648 tcs.	89,581
,, preserved ...	—	9,340	—	688
Total ...	—	66,343	—	90,269

The smaller fisheries are too unimportant for notice. The total export of our fisheries for the year 1896–7 was $4,208,747, against $5,853,156 for 1895–6. NEWFOUNDLAND, 1896–7

SHIPPING.

The following figures give the number and tonnage of vessels entered and cleared from ports of this Colony, for the year ending 30th June, 1897, as compared with the previous year :—

Entered

	1895–6.		1896–7.	
	Vessels.	Tonnage.	Vessels.	Tonnage
Sailing	1,183	107,689	1,107	95,145
Steam	352	316,178	295	285,410
	Cleared.			
Sailing	815	83,801	881	78,962
Steam	272	284,228	239	258,186
Total ...	2,622	791,896	2,522	717,703

Of the above the following were British :—

Entered.

	1895–6.		1896–7.	
	Vessels.	Tonnage.	Vessels.	Tonnage.
Sailing	1,074	94,387	1,009	84,248
Steam	339	304,788	286	278,549
	Cleared.			
Sailing	767	77,781	852	75,759
Steam	261	271,876	234	253,261
Total ...	2,441	748,832	2,381	691,817

NEWFOUNDLAND, 1896–7.

LUMBERING.

A great deal of activity exists in this branch of our industries, which is yearly becoming of more value to the people of the Colony. Lumber in all its forms is now produced to meet the local needs. The subject of pulp manufacture is being prominently brought forward, and will, no doubt, in the near future, be entered into largely, for there is abundance of timber in the island most suitable for this purpose.

MINING.

The product of our mines in 1896–7 was somewhat behind that of the previous year, but still came up to the average. Outside capitalists are evincing an interest in our mineral deposits, and if experienced miners, with the necessary capital behind them, can be got to develop these deposits properly, the future of Newfoundland as a mining country will be assured. Already we have several outside syndicates here who have, up to the time of writing (1898), expended large sums in machinery, tramways, and loading piers. Prospectors are moving over the face of the island, and up and down the coast of Labrador, and the indications of increased activity in mining are very apparent. The Government have afforded encouragement and help to all interested, by the establishment of a Public Assay Office, where minerals, discovered by those of limited means, will be tested and reported upon free of cost. The deposit of hematite on Bell Island still continues to yield as largely as ever, and operations on a still larger scale are proposed for the season of 1899.

In 1896–7 the export, compared with that of 1895–6, was as follows :—

	1895-6.		1896-7.	
	Tons.	Value.	Tons.	Value.
		$		$
Regulus (copper) ...	22,922	275,064	13,427	161,124
Copper ore	41,750	208,750	48,361	241,805
Iron pyrites	36,496	182,480	31,185	155,925
Asbestos	—	2,000	—	- -
Total ..	—	668,294	—	558,854

Financial.

The revenue for the year ending 30th June, 1897, compared with that of the previous year, is as follows :—

——	1895-6.	1896-7.
	$	$
From Customs	1,383,810	1,473,267
„ Light Dues	33,073	28,195
„ Postal	38,300	50,560
„ Profit on Issue of Coin	48,862	—
„ Miscellaneous	60,421	58,766
Total	1,564,466	1,610,788

The revenue actually collected is slightly in excess of the estimated amount, while the increase over that for 1895-6 is $46,322.

The expenditure for the year is as follows :—

Service.	1895-6.	1896-7
	$	$
Education	126,822	154,438
Judicial, Magisterial, and Police	89,297	115,981
Public Works, Light Houses, and Public Buildings.	63,588	221,150
Postal, Mail Subsidies, Railways, Telegraphs.	209,158	242,478
Salaries and Pensions	107,349	108,520
Customs	43,012	120,647
Relief of Poor	146,474	178,441
Interest on Public Debt	522,810	599,160
Miscellaneous	51,945	71,147
Legislative	—	54,848
Total	1,360,455	1,866,810

NEWFOUNDLAND, 1896–7.

The grant for education, which had been reduced in 1895–6 under retrenchment, was restored to its full figure in 1896–7; and a grant for public works was made for the repair of roads and bridges. These and some other allocations were made out of the excess of revenue over expenditure in 1895–6, which was shown by the returns tabled by the Receiver-General to be $204,011. The Customs expenditure for 1895–6, as shown above, is for six months only, while that for 1896–7 is for the 12 months. In 1896–7 were charged the expenses of the two legislative sessions—one held in July and August, 1896, and the other in the spring of 1897. There was none holden in the currency of 1895–6.

The actual expenditure for the year exceeds the actual revenue by $256,022; while, deducting the surplus of 1895–6 ($204,011) the shortage is $52,011.

The statement of assets and liabilities, tabled by the Receiver-General, shews a balance in favour of the Colony of $662,604.36. On the debit side will be noticed an amount of $167,314.50 down to dividend account. This is not an actual liability. It is the amount received to that date from dividends paid on the notes of the defunct banks, the total sum of which appears on the credit side as an asset, viz.:—$225,459.80. The sum of $360,000 on deposit at bank of Montreal represents the balance of loan raised in May, 1895.

PUBLIC DEBT.

The public debt at 30th June, 1896, stood at $13,096,945.39. At 30th June, 1897, it was $16,248,522.05. The increase of $3,151,576.66 is made up as follows:—

	$ c.
St. John's Rebuilding Act ...	14,712 69
N. N. and W. Railway ...	1,713,002 20
Newfoundland Railway ...	1,581,666 66
	$3,309,381 55
Less paid off ...	157,804 89
Nett increase of ...	$3,151,576 66

Assuming the population to be 210,000, the debt *per capita* is $77.37; the multiple of revenue being $10.08.

