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Pages 149, 527 & 559 are incorrectly numbered pages 119, 57 & 500.

DEBATES
OF
THE SENATE
OF
CANADA

IN THE
SECOND SESSION OF THE THIRD PARLIAMENT
OF THE
DOMINION OF CANADA.



OTTAWA:
PRINTED BY MACLEAN, ROGER & CO., WELLINGTON STREET.
1875.

DEBATES AND PROCEEDINGS

SENATE OF CANADA,

OF THE

IN THE

SECOND SESSION OF THE THIRD PARLIAMENT OF THE DOMINION OF CANADA, WHICH WAS CALLED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE 4TH FEBRUARY, A.D. 1875, IN THE 38TH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

THE SENATE,

Thursday, February 4, 1875.

The proceedings of the day were opened by the Hon. Speaker of the Senate taking his seat, at the head of the Clerk's Table, whereupon the usual prayers being read, the Hon. George Brown was introduced to the House by the Hon. Messieurs Letellier de St. Just, and McMaster, and his Commission having been read, he took the usual Oaths of Office, and appended his name to the Roll of the Senators of the Dominion of Canada.

At three o'clock, P.M., His Excellency the Governor General proceeded in state to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the Second Session of the Third Parliament of the Dominion of Canada, with the following Speech from the Throne:—

SPEECH.

Honorable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I have much satisfaction in meeting you at this early and convenient season.

I have to congratulate you upon the organization of the North-West Police Force, and the success of its operations. It has materially aided in the creation of confidence and good will among the Indian tribes; in the suppression of the liquor traffic; the establishment of legitimate trade; the collection of Customs duties; and, above all, in maintaining security for life and property within the Territory. Another effect of the presence of the police in the North-West has been to enable the Government to largely reduce the strength of the military establishment in that country.

The negotiation of a friendly Treaty with the Crees and Sauteux of the North-West for the cession of territory may be regarded as a further guarantee for the continuation of ami-

cable relations with the Indian tribes of that vast region.

During the past summer I had the pleasure and advantage of visiting a very large portion of the Province of Ontario, including the whole coast of Georgian Bay and Lake Superior. This official tour enabled me to form a better idea of the great extent of the comparatively well-settled country, and of that which is still almost wholly undeveloped. I was everywhere received with the kindest welcome, and was much gratified in witnessing the enterprise, contentment, and loyalty manifested in every quarter.

Your attention will be called to a measure for the creation of a Supreme Court. The necessity for such a measure has yearly become more and more apparent, since the organization of the Dominion; it is essential to our system of jurisprudence and to the settlement of constitutional questions.

You will also be asked to consider a Bill relating to the important subject of Insolvency.

Measures will be provided for the reorganization of the Government of the North-West and the consolidation of the laws relating to that country; for a general Insurance Law; and on the subject of Copyright.

Gratifying progress has been made in the Survey of the Canada Pacific Railway Route. Measures have been taken to secure the early construction of the Georgian Bay Branch, and to provide a connection with the Eastern Railway System. The Report of the Surveys of the Road from Lake Superior to Fort Garry, which will be ready in a few days, will afford information upon which tenders may be invited for the construction of the eastern and western portions of that section, so as to reach the navigable waters of the interior.

Gentlemen of the House of Commons:

The Accounts of the past year will be laid before you. The Estimates for the present financial year will also be submitted; they will, I believe, be found to have been framed with every regard to economy, consistent with efficiency in the Public Service.

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I am happy to believe that notwithstanding the general and wide-spread commercial depression which has prevailed over the continent, the trade of Canada is sound, and that the contraction we have experienced in some branches of industry for the past year has not been greater than might naturally have been anticipated.

Papers will be submitted to you on the North-West troubles, and in reference to the negotiations between the Dominion Government and the Government of British Columbia on the subject of the Pacific Railway.

Steps have been taken during the recess for a combination of effort on the part of the several Provinces and the Dominion, to promote immigration from Europe under the general direction of the Dominion officials. It is hoped that the effect will be increased efficiency and economy in this branch of the Public Service.

I rely with confidence on your prudence and ability, and on your patriotic devotion to the great public interests entrusted to you; and I pray that the Divine Blessing may rest upon your labours.

At the conclusion of His Excellency's Speech, the Hon. Speaker having taken the Chair, a few formal motions were made, and the House adjourned until to-morrow (Friday), 5th inst., at half-past three o'clock, P.M.

Friday, February 5, 1875.

REPLY TO ADDRESS.