Railways.

Early in 1897 the Government of the day concluded negotiations with the Newfoundland Railway Company, whereby, for the sum of £325,000 stg. payable in bonds of 50 years at 3 per cent. interest, all the rights of the said company in this Colony were transferred to the Government.

The whole railway system of the Colony was thus brougbt under one control, and the injunction placed by the Newfoundland Railway Company upon the disposition of the coal areas near Grand Lake was removed. An arrangement with Mr. Reid to place a first class passenger ship on the strait dividing our Island from the mainland of the neighbouring continent, brought the transinsular railway system of the Colony into close connection with the great Canadian and American lines.

Legislation.

The titles of the various Acts passed by the Legislature in the session of 1897 will be found in the Blue Book.

Of these, two were reserved for the signification of Her Majesty's pleasure, viz. :—" An Act to amend Chapter 124 of the Consolidated Statutes (Second Series), entitled 'Of the Coast Fisheries' "; and " An Act to amend the Election Act, 1889, and the Acts in amendment thereof." These Acts did not become law.

Education.

The grants for this service, reduced in 1895–6, were this year put back to the figure at which they stood previous to retrenchment. The total expenditure under this head for 1895–6 was : $126,821.86 ; and for 1896–7, $154,438.07.

No. of schools open in 1895–6	588
No. of schools open in 1896–7	625
No. of scholars on roll in 1895–6	33,722
No. of scholars on roll in 1896–7	32,207

In bringing to a close this brief record of the Colony's affairs for 1896–7, I may add that at this time of writing things have brightened considerably. Trade has improved, the prices paid

NEWFOUNDLAND, 1896-7.

for our fishery products are higher, foreign markets are stronger, provisions are reasonable, greater interest continues to develop in mining and agriculture, while the evident interest of the Imperial Government in the welfare of the Colony, as shown by the appointment of the Royal Commission in connection with the French Treaties question, and the appointment of the Premier as a member of the High Commission now sitting at Washington, engenders the hope that the day of a new and better order of things is at hand.

I have, &c.,

J. ALEX. ROBINSON,

Colonial Secretary.

8*th December*, 1898.

CROFTER COLONIZATION.

NINTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED TO CARRY OUT A SCHEME

OF

COLONIZATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND;

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.

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PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
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NINTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED TO CARRY OUT A SCHEME

OF

COLONIZATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN HIGHLANDS AND ISLANDS OF SCOTLAND.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY :

We, the undersigned Commissioners appointed under Your Majesty's Sign Manual for the purpose of carrying out a scheme of colonisation in the Dominion of Canada of crofters and cottars from the Western Highlands and Islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to your Majesty the following Report :—

Reports have been received from the agent of the Board in Canada relating to the settlements at Killarney, in Manitoba, and at Saltcoats in the North West Territories of Canada, for the year 1897. The former was established in the summer of 1888, prior to the constitution of the Board, and the latter in the spring of 1889, most of the families also having been selected before the first meeting of the Board.

Statements are appended containing extracts from the agent's reports (Appendix A.) and statistics (Appendix B.) showing the position of the settlements in 1897, and giving the acreage under various crops, live stock on the farms, and other information.

Killarney Settlement.

There are 54 homesteads under cultivation in the Killarney Settlement, which numbers about 160 persons. The area under cultivation in 1897 was 2,401 acres, and the additional area broken and under summer fallow was 1,077 acres, or a total of 3,478 acres, as compared with 3,741 acres in 1896. Dividing this area among the 30 families forming the settlement, the average is 120 acres per family. It includes 1,073 acres under crop and in summer fallow, on the homesteads of 19 younger members of the various families, an average of about 56 acres each.

It will be seen that the yield of wheat in the settlement in 1897 was 19,878 bushels, as compared with 27,845 in 1896. There were also 7,856 bushels of oats raised, and 2,960 bushels of potatoes, as compared with 11,075 bushels and 3,415 bushels respectively in the previous year. The value of the wheat raised was $14,908, of oats $1,964, and of potatoes $592, as compared with $16,707, $1,993, and $683 in 1896.

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In addition to the animals remaining of those originally supplied by the Board, now in the possession of the crofters, they have acquired 92 horses, 23 oxen, 80 cows, 47 heifers, 30 steers, 1 bull, and 163 pigs. The number of chickens and other poultry owned by the various families is 1,575. These figures show a slight decrease over the previous year (owing to sales, prices having been favourable) but, as will be seen from the returns, the increase as compared with 1890 is considerable.

The families in the settlement have cut 818 tons of hay.

The whole of the crofters have now accepted leases from the Board in which they promise to repay their indebtedness in instalments over a period of eight years. Certain of the crofters objected for a time to the terms offered, although, in order to make the repayments easier, the Board agreed to waive all interest upon the advances up to the commencement of the year, and also half the expenses connected with the foreclosure proceedings, in the event of the instalments under the leases being properly and promptly met. In the end the Board was compelled to take further proceedings to protect its interests, and the matter is disposed of as stated, all the objecting crofters having signed the leases, and paid the costs that were incurred.

So far no arrangement has been made between the crofters and their outside creditors for the disposal of the debts, so unwisely incurred, which have tended to retard the progress and welfare of the settlement. The Board offered to allow the debts due to the other creditors of the crofters, if they were reduced to a considerable extent and the items properly verified, to rank *pari passu* with the obligations of the crofters to the Board, in order that the whole of the debt might be liquidated in a reasonable time without pressing unduly upon the settlers. The creditors, while agreeing to the reductions, declined to accept the other conditions of the proposal, urging that their claims should have a priority over those of the Board.

While it cannot be stated that the settlement is in a satisfactory condition, so long as the outside indebtedness remains outstanding it is believed that the acceptance of the leases offered by the Board on such favourable terms, is a step in the right direction, and it is hoped that the other creditors may yet be disposed to regard the Board's proposal more favourably.

Attention is called to a paragraph in the report of the agent, stating that with few exceptions the settlers have promptly paid their municipal taxes, and now that the remainder of the settlers have accepted the leases, it is believed that they also will pay due regard to their municipal liabilities.

The Saltcoats Settlement.

The Saltcoats settlement contains about 90 persons. They had 45 acres under cultivation.

The crofters have not, it is stated, sown a larger area of grain, because they prefer to devote more attention to the raising of live stock, which besides being more profitable, enables them to go out to earn money during the seeding and harvest seasons.

It will be seen that the crofters now have 29 horses, 2 oxen, 60 cows, 61 heifers, 35 steers, 4 bulls, 72 sheep, 15 pigs, and 417 chickens. These figures show an increase as compared with the previous year.

The Saltcoats settlers have not incurred outside debts to any appreciable extent; they rarely ask for credit, and where credit is given they seldom allow the date of payment to pass without discharging their obligations.

It is a matter for regret, however, that the Saltcoats crofters refuse to take advantage of the legislation passed by the Parliament of the Dominion of Canada for their relief. This legislation was obtained at the request of the crofters themselves, and its object was to enable those who remained in the settlement to choose other homesteads which

they regarded as being more suitable. The intention was that their accounts should be credited with the value of the homesteads given up, the balance of the indebtedness being secured upon their new homesteads by means of mortgages. Such an arrangement would obviously have been in the interest both of the crofters and of the Board.

The matter is receiving careful consideration with a view to steps being taken to protect the Board's interests.

All of which we humbly submit to Your Majesty's gracious consideration.

BALFOUR OF BURLEIGH.
STRATHCONA AND MOUNT ROYAL.
HORACE PLUNKETT.
JAMES KING.
COLIN SCOTT-MONCRIEFF.
JOHN ROSS OF BLADENSBURG.
THOMAS SKINNER.

J. G. Colmer, Secretary.

December 1898.

APPENDIX A.

I.—Extract from the Report of the Agent of the Board respecting the Killarney Settlement.

I have the honour to forward to you, by registered mail, my Official Report on the Killarney Crofters Settlement for year 1897.

Statements and Individual Reports.

The various statements have been compiled with the view of showing the fullest possible information in what is hoped may be found a convenient form for reference. They contain a record of the lien number, name, age, and location of each member of every family. The number of acres under cultivation of wheat, oats, and potatoes, average per acre, yield and market value of the same. Total acres under cultivation, breaking, backsetting and summer fallow done during the year, and grand total of acres that can be brought under cultivation for the spring of 1898, as well as the live stock on each homestead, value of improvements, &c., present approximate value of homestead, total approximate value of the Board's security, debts owing to the municipalities and Board, amounts paid thereon, and general remarks.

Recapitulation.

A comparative statement has been added for the years 1890 and 1897. This statement shows that the total number of acres brought under the plough in 1890 was 2,182, and for 1897, 3,478, an increase of 1,296, or an average of 74 acres to each settler. Also that the total number of acres under cultivation for 1890 was 1,323, and for 1897, 2,401¾, an increase of 1,078¾ acres. In 1890 the acreage under wheat was 1,239, with an average yield of 15 bushels; and in 1897, 1,925, with an average yield of over 10 bushels to the acre. In 1890 the acreage under oats was 74 acres, with an average yield of over 29 bushels to the acre; and in 1897, 458 acres, with an average yield of over 17 bushels to the acre. The number of acres under potatoes in 1890 was 10, with an average yield of over 176 bushels to the acre: and in 1897, 18¾ acres, which yielded 2,960, or over 155 bushels to the acre.

The settlers could have found a ready market for their crops during the autumn of 1897, at an average of 75 cents for wheat, oats 25, and potatoes 20 cents per bushel.

It will be seen, by comparing the statement with the one sent by the Agent last year (1896) that although the settlers' crops have not yielded as much per acre as they did in 1896, they have received 15 for wheat, and 7 cents for oats, per bushel more than they did the previous years. It will also be observed from the statements in question that the settlers have prepared during the season of 1897 a larger area of land for seed, than they did in 1896.

The cause assigned by the settlers for the low average yield of grain per acre was, early frosts in May, and subsequent dry weather. While this may partly account for the low yield the Agent contends that the real cause, in many instances, is directly traceable to the manner in which the land has been tilled, preparatory to sowing the seed, and also to the continuous sowing, year after year, of the same land and seed. On the agent remonstrating with certain of the settlers for cultivating the land in such an unhusbandlike manner, he has been informed: "We may just as well take all we can out of the land before it is taken from us." Under the terms of the new leases the Board has the authority to compel the lessees to cultivate their lands in a good husbandlike and proper manner.

It will be further observed from the comparative statement that in 1890 the crofters purchased 1 horse, and in 1897 they had in their possession 92, an increase of 91. In 1890 the number of oxen (I.C.B) was 57; and in 1897, 10, a decrease of 47. Again in 1890 the settlers purchased 24 oxen; and in 1897 they had in their possession 23, a decrease of 1. In 1890 the settlers had 37 of the original cows supplied to them by the Board; and in 1897, 4, a decrease of 33. Cows purchased by settlers in addition to those supplied by the Board in 1890 numbered 25, and in 1897 this number was increased by 55.