HON. MR. WARK, in rising to move the Address in Reply, after a few preliminary remarks, referred to the negotiations affecting the Indians, whose rights had been interfered with, and whose hunting grounds had been trespassed upon by settlers. The Indians had a right to our protection, and we were bound to do all in our power for the protection of their rights and privileges in the future. The next paragraph of the Speech referred to His Excellency's visits, which extended through Ontario and a portion of the territory north of Lake Superior. Whilst it was a well known fact that

loyalty was a prominent characteristic of the people referred to, it was no less indisputable that His Excellency, since the commencement of his administration of the Government of the Dominion, had evinced a deep and sincere interest in the prosperity and happiness of the people. After referring to the necessity of the enactment of a measure for the creation of a Supreme Court, as also to that of a Bill relating to the Law of Insolvency and other measures referred to in His Excellency's Speech, the hon. gentleman concluded by observing that the labor market of the Dominion afforded a splendid field for the remunerative employment of its people, presenting quite a favourable contrast to the gloomy state of affairs in the United States, as represented by those returning from that country. All required was that the Local and General Governments should continue to work harmoniously, actuated solely by a desire to promote the best interests of the country. Before sitting down he would again refer to the subject of the negotiations with the Indians of the North-West. This was a subject which had long engaged the most serious attention of the leading statesmen of both parties, and he most earnestly hoped that the treaty referred to might be productive of the most satisfactory results in the improvement and civilization of the Indians.

HON. MR. BAILLARGEON had much pleasure and satisfaction in seconding the Address in reply to the Speech from the Throne. The Speech was most remarkable, both for the deep interest evinced, as also for the manner in which we are made to recognize at one and the same time, the prosperity and power of the State, as also in the importance of the measures which it suggests. I see with satisfaction that the Police Force of the North-West has rendered important services, and that it has obtained a complete success in the re-establishment of order and confidence in that remote region of our fine country. The satisfactory results obtained will have the effect of considerably diminishing the expense of maintaining an armed force in that hostile and uncivilized country. He was much pleased to find that the negotiation of a

treaty between the Crees and the Sauteaux, and the cession of territory which it involved, would assure to us peace and tranquillity with the various tribes. He was happy in being able to bear testimony to the graceful and patriotic reception which had been accorded to His Excellency throughout the Province of Ontario, during his official visit of the past summer, as also to the very high estimate formed by His Excellency of the spirit of enterprise, and of the contentment and loyalty of its inhabitants. His Excellency had referred in his Speech to the creation of a Supreme Court. This was a measure which appeared to him (Hon. Mr. Baillargeon) to be of the utmost importance, and the necessity for such a Court had long been felt in this country. The Bill relating to Insolvency is one, indeed, of the greatest importance, and he had no doubt that with regard to its requirements, there would be but one opinion. The reorganization of the Government of the North-West, with a view to the efficient protection of its population, should engage the most serious consideration of that House. He was pleased to observe, and witnessed with satisfaction, the progress of the Pacific Railroad. There was not the slightest doubt that this great enterprise, once completed, could not fail to contribute vastly to the development of the resources of that vast country. We ought to be much pleased and rejoiced to see the commerce and power of the State so prosperous, notwithstanding the great depression felt on other parts of the continent. The hon. gentleman concluded as follows:— Finally we ought to congratulate ourselves upon the efforts and means employed to draw into our country immigration, numbers, and strength.

HON. MR. CAMPBELL—In the face of all the favourable advantages possessed by the Government within the past year, something of importance was to be expected in the opening paragraph of the Speech from the Throne; but when that something is looked for, nothing is found but a congratulatory reference to the organization of the North-West Police Force, which he (Hon. Mr. Campbell) believed to consist of some 500 men and a Quartermaster. If that were all that

the Government had to congratulate themselves upon, it were scarcely worth congratulation, which would probably have been more fittingly bestowed in the Financial or Agricultural Departments. The hon. gentleman next referred to the paragraph in reference to the negotiations connected with the Indians of the North-West, the statements connected with which, he said, might no doubt be quite true. He next referred to the other topics contained in the same paragraph, which he characterized as standing dishes, having seen them so often before in similar documents, and he thought it was now quite time that Government should give up copying such precedents. He cordially approved of the organization of the Government of the North-West, as also of the Bill with reference to the law of Copyright. Although not quite prepared to insist upon it, he thought it would be desirable that as many measures as possible should be originated in that House. With reference to the omission in His Excellency's Speech, he would observe that there were other subjects of importance, such for example as the convention which had been entered into with the United States. Why, he would ask, had not matters of such importance been referred to? Surely hon. gentlemen were not jealous of each other. The Reciprocity Treaty was a subject of great importance, having been referred to in Her Majesty's Speech at the opening of Parliament. The reference to the North-West Police had no more interest than that of the Marine Police of Quebec, and was the result on the part of the Government of poverty of subjects to treat upon, having nothing better to refer to. (Hear, hear, from Government benches.) A great deal had been said during the past Session in reference to excessive taxation, but it would now appear as though nothing further would be said about it. If the Government party deserved any name, in his (Hon. Mr. Campbell's) opinion it was certainly that of "know nothing," for they absolutely knew nothing. With reference to the Telegraph Cable Bill which had originated in the House of Commons, and had been introduced into this House as a Government measure, we were told