The number of young stock, &c., is as follows:—

Heifers,	1890, 50;	1897, 47;	a decrease of	3.
Steers,	1890, 37;	1897, 30;	„ „	7.
Bulls,	1890, 5;	1897, 1;	„ „	4.
Poultry,	1890, 813;	1897, 1,575;	an increase of	762.
Pigs,	1890, 38;	1897, 163;	„ „	125.

The agent is pleased to be able to inform the Board that several of these settlers have discharged debts incurred in purchasing horses.

The cause of the decrease in the live stock originally supplied to the settlers is accounted for by death and sale, while the decrease in the private stock is directly traceable to sales made to American cattle buyers, who pay 8 cents a pound, live weight, for young cattle.

Municipal Taxes.

It is gratifying to the agent to be able to report that, with few exceptions, the Board's settlers have promptly paid their municipal taxes. The exceptions referred to are Nos. 2, 4, 6, 8, 13, 17, 54, and 61, who positively refused to sign the Board's leases.

Leases, 1898.

In accordance with instructions contained in your letter to the agent, and dated the 26th January last, the Board's solicitors (Macdonald, Tupper, Phippin, and Tupper) are preparing new leases for the settlers to sign.

The agent begs to tender to the Board the thanks of a number of the crofters' friends in this country, who are aware of the very generous terms under which their settlers are to be given the opportunity of becoming the proprietors of some of the most desirable farming lands obtainable in the Province of Manitoba.

With the view of convincing the Board's settlers how necessary it is that the conditions of their new leases should be adhered to, the agent most respectfully suggests that more frequent visits should be made by the agent to the colony than hitherto, as he believes they would be beneficial in stimulating the settlers to farm their holdings in a more husbandlike manner, and give them opportunities of consulting him on all matters relative to their future welfare in this country, and materially minimise their present chances of obtaining undesirable advice, &c., and finally assisting the Board's agent to watch their interest more closely.

Since the agent's last annual report, the crofters have built in their colony a very fine substantial stone church, well finished inside, heated by a modern hot air furnace, and comfortably furnished with serviceable seats. The cost of the church (about $2,500) has been defrayed by the crofters and their friends in this country, and the agent is credibly informed, free from debt. Mr. Duncan McLeod, a Gaelic speaking missionary, is in the near future to take charge of the parish. He appears to have a clear insight as to the special failings which have retarded the crofters' progress in this country, and has expressed his intention of using his influence amongst his congregation in seconding the agent's efforts for the well-being of the colony.

II.—Extract from the Report of the Agent of the Board respecting the Saltcoats Settlement.

I have the honour to forward to you, by registered mail, my Annual Report on the "Lothian" Crofter Colony, located near Saltcoats, Assiniboia, North West Territories.

The various statements herewith attached have been compiled with the view of showing the fullest information in what is hoped may be found a convenient form

for reference. They contain a record of the lien number, name, age, and location of each settler, together with the name and age of each member of every family. The number of acres under cultivation of wheat, oats, and potatoes, average per acre, yield and market value. Total acres under cultivation, breaking, backsetting and summer fallow, done during the year, and grand total of acres, that can be brought under cultivation during the season of 1898, as well as the live stock on the farms, value of improvements, &c., on each homestead, present approximate value of the Board's security, amount of principal advanced by the Board, to each settler, and general remarks.

Recapitulation.

A comparative statement has been added for the years 1890 and 1897, which shows that the total number of acres brought under the plough by the fifteen settlers, at present remaining on their homesteads in 1890, was 58, and for 1897, 45½, a decrease of 12½ acres; also that the total number of acres under cultivation for 1890 was 83, and for 1897, 45½, a decrease of 37½ acres. In 1890 the total acreage under wheat was 13, which yielded over 16 bushels, and in 1897, 8, a decrease of 5 acres. In 1890 the number of acres under oats was 39, which yielded 23 bushels to the acre, and in 1897, 24, a decrease of 15 acres. In 1890 the acreage under potatoes was 6, which yielded 1,108 bushels; while in 1897 the settlers sowed 13½ acres, which yielded 2,426 bushels.

The settlers could have found a ready market for their crops, at an average of 75 for wheat, oats 25, and potatoes 20 cents per bushel.

The cause of the decrease in the acreage of cultivated lands has been explained in the Agent's 1896 Report, *i.e.*, "by the settlers having given up grain growing and devoting their attention to the raising of live stock, which they contend pays best and allows us to go out and earn money during the sowing and harvest seasons." In case it might be inferred by the Board, as it has been by some of the settlers, that the land and climate is not suitable for grain growing, the agent begs to record the fact (which can easily be verified by reference to practical farmers living in the same district as the Board's settlers) that the farmer who properly prepares and sows his land, very seldom reaps a crop that does not pay him manifold. The direct cause of the crofters failure to successfully grow grain can only be explained by the unhusbandlike manner in which they have attempted to farm.

The comparative statement also shows that in 1890 the crofters had no horses, and in 1897 they had in their possession 29 head. In 1890 the number of Imperial Colonisation Board oxen were 18, and in 1898, 1, a decrease of 17. Again in 1890 they had no other oxen, but those supplied by the Board; while in 1897 they had two. Imperial Colonisation Board cows in 1890, numbered 10, and in 1897 none. Cows purchased by the settlers, in addition to those supplied by the Board in 1890, numbered 4, and in 1897 this number was increased to 60. The number of young stock, &c., is as follows:—

Heifers,	1890,	9;	1897,	61;	an increase of 52.
Steers,	1890,	8;	1897,	35;	„ „ 27.
Bulls,	1890,	1;	1897,	4;	„ „ 3.
Sheep,	1890,	0;	1897,	72;	
Pigs,	1890,	0;	1897,	5;	
Poultry,	1890,	106;	1897,	417;	„ „ 311.