that it would not interfere with private rights, and he had known one hon. gentleman who had voted for the measure, believing that it would involve no interference with private rights. And yet hon. members' backs were no sooner turned, than His Excellency the Governor General was advised not to give his assent to the Bill on the ground of its interference with private rights. That was not the position the Government ought to have led this House into; had they been of that opinion they should not have asked hon. members to assent to the measure. The course which had been pursued by hon. gentlemen had not been characterized by sincerity. He (Hon. Mr. Campbell) would not call it "organized hypocrisy," but in his opinion it certainly did not show sincerity. He would next refer to an hon. gentleman who, the day previously had taken his seat in that House (Hon. George Brown.) That hon. gentleman, he (Hon. Mr. Campbell) most heartily and sincerely congratulated upon so auspicious an event, but what was to be said of that hon. gentleman who, upon reference to the past, would be found to have been referred to in terms somewhat similar to him (Hon. Mr. Campbell). With regard to the expenditure in connection with the purchase of railway iron for the Lake Nipissing Railway, such expenditure might doubtless be all quite necessary and proper. But what would have been said in the past if the Hon. Mr. Langevin had purchased railway iron under similar circumstances? What a cry would have been raised. He (Hon. Mr. Campbell) merely referred to the matter for the purpose of shewing the inconsistency of the views of hon. members with regard to parliamentary government. He believed, notwithstanding all that had been said, that the Conservative party were the real friends and supporters of constitutional policy in this country. After some further observations the hon. gentleman concluded by observing that although not prepared to accord in opinion with all the views contained in the Address, still it was not his intention to propose any amendment, and he was therefore quite prepared that it should pass.

HON. MR. LETELLIER DE ST.

JUST regretted the tone in which his hon. friend had approached the subject before the House on the present occasion, and thrown so much abuse upon it. The hon. gentleman had said there was very little contained in the Speech from the Throne, but this much he (Hon. Mr. Letellier) could say, that more was contained in it, than in many of its predecessors of previous administrations. Such documents were not generally expected to be mere records of specific acts of the Administration. In the course of his observations the hon. gentleman had referred to the Copyright Bill and to the Insolvency Bill in favourable terms, while he still maintained that there was nothing in the Speech. With reference to the North-West Police Force, for the organization of which the hon. gentleman would claim some credit to him, he (Hon. Mr. Letellier) maintained that it had been organized last year; that its organization had been found necessary owing to the number of strangers that were coming into the country; and if the hon. gentleman's party were in power, he would doubtless be fully prepared to give them credit for such an organization. With reference to his observations on the negotiations with the Indians, he (Hon. Mr. Letellier) would merely observe that instead of sending a Lieutenant Governor to create disturbances, the present Government had sent a Member of the Administration, with authority to negotiate a treaty of peace and amity. Instead of being an act worthy of condemnation, it was, on the contrary, rather one for congratulation. He (Hon. Mr. Letellier) would pass over the visit of His Excellency the Governor General, which was, however, generally acknowledged to be a most important event. The hon. gentleman had stated that the Bill for the creation of a Supreme Court had been promised, but in all probability only to be set aside, but he (Hon. Mr. Letellier) would ask the hon. gentleman, had not such a Bill been promised on different occasions by hon. gentlemen opposite?

HON. MR. CAMPBELL.—You now promise it in 1875.

HON. MR. LETELLIER DE ST. JUST.—The Administration would be prepared to come before Parliament

with a bill in relation to the subject, as also with a measure in reference to the Law of Insolvency, in addition to which would also be submitted a most important measure of postal arrangement. The hon. gentleman had referred to the Government entering into contracts with reference to the Lake Nipissing Railroad; but when the papers on the subject are submitted to Parliament, then it would be quite time enough for him to come forward. This much, however, he could assure the hon. gentleman; he would find no speculation, no Pacific Scandal. When he endeavours to cast reproach upon the present Administration, he will find his efforts in vain, as no tangible grounds for attack offer. It is said that railroad iron has been bought by a member of the Government; but if such has been done, it has been in accordance with constitutional power and authority. Railroad iron had been purchased and other railroad transactions had occurred in the past which would never occur under the present Premier or the present Government. The hon. gentleman in the course of his petty attack had referred to the connection of the Hon. Mr. Brown with members of the present Administration; but that hon. gentleman, judging from the manner in which the party he had been connected with were working, and seeing that they were going to the wall, looked to his (Hon. Mr. Letellier's) side of the House, and actuated solely by a desire for the promotion and advancement of the best interests of his country, cast aside all personal considerations, and gave his hearty co-operation and assistance to those whom he considered as truly deserving of public confidence. He (Hon. Mr. Letellier) considered that from the carrying out of Confederation to the present time, the present Administration deserved a considerable amount of credit for its many and useful public acts. The hon. gentleman in his attack had perhaps evinced more feeling than soul, but his remarks had been such that he (Hon. Mr. Letellier) felt bound not to let them pass unnoticed.

HON. MR. ALEXANDER would make special reference to the subject of the Canadian Pacific Railway. In

his opinion, upon the amount of energy devoted to the carrying out of that great project, would in a great measure depend the future prosperity of the Dominion. He considered it to be the duty of the Government to use every means in its power to have every railway throughout the Dominion built by private enterprise. With reference to the construction of the Georgian and Lake Nipissing railways, he should like hon. gentlemen to shew him the necessity for the construction of railroads through any portion of country where civilization did not exist, and where no inhabitants were to be found, except Indians. He saw no necessity for frittering away the resources of the country, with financial responsibilities involving \$7,000,000—with our North-West resources to be developed. Where he would ask, was the hope of being prepared for the responsibilities referred to, if this expenditure for what appeared to be unnecessary and inexpedient was to take place? His remarks might be considered tiresome to the House, and if such were the case he would most sincerely apologize.

Hon. Mr. READ did not expect much from the Speech from the Throne, consequently he was not, like his hon. friend from Kingston, disappointed; but he felt for His Excellency when such an apology for a speech was put into his mouth. After referring to several paragraphs as of minor importance, he denounced the proposition to build the Georgian Bay Branch of the Pacific Railway as useless. Already there were two railways running into Georgian Bay, and three other roads terminating on Lake Huron; and the Branch proposed to be built, would form no portion of the Pacific Railway proper, and should not therefore be built. Parliament would do very wrong in sanctioning the construction of so useless a piece of road where no one lived, and through a part of the country not likely to be inhabited for years to come. If the construction of that 85 miles of useless road from Georgian Bay to Lake Nipissing was all, that of itself was monstrous, but when we are called upon to build or materially assist in the construction of hundreds of miles of road leading from this city to

Nipissing, through a comparative wilderness, he hoped such a scheme would meet its deserved fate and be defeated; while he fully concurred in building the Pacific road proper, and would do all in his power to further it at the very earliest moment. A vast continent had been almost given to us, and it is our duty to improve it, and not keep it a closed preserve as in years gone by, which can only be done by building a railroad its entire length as soon as our circumstances will admit. On referring to the financial state of the country, he claimed that the statements he made last session, that there was no occasion for increased taxation, had turned out correct, as the Public Accounts would prove. Not only was there a surplus instead of a large deficiency, as the Finance Minister had stated, but he claimed that the steady progress of the country would have given the Finance Minister what he demanded, \$24,500,000, nearly two millions more than the last Government estimates. To prove his figures, he quoted from the returns as furnished by the *Gazette*, that not only was there a surplus last year, but that for the first half of the year the revenue had reached to over \$13,000,000, out of \$24,500,000 appropriated by Parliament. He then went on to say that the Senate had failed in its duty to the country, in not resisting the tariff of last year, as it was not only vicious but unnecessary and unpatriotic, framed with a view to make it appear that the late Government had been extravagant and running the country into debt, which the facts proved not to be correct. He considered the Finance Minister greatly to blame in making such an untrue statement, thereby injuring the financial position of the country at a time when we had an ambassador at Washington negotiating a Reciprocity Treaty, and when to carry on our great public works we were making a loan in England. Had his statement been allowed to go uncontradicted, the consequences might have been disastrous, but thanks to a patriotic Canadian in England his statement of the finances of this country were not only disputed but proved to be incorrect. He then went on to criticise the action of the Government last Session in in-

roducing the Marine Telegraph Bill with the assurance from the Hon. Minister of Agriculture that the Bill would not interfere with vested rights, when in reality it did, and after its passing the Government thought proper to advise that the Royal assent be withheld. After referring to the extraordinary growth of the country, whose revenue had increased from thirteen millions in 1867 and 1868 to over twenty-three millions in 1873 and 1874. He concluded by showing from the bank returns of the ordinary deposits, not including the Government deposits, that in four and a half years they had risen from thirty-one millions to sixty-nine millions of dollars, which to his mind was ample proof of the great prosperity of the masses—a prosperity which he believed could not be shown to exist in any other country. (Hear, hear.)

After some further debate, in which various hon. members took part, the Motion for the adoption of the Address in Reply was put and carried in the affirmative, and it was ordered that said Address be presented to His Excellency the Governor General by such Members of the House as are of the Privy Council.

HON. MR. LETELLIER DE ST. JUST presented to the House the Report, Returns and Statistics of the Inland Revenue of the Dominion of Canada, for the Fiscal Year ended June 30th, 1874.