While the number of tons of hay in 1890 was 185, and in 1897, 756.

The cause of the decrease in the live stock, originally supplied by the Board to their settlers, is explained by death and sale.

General Remarks.

The agent begs to report that he has thoroughly explained to each settler the conditions under which the Dominion Lands Act would allow him to abandon his present and enter for a new homestead. (*See* Exhibit "A" herewith attached.)

It will be seen from the agent's remarks, recorded in each settler's individual report, that they decline to take advantage of the Act.

Exhibit "A."

1. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the Board mentioned in chapter 21 of the Statutes of 1888, and who has resided on such lands up to the time of the passing of the Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

2. The lands so abandoned may be granted to the said Board subject to a condition that the Board shall place a *bonâ fide* settler thereon by the sale thereof to such settler or otherwise within two years from the date of the patent to the Board, or, in default of so doing, shall, on demand sell the said lands to any person willing to become a *bonâ fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the Board thereon and interest, and the expenses incurred by the Board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon, and of the patent or other titles thereto.

3. The minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon, and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form "B" in the Schedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses, and the value so placed upon such first homestead.

APPENDIX B. - - - - - - -

KILLARNEY CROFTERS - - - - - - - -

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
				Bushels.	$ c.		Bushels.	$ c.		Bushels.	$ c.
1	—	William McLeod -	40	480	360 00	10	150	37 50	½	43	8 60
—	34	Malcolm McIver -	—	—	—	—	—	—	—	—	—
2	—	Donald McDonald -	35	420	315 00	10	150	37 50	½	45	9 00
—	54	Samuel Graham -	48	576	432 00	—	—	—	—	—	—
4	—	John McKay - -	40	480	360 00	5	100	25 00	½	83	16 60
5	—	Norman Graham -	45	450	337 50	10	180	45 00	¾	122	24 40
—	35	William McLeod -	64	576	432 00	12	264	66 00	¼	53	10 60
6	—	John Nicholson -	60	600	450 00	20	400	100 00	1	228	45 60
—	36	John McLean - -	20	200	150 00	5	75	18 75	½	63	12 60
7	—	John Campbell -	45	360	270 00	10	120	30 00	½	101	20 20
—	37	Angus Graham -	38	456	342 00	5	75	18 75	½	93	18 60
8	—	John McKenzie -	40	480	360 00	10	200	50 00	½	71	14 20
9	—	John McLeod - -	—	—	—	—	—	—	—	—	—
—	39	William McLeod -	—	—	—	—	—	—	—	—	—
—	40	John McLeod - -	—	—	—	—	—	—	—	—	—
—	57	Lewis McLeod -	—	—	—	—	—	—	—	—	—
10	—	Kenneth McAuley -	35	420	315 00	15	255	63 75	½	67	13 40
—	53	John McAuley -	40	400	300 00	—	—	—	—	—	—
—	73	Neil Munro - -	—	—	—	—	—	—	—	—	—
11	—	Angus McDonald -	50	550	412 50	20	240	60 00	½	72	14 40
—	58	John McKenzie -	20	240	180 00	—	—	—	—	—	—
13	—	Angus McLeod -	20	220	165 00	12	240	60 00	½	63	12 60
—	41	Donald McLeod -	35	420	315 00	—	—	—	—	—	—
14	—	John Morrison -	60	600	450 00	15	270	67 50	¼	62	12 40
—	59	Murdo Morrison -	20	240	180 00	5	80	20 00	½	49	9 80
15	—	John Graham - -	40	520	390 00	5	125	31 25	½	69	13 80
—	60	John Graham - -	50	600	450 00	—	—	—	½	77	15 40
16	—	Allen McLeod -	30	330	247 50	15	165	41 25	½	82	16 40
—	42	Murdo Stewart -	30	300	225 00	15	180	45 00	½	73	14 60
17	—	John McKenzie -	40	400	300 00	20	420	105 00	¼	67	13 40
—	43	Donald McKenzie -	45	495	371 25	—	—	—	—	—	—
—	61	Kenneth McLeod -	30	360	270 00	5	100	25 00	½	73	14 60
18	—	William McDonald -	50	600	450 00	10	220	55 00	⅓	91	18 20
—	44	Donald Murray -	50	600	450 00	15	300	75 00	½	73	14 60
—	55	Alexander McDonald	—	—	—	—	—	—	—	—	—
	—	Murdo Graham -	40	400	300 00	19	200	50 00	½	83	16 60

APPENDIX B.

KILLARNEY CROFTERS.

IN THE INDIVIDUAL CROFTERS' (1897) REPORTS.