Ordered to be laid on the Table.

The House then, upon motion, adjourned until Monday next, 8th inst., at three, P.M.

Monday, February 8, 1875.

HON. MR. SPEAKER reported that Hector Fabre, Esq., had been summoned to the Senate, in the room of Hon. E. Panet, resigned.

HON. M. BUREAU presented a Petition from A. L. Valois and others, of Montreal; praying to be incorporated as the Banque St. Jean Baptiste.

HON. MR. CAMPBELL presented a Petition from C. H. Day and others, of Montreal; praying to be incorporated as the Canadian Gas Lighting Company.

HON. MR. CHAPPAIS presented a Petition from the Hon. John Hamilton

and others, of Montreal; praying to be incorporated as a Coal and Iron Mining Company.

Several Notices of Motions were given.

The House then, upon motion, adjourned until to-morrow (Tuesday, 9th inst.), at three, P.M.

Tuesday, February 9, 1875.

HON. MR. SPEAKER intimated to the House, that a Member was waiting to be introduced.

HON. MR. PAQUET was introduced to the House by the Hon. Messrs. Letellier de St. Just and Wilmot. His Commission having been read, he took the usual Oaths, and signed the Roll of Senators of the Dominion.

PETITIONS.

The following Petitions were presented:—

By HON. MR. VIDAL,—From Henry Wm. Peterson, of Guelph, Ont.; praying for an Act of Divorce.

By HON. MR. PERRY,—From Robt. Armour, of the Town of Bowmanville, Ont., Solicitor of the Provisional Directors of the London and Canadian Bank; praying amendment of the present Act, allowing the said bank to commence business as soon as two million dollars of stock have been subscribed, and two thousand paid thereon, and extending the time for organizing the bank to the 6th May, 1875.

By HON. MR. BENSON,—From the St. Catharine's Board of Trade; praying that immediate steps be taken to deepen the summit level, and raise the embankments of the remainder of the Welland Canal, and to deepen its harbours and its extremities so that the largest class of vessels employed on the Upper Lakes may pass freely downward to Lake Ontario.

REPORT OF PROCEEDINGS OF THE SENATE.

On motion of HON. MR. LETELLIER DE ST. JUST, seconded by HON. MR. CAMPBELL, it was ordered, "That the Hon. Messrs. Aikins, Bureau, Brown, Campbell, Dickey, Miller, Penny, Wilmot and the mover, be appointed a Committee to enquire into the best means to be adopted to obtain

correct reports of the proceedings of the Senate, and for the publication thereof," to report from time to time their views to the House.

LIBRARY OF PARLIAMENT.

HON. MR. SPEAKER informed the House that a Message had been received from the House of Commons, informing the Senate that the Hon. Messieurs Mackenzie, Cameron (Cardwell), Cameron (Ontario), Cartwright, Cauchon, Holton, Right Hon. Sir John A. Macdonald, Hon. Messieurs Smith (Westmoreland), Tupper, and Messrs. Baby, Brouse, Delorme, Frechette, Laurier, Mills, Wright (Ottawa), and Young had been appointed to assist Mr. Speaker in the direction of the Library of Parliament, so far as the interests of that House are concerned, and to act as members of a Joint Committee of both Houses on the Library.

CONDOLENCE.

HON. MR. SPEAKER regretted that it was his painful duty to inform the House that since last Session of Parliament, two Members of this House, Hon. Messrs. Robert L. Hazen, of New Brunswick, and Charles Malhiot, of Quebec, had departed this life.

HON. MR. LETELLIER DE ST. JUST moved Resolutions of Condolence to which Hon. Mr. Wilmot and Hon. Mr. Girard spoke. The Resolutions were adopted, and the House adjourned till Thursday afternoon.

HON. MR. LETELLIER DE ST. JUST, in rising to move that, as a token of respect for the memories of the deceased, this House do adjourn, would observe that it was a melancholy fact that every Session this House was called upon to mourn the loss of some called to a better world since the termination of the preceding. The first named gentleman, from rank, position and education, had held a high position in the Province of New Brunswick, and had also occupied a seat in this House since the commencement of Confederation. As to the latter, who, through his well known popularity, had been repeatedly elected to the Legislature of his Province, he had ever been remarkable for his consistency

and was an honor and credit to this country. Before concluding he (Hon. Mr. Letellier) would observe that he felt assured his honorable friends (Hon. Messrs. Wilmot and Girard) would unite with him in expression of respect for the memories of the deceased.

HON. MR. WILMOT—It was at all times a matter of deep regret to be called upon to second a motion of so melancholy a nature, but to him (Hon. Mr. Wilmot) in the present instance it was peculiarly so, from the fact that the first-named deceased hon. gentleman had been for years his schoolfellow; he had been associated with him in the Legislature of his Province for nearly thirty years, and in the Government for nearly seven years. Others might, perhaps, be better qualified to speak of the talents and ability of the deceased, but he (Hon. Mr. Wilmot) knew him to have been a gentleman of high classical attainments, of profound legal acumen, and to have held a high position at the bar of his native province. Whilst a Conservative in politics, he had at all times been prepared to support any measure calculated to benefit his country. His family had held a good position in the Province, and his connections were most respectable. On different occasions he had various opportunities of attaining high positions, but had refused to do so, having always at heart the interest of his country. He would conclude by seconding the Motion of his hon friend the Minister of Agriculture.

HON. MR. GIRARD—Hon. gentleman, I very willingly accede to the demand addressed to me by the Hon. Minister of Agriculture. At the opening of each Session, if we are gratified at seeing each other again, we at the same time feel grieved, upon looking around us, to see empty places which call to our mind friends gone for ever. Death, in its relentless course, has removed them from our midst. Painful as this is, we have only to submit to the stern decree of Providence, mindful that if we have the chance of being numbered in the front rank of life, we are not the more exempt from the vigorous hand of death, and that soon we shall have the same fate to undergo. Upon looking at the Opposition side of the House I remember

that last Session I there saw the Hon. Mr. Malhiot full of life and vigor. A few days of suffering have sufficed to prostrate him and lay him in the tomb. He is no more here, following with marked attention the proceedings of this House from the commencement to the closing of the Session. He has finished his course, and, in doing so, has fulfilled his duty, showing himself to have been in everything and everywhere an honorable and upright gentleman. His honorable colleagues to-day, with sad, though pleasing reminiscences, recall his memory. As a personal friend of the deceased, having been born in the same county, there is some consolation in the thought that upon me to-day has devolved the duty of pronouncing his eulogy.

It was then ordered that the House stand adjourned until Thursday next, 11th inst., at three, P.M.

Thursday, February 11, 1875.

The House met at three o'clock.

THE NEW POSTAL CONVENTION.

After routine business, including submission of several Notices of Motions,

HON. MR. CAMPBELL said:—Since the House was prorogued last year I believe a postal convention has been made between the Postmaster-General of the United States and Canada. It has been mentioned in the newspapers, and through the courtesy of the Hon. Postmaster-General of Canada, I have seen a copy of this convention, which is one that I think will result greatly to the advantage of this country. (Hear, hear.) I believe it has for its object the giving to us of all the advantages of the United States post offices at the rates of our own domestic postage, and the extension of similar privileges to the United States as regards our post offices. The change will be attended with this further fortunate result, that mails will go from one part of the Dominion to another through portions of the United States, in closed bags, free of charge, by the United States Post Office Department, and we extend the same

advantage to our neighbours. These arrangements will prove of very great benefit to each country. I am happy to give my testimony to the useful character of the ends thus accomplished, and it is with a view of placing the results before the House that I move for an Address to His Excellency, praying him to lay before this House copies of the Postal Convention recently made with the Postmaster-General of the United States by the Postmaster-General of Canada. (Hear, hear.)

HON. MR. WILSON seconded the Motion, which was carried.

ADULTERATION OF FOOD AND DRINK.

HON. MR. ALEXANDER put the Questions of which he had given notice:—

Whether the Government are prepared to put into immediate operation the Act passed during last Session, for the prevention of the adulteration of Food and Drink; and whether any appointments have been made since the Act came into operation on the 1st of January last?

Whether arrangements have been made, or will be made, with the Food Analysts appointed under the Act, so that their services may be available to the public on payment of a small fee, as in similar Acts in Great Britain, so that information may be obtained by private individuals with regard to the quality of food offered for sale, or already sold, to aid the proper officers in carrying out prosecutions?

HON. MR. LETELLIER was understood to reply:—The Government is prepared to put into immediate operation the Act passed last Session. As to the appointment of any person under that Act, none has yet been made, but the matter is under the consideration of the Government, with a view to such appointments as may carry out, as far as possible, the intention of the Act. As to the latter portion of the Question, the Government is not quite ready to say they will go the length indicated, but they will strive to carry out the law in a way to prevent adulteration of food and drink, and to acquaint the public with any infractions for the purpose of warning.

THE GATINEAU RIVER BOOMS.

HON. MR. READ moved,

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all advertisements, tenders, contracts, reports, and all other correspondence, as well as affidavits, in connection with the construction of booms, piers, &c., on the Gatineau River last winter, and the entire cost of the same.

Seconded by the HON. MR. SMITH, and carried.

PERMANENT COMMITTEES.

HON. MR. LETELLIER gave notice that the list of the Permanent Committees of the House should be laid on the Table very shortly; but he should except one, the Committee on Printing, of which he would suggest the appointment immediately. He would submit a motion to this effect in a few minutes.

COMPLAINT OF AN IRREGULARITY.