Total Acres under Cultivation.	Land prepared for Season 1898.	Grand Total of Acres Broken.	Live Stock on each Homestead.										Tons of Hay cut.
			Private Horses.	I.C.B. Oxen.	Private Oxen.	I.C.B. Cows.	Private Cows.	Private Heifers.	Private Steers.	Private Bulls.	Private Poultry.	Private Pigs.	
50½	34½	85	—	2	—	—	3	3	1	—	32	1	15
—	—	—	—	—	—	—	—	—	—	—	—	—	—
45½	34½	80	3	—	2	—	3	3	1	—	39	6	22
48	2	50	1	—	—	—	—	—	—	—	—	—	—
45½	4½	50	—	2	—	—	1	—	—	—	25	4	12
55¾	24¼	80	3	—	—	—	2	1	—	—	32	4	21
76¼	21¾	98	—	—	3	—	3	3	4	1	31	7	26
81	59	140	2	—	—	—	1	—	—	—	51	—	20
25½	24½	50	—	2	—	—	2	1	1	—	26	5	10
55½	14½	70	2	—	—	—	2	—	1	—	45	6	16
43½	31½	75	1	—	1	—	2	2	1	—	—	—	19
50½	29½	80	3	—	—	—	2	—	—	—	62	10	19
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—
50½	34½	85	2	—	—	—	1	1	—	—	38	2	28
40	10	50	4	—	—	—	—	1	—	—	—	—	9
—	30	30	—	—	—	—	—	—	—	—	—	—	—
70½	29½	100	3	—	—	—	2	1	—	—	51	5	21
20	5	25	—	—	—	—	—	—	—	—	—	—	—
32½	17½	50	2	—	—	—	1	—	—	—	42	—	20
35	25	60	2	—	—	—	—	—	—	—	—	4	5
75¼	24¾	100	2	2	—	2	1	1	—	—	27	10	21
25½	24½	50	2	—	—	—	1	1	—	—	26	1	15
45½	14½	60	—	—	2	—	2	2	—	—	43	3	15
50½	9½	60	1	—	3	—	1	1	—	—	21	2	12
45½	34½	80	2	—	—	—	2	2	—	—	43	4	17
45½	24½	70	2	—	—	—	1	—	—	—	41	3	12
60¼	29¾	90	—	—	2	—	2	1	1	—	100	16	25
45	25	70	7	—	—	—	3	3	—	—	—	—	27
35½	14½	50	—	—	1	—	—	—	—	—	—	—	7
60½	14½	75	5	—	—	—	3	1	1	—	83	9	21
65½	9½	75	3	—	—	—	2	1	1	—	35	2	20
—	—	—	—	—	—	—	—	—	—	—	—	—	—
50½	14½	65	1	—	3	—	4	2	2	—	37	5	21

APPENDIX B.—*continued*

Lien Number.		Names.	Number of Acres under Cultivation.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
				Bushels.	$ c.		Bushels.	$ c.		Bushels.	$ c.
21	—	Norman McKenzie	40	680	510 00	15	345	86 25	½	57	11 40
—	45	William McKenzie	40	400	300 00	10	150	37 50	½	112	22 40
—	62	James McIver	10	90	67 50	—	—	—	—	—	—
22	—	John McDonald	50	400	300 00	15	210	52 50	¼	47	9 40
—	46	Norman McDonald	30	270	202 50	7	147	36 75	½	54	10 80
—	64	Duncan McDonald	25	200	150 00	—	—	—	—	—	—
23	—	John McDonald	40	400	300 00	14	210	52 50	½	62	12 40
24	—	Angus McLeod	55	440	330 00	15	225	56 25	½	72	14 40
25	—	Angus Morrison	25	175	131 25	15	240	60 00	½	59	11 80
26	—	Donald McKinnon	45	450	337 50	17	255	63 75	½	85	17 00
—	67	Catherine McKinnon	50	500	375 00	20	300	75 00	½	79	15 80
27	—	Donald Stewart	45	360	270 00	—	—	—	—	—	—
28	—	Ronald McKay	70	490	367 50	14	210	52 50	½	83	16 60
29	—	Dugal McKenzie	50	400	300 00	25	375	93 75	½	92	18 40
30	—	Roderick McKay	50	600	450 00	12	240	60 00	½	89	17 80
31	—	Bannatyne McKinnon	75	600	450 00	10	220	55 00	½	82	16 40
32	—	Kenneth McLeod	65	650	487 50	10	220	55 00	½	84	16 80
33	—	John Fraser	—	—	—	—	—	—	—	—	—
			1,925	19,878	$14,908 50	458	7,856	$1,964 00	18¾	2,960	$592 00

RECAPITULATION

KILLARNEY CROFTERS

FOR SEASONS 1890 AND 1897

Assisted Settlers, 1890 = 56. „ „ 1897 = 47.	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Land prepared, Season 1898.	Grand Total Acres broken.
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
		Bushels.		Bushels.		Bushels.			
For year 1897	1,925	19,878	458	7,856	18¾	2,960	2,401¾	1,076¼	3,478
„ 1890	1,239	18,585	74	2,168	10	1,761	1,323	859	2,182
Increase	686	1,293	384	5,688	8¾	1,199	1,078¾	217¼	1,296
Decrease	—	—	—	—	—	—	—	—	—

APPENDIX B.—*continued.*

Total Acres under Cultivation.	Land prepared for Season 1898.	Grand Total of Acres Broken.	Live Stock on each Homestead.										Tons of Hay cut.
			Private Horses.	I.C.B. Oxen.	Private Oxen.	I.C.B. Cows.	Private Cows.	Private Heifers.	Private Steers.	Private Bulls.	Private Poultry.	Private Pigs.	
55½	29½	85	2	—	—	1	—	2	—	—	43	4	18
50½	19½	70	1	—	2	—	2	—	—	—	32	4	19
10	—	10	1	—	—	—	—	—	—	—	—	—	25
65¼	24¾	90	4	—	—	—	—	—	—	—	37	3	17
37½	27½	65	2	—	—	—	2	1	—	—	27	4	19
25	15	40	—	—	2	—	1	1	2	—	—	—	12
54½	20½	75	2	—	—	—	1	—	—	—	52	2	21
70½	29½	100	3	—	—	—	2	1	1	—	39	4	17
40½	39½	80	2	—	—	—	3	—	1	—	43	3	30
62½	37½	100	2	—	—	—	2	1	1	—	28	7	17
70½	4½	75	3	—	—	—	2	1	1	—	69	3	16
45	45	90	—	—	—	—	—	—	—	—	—	—	—
84½	30½	115	4	—	—	—	2	1	2	—	45	2	24
75½	14½	90	6	—	—	1	2	2	2	—	74	5	47
62½	22½	85	5	—	—	—	5	—	4	—	54	2	18
85¼	24¼	110	2	—	—	—	5	3	1	—	63	5	27
75½	19½	95	—	2	2	—	4	3	1	—	39	6	15
—	—	—	—	—	—	—	—	—	—	—	—	—	—
2,401¾	1,076¼	3,478	92	10	23	4	80	47	30	1	1,575	163	818

RECAPITULATION

KILLARNEY CROFTERS.