HON. MR. CAMPBELL said:—I may be pardoned if I draw attention to what seems to me an irregularity which deserves the notice of the House. I find a Blue Book distributed containing despatches relative to the commutation of Lepine's sentence, accompanied by a Message from the Governor General, who transmits the papers for the information of the House of Commons. If this had been done in pursuance of an Address by the Commons, it would have been perfectly regular and proper; but it seems not to have been done in answer to an Address. It appears to have resulted from the mere motion and grace of the Governor General, acting upon the advice of his Government no doubt. The information was necessary for the public advantage, and likely to be of service to Parliament. Now that information is of equal interest to this House as to the Commons, and I cannot conceive why such a message should not have been sent with the information to this House as well as to the other. I do not imagine that any disrespect is intended by the advisers of His Excellency to the Senate. I cannot conceive that the

Minister of Agriculture or the Secretary of State would so far forget his duty to this House as to acquiesce in such conduct, had such been contemplated. I suppose there was an oversight, which should be checked, and am sure that this information, from the interest in those events to which it refers, which is felt here equally as in the Commons, and which seems to have been transmitted of the mere motion of His Excellency, should have come to the Upper House also. This has been the uniform course practised in this country as well as in Great Britain; nor is this a matter which should be passed over without the attention of the House being called to it. (Hear, hear.)

HON. MR. SCOTT—I quite agree with my hon. friend, that State papers of this nature ought to come to both Houses at the same time. But I think in this instance the transmission of the information is the result of an Address from the Commons.

HON. MR. CAMPBELL—It does not say so.

HON. MR. SCOTT—No; but I happened to be in the Commons the other day when a motion was made for these very papers. However, I shall make further enquiry, and my hon. friend may be sure, that so far as the dignity of the House is concerned, we shall be quite as watchful as could be desired. My own impression is, however, that this information is the result of a motion made in the Commons in connection with a debate on the events referred to.

HON. MR. CAMPBELL did not wish to doubt the desire of his hon. friend (Hon. Mr. Scott) to see proper attention paid to the Senate; but he thought him mistaken as to the manner in which the Address was brought down. The papers were promised at the opening of Parliament, and were sent down accordingly, but not as the result of an Address, as the Message itself showed.

HON. DR. CARRALL, with reference to the papers sent down to the Commons, said the Premier stated they were Orders in Council; consequently they could bring down no papers.

PRINTING OF PARLIAMENT.

HON. MR. SPEAKER intimated to the House that he had received a Message

from the House of Commons requesting the co-operation of this House in the formation of a Joint Committee of both Houses, on the subject of the Printing of Parliament, and informing the Senate that the members of the Select Standing Committee on Printing, viz.: Messrs. Bowell, Bourassa, Church, De lorme, De Veber, Dymond, Goudge, Lanthier, Laird, Ross (Middlesex), Ross (Prince Edward), Stephenson, Stirton, Thompson (Haldimand), and Wallace (Norfolk), will act as members of said Joint Committee on Printing.

Whereupon HON. MR. LETELLIER DE ST. JUST moved, seconded by HON. MR. SCOTT, the following Resolution:—

Resolved,—That the Hon. Messrs. Aikins, Haythorne, Carrall, Bellerose, Miller, Bureau, Wilmot, Penny, Macfarlane, Simpson, Cochrane, Ferrier, Reesor and Fabre, be appointed a Committee to superintend the printing of this House during the present Session, and be instructed to act on behalf of this House, with the Committee of the House of Commons, as a Joint Committee of both Houses, on the subject of Printing, as desired by the House of Commons in their Message.

Upon this Motion being put,

HON. MR. CAMPBELL objected to the name of Hon. Mr. Fabre, because, as yet, he was not sworn in, and the Senate was not supposed to know anything of his commission before it was presented and read.

HON. MR. LETELLIER DE ST. JUST, in support of the Motion before the Chair, cited precedents from May's "*Parliamentary Practice*." A discussion then ensued, in which several Hon. Members took part, which, however, terminated in the substitution of the name of the Hon. Mr. Scott, in the place of that of the Hon. Mr. Fabre.

The Motion was then put and carried.

HON. MR. DICKEY, as Chairman of the Committee appointed to enquire into the best mode of obtaining correct reports of the proceedings of this House, submitted a Report to the effect, "That the Committee had appointed a Sub-Committee, for all the purposes of their order of reference, and had instructed such Sub-Committee to procure tenders for the Reporting and Printing

of the Debates and Proceedings of the Senate for the present Session."

The Report was then, upon motion of the HON. MR. DICKEY, seconded by the HON. MR. PENNY, received and adopted, and the House adjourned until to-morrow, (Friday), 12th instant, at three, P.M.

Friday, February 12, 1875.

ANSWER TO ADDRESS.