FOR SEASONS 1890 AND 1897.

Live Stock on each Homestead.										Tons of Hay Cut.
Horses.	I.C.B. Oxen.	Private Oxen.	I.C.B. Cows.	Private Cows.	Heifers.	Steers.	Bulls.	Poultry.	Pigs.	
92	10	23	4	80	47	30	1	1,575	163	818
1	57	24	37	25	50	37	5	813	38	518
91	—	—	—	55	—	—	—	762	125	300
—	47	1	33	—	3	3	4	—	—	—

G. B. BORRADAILE,
Agent.

APPENDIX B.—*continued* - - - -

SALTCOATS CROFTERS - - - - - - - -

STATEMENT COMPILED FROM INFORMATION CONTAINED

Lien Number.		Names.	Number of Acres under Cultivation.								
			Wheat.			Oats.			Potatoes.		
Heads.	Others.		Acres.	Yield.	Value.	Acres.	Yield.	Value.	Acres.	Yield.	Value.
				Bushels.	$ c.		Bushels.	$ c.		Bushels.	$ c.
—	5/95	Neil McKay -	—	—	—	—	—	—	½	68	13 60
28	—	Robert McKay -	—	—	—	—	—	—	1	193	38 60
31	—	Donald Morrison -	—	—	—	—	—	—	1	200	40 00
32	—	John McKay - -	—	—	—	—	—	—	1	179	35 80
—	74	Malcolm McKay -	—	—	—	—	—	—	1	204	40 80
35	—	Peter Morrison -	—	—	—	7	—	—	1	100	20 00
36	—	Donald McDonald -	—	—	—	—	—	—	1	150	30 00
—	77	Alexander McDonald	—	—	—	—	—	—	—	—	—
—	96	Mary McDonald -	—	—	—	—	—	—	1	192	38 40
—	37/78	Angus McKay -	—	—	—	—	—	—	1	167	33 40
39	—	Ewen McKay - -	—	—	—	10	—	—	1	201	40 20
40	—	Neil McSween -	—	—	—	—	—	—	1	207	41 40
43	—	Archibald Ferguson	8	—	—	7	—	—	1	169	33 80
47	—	John McIver - -	—	—	—	—	—	—	1	210	42 00
—	88	Donald McIver -	—	—	—	—	—	—	1	186	37 20
		= settlers.	8	—	—	24	—	—	13½	2,426	485 20

RECAPITULATION - - - - - - -

SALTCOATS CROFTERS - - - - - - - -

1890 AND 1897 - - - - - - - - -

Homesteads.	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking, Back-setting, Summer Fallow.	Grand Total
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.			
		Bushels.		Bushels.		Bushels.			
Year 1897 = 15 settlers - -	8	—	24	—	13½	2,426	45½	—	45½
„ 1890 = 15 „ - -	13	208	39	897	6	1,108	58	25	83
Increase - -	—	—	—	—	7½	1,318	—	—	—
Decrease - -	5	—	15	—	—	—	12½	—	37½

APPENDIX B.—*continued.*

SALTCOATS CROFTERS.

IN THE ABOVE CROFTERS' 1897 INDIVIDUAL REPORTS.

Grand Total of Acres under Cultivation.	Breaking, Backsetting, Summer Fallow.	Grand Total for 1897.	Live Stock on Homesteads, &c.											Tons of Hay cut.
			Horses.	I.C.B. Oxen.	Oxen.	I.C.B. Cows.	Cows.	Heifers.	Steers.	Bulls.	Sheep.	Pigs.	Poultry.	
½	—	½	2	—	—	—	2	1	—	1	—	—	27	16
1	—	1	2	—	—	—	5	5	2	—	—	—	31	61
1	—	1	4	—	—	—	6	4	3	—	3	2	24	47
1	—	1	2	—	—	—	5	4	2	—	12	—	35	45
1	—	1	3	—	—	—	4	7	1	1	12	—	33	50
8	—	8	3	—	—	—	7	12	7	—	26	2	25	85
1	—	1	2	—	—	—	1	—	—	—	—	—	20	10
—	—	—	2	—	2	—	2	1	1	—	—	—	—	25
1	—	1	—	—	—	—	1	1	—	—	—	—	36	37
1	—	1	—	1	—	—	2	—	2	—	—	—	20	39
11	—	11	1	—	—	—	3	4	1	—	—	—	47	56
1	—	1	2	—	—	—	7	8	4	1	4	—	31	105
16	—	16	3	—	—	—	6	4	2	—	15	1	43	60
1	—	1	—	—	—	—	1	—	—	—	—	—	45	10
1	—	1	3	—	—	—	8	10	10	1	—	—	—	110
45½	—	45½	29	1	2	—	60	61	35	4	72	5	417	756

RECAPITULATION.

SALTCOATS CROFTERS.

1890 AND 1897.

Live Stock on Homesteads.											Tons of Hay cut.
Horses.	I.C.B. Oxen.	Oxen.	I.C.B. Cows.	Cows.	Heifers.	Steers.	Bulls.	Sheep.	Pigs.	Poultry.	
29	1	2	—	60	61	35	4	72	5	417	756
—	18	—	10	4	9	8	1	—	—	106	185
29	—	2	—	56	52	27	3	72	5	311	571
—	17	—	10	—	—	—	—	—	—	—	—

G. B. BORRADAILE,
Agent.

TREATY SERIES. No. 5.

1899.

EXCHANGE OF NOTES

EXTENDING TO NEWFOUNDLAND THE PROVISIONAL "MODUS VIVENDI"

BETWEEN

THE UNITED KINGDOM AND BELGIUM

PENDING THE CONCLUSION OF A TREATY OF COMMERCE AND NAVIGATION BETWEEN THE TWO COUNTRIES.

December 6, 1898.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1899.

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EXCHANGE OF NOTES EXTENDING TO NEWFOUNDLAND THE PROVISIONAL *MODUS VIVENDI* BETWEEN THE UNITED KINGDOM AND BELGIUM PENDING THE CONCLUSION OF A TREATY OF COMMERCE AND NAVIGATION BETWEEN THE TWO COUNTRIES.

No. 1.

Sir F. Plunkett to M. de Favereau.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Brussels, duly authorized thereto by Her Britannic Majesty's Government, has the honour to inform his Excellency M. de Favereau, Minister for Foreign Affairs of the Kingdom of Belgium, that the Government of Newfoundland, being anxious to be included in the *modus vivendi* established between the United Kingdom of Great Britain and Ireland and the Kingdom of Belgium by the notes exchanged between M. de Favereau and the Undersigned on July 27, 1898, undertakes to adhere to the conditions therein specified as soon as the Government of Belgium gives a corresponding engagement on its part.

The Undersigned avails, &c.

(Signed) F. R. PLUNKETT.

British Legation, Brussels,
December 6, 1898.

No. 2.

M. de Favereau to Sir F. Plunkett.

LE Soussigné, Ministre des Affaires Étrangères du Royaume de Belgique, a l'honneur de porter à la connaissance de son Excellence Sir Francis Plunkett, Envoyé Extraordinaire et Ministre

Plénipotentiaire du Royaume-Uni de Grande-Bretagne et d'Irlande, comme suite à sa notification de ce jour, que, en attendant la signature d'un Traité définitif, le Gouvernement du Roi s'engage, sous condition de réciprocité, à étendre aux sujets et aux produits de Terre-Neuve le *modus vivendi* établi le 27 Juillet, 1898, entre la Belgique et le Royaume-Uni de Grande-Bretagne et d'Irlande, sous les conditions et réserves stipulées dans le dit Arrangement.

Le Soussigné saisit, &c.

(Signé) P. DE FAVEREAU.

Bruxelles, le 6 *Décembre*, 1898.

(Translation.)

THE Undersigned, Minister of Foreign Affairs of the Kingdom of Belgium, has the honour to inform his Excellency Sir Francis Plunkett, Envoy Extraordinary and Minister Plenipotentiary of the United Kingdom of Great Britain and Ireland, in reply to his communication of to-day's date, that, pending the signature of a definitive Treaty, the Government of the King undertakes, on condition of reciprocity, to extend to the subjects and products of Newfoundland the *modus vivendi* established on the 27th July, 1898, between Belgium and the United Kingdom of Great Britain and Ireland, under the conditions and reservations stipulated in the said Arrangement.

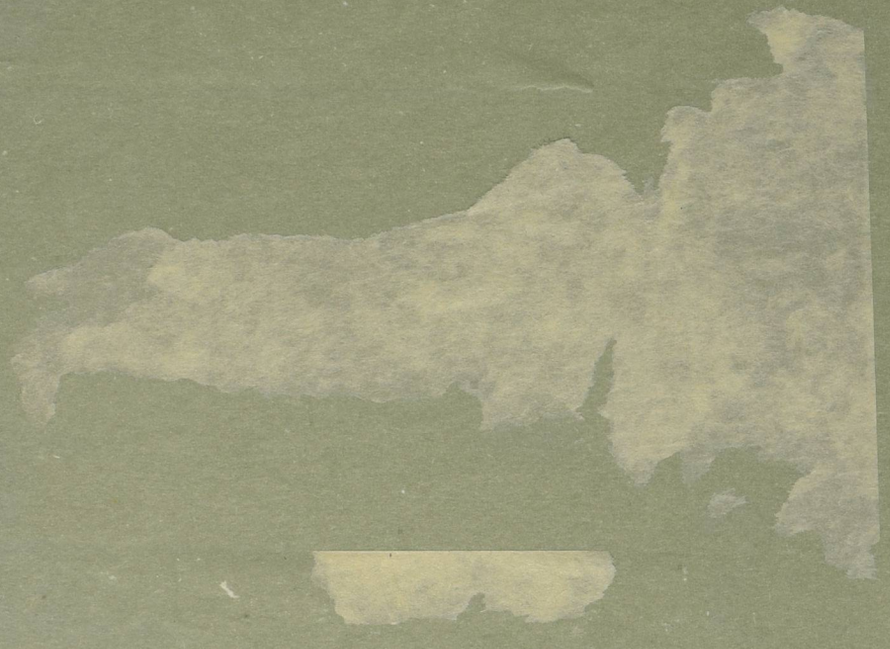
The Undersigned avails, &c.

(Signed) P. DE FAVEREAU.

Brussels, December 6, 1898.

Date Due

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