After routine,

HON. MR. LETELLIER DE ST. JUST presented the following Answer of His Excellency the Governor General to the Address in reply to the Speech of His Excellency at the opening of the present Session.

Honorable Gentlemen of the Senate:

I thank you heartily for your Address, and for the assurance of support which it contains. I rely with confidence on your assistance to advance the interests of the Dominion.

Government House,

February 14th, 1875.

MESSAGES.

HON. MR. SCOTT presented a Message from His Excellency the Governor General, accompanied by correspondence in relation to the Act of last Session, relating to the Construction and Maintenance of Submarine Telegraphs;

Also, a Message from His Excellency the Governor General, with copies of correspondence which had taken place on the subject of the non-fulfilment of the Terms of Union with the Province of British Columbia;

Also, a Message, with correspondence which had taken place with the Right Honorable the Secretary of State for the Colonies, relating to the commutation of the sentence of death passed on Ambroise Lepine, for the murder of Thomas Scott, at Fort Garry.

ST. PETER'S CANAL.

HON. MR. MILLER said the Question he was about to ask the Government related to a subject in which the people of Cape Breton took a very deep interest. The Canal at St. Peter's, in the County of Richmond, was almost

the only work of great importance that ever yet had been undertaken at the public expense in that Island, yet its cost was insignificant in comparison with the public expenditures undertaken or contemplated in other less important sections of the Dominion. This canal in its present condition had been constructed by the Provincial Government before Confederation, and was now found to be totally inadequate to meet the wants of the people and the requirements of the trade it was intended to foster and develop. It had been constructed according to a design adapted to the circumstances of the country when the trade and population of Cape Breton were less than half of what they were to-day. When this canal was first agitated, and for some years afterward, many believed that the money it would cost would be thrown away, but the experience of a few years (the canal was opened in 1867) had shewn the incorrectness of that opinion. Even in its present state, affording accommodation only to the smaller class of vessels, the work had proved a great convenience and benefit to the people. What was now required was the enlargement of the canal to suit a large class of vessels. Several attempts had already been made to secure steam communication through the interior of Cape Breton by means of St. Peter's Canal, but in consequence of the dimensions of the works these operations had to be dropped. Any one acquainted with the geography of the island was aware that the Inland Sea, called the Bras d'Or Lake, afforded water communication with the whole interior of that country, and as there were no railroads yet in the island, that means of communication should be improved in every reasonable way. The people of Cape Breton had no railroad, although they had to bear their share of the cost of all railroads constructed at the public expense. The completion of a Ship Canal at St. Peter's would only be a small instalment of the claims of the island on the Government, when they considered the enormous expenditures made or contemplated in other sections of the country on public improvements. Last Session \$250,000 were placed on the Estimates for this purpose, of which

\$75,000 were to have been expended during the past season, but nothing had been done. An impression had got abroad that the Government were not acting candidly with the people in this matter, in consequence of which there existed a wide-spread feeling of discontent. He (Mr. Miller) did not share in that opinion. On the contrary, he had reason to believe that the Government fully intended to confer on that section of the country a great boon by enlarging and improving St. Peter's Canal—that they intended to carry out the work they had recommended to Parliament in good faith—and that no further time would be lost in doing so. It was desirable, however, that the country should have some official assurance to this effect, and he therefore hoped that his hon. friend would be able to give a satisfactory answer to the Question he would then put, viz.: What steps have been taken by the Government towards the enlargement of St. Peter's Canal, in the island of Cape Breton, as provided for in the Estimates of last Session, and whether it is intended to carry out the contemplated improvements of the said work during the present year?

HON. MR. BOURINOT had much pleasure in supporting the inquiry of his hon. friend (Hon. Mr. Miller.) He hoped that due consideration would be given by the Government to a question of such serious importance to the interests of the Island of Cape Breton. He (Hon. Mr. Bourinot) had supported the measure in the Legislature of Nova Scotia. When that Province entered into the Confederation, one of the reasons why he thought such a course desirable was, that the feeling which existed previously to Confederation with regard to Nova Scotia would not be found to exist in the Dominion. He was, however, sadly disappointed, for he was sorry that justice had not been done to that important part of the Dominion of Canada, but he hoped that the Government would be prepared to meet the views of his hon. friend, by carrying out the work in accordance with the recommendation of Parliament.

HON. MR. LETELLIER DE ST. JUST heartily approved of the strong expression of opinion on the part of

the hon. gentlemen (Hon. Messrs. Miller and Bourinot) as to the utility and advantages to be derived from so great and important a work. He hoped that they would be satisfied with the assurance that it was the intention of the Government to have it carried out. He could also inform them that the engineers had received instructions to take the work in hand, and proceed with it during the present year. He hoped this explanation would be satisfactory to the hon. gentlemen.

CONTINGENCIES OF THE SENATE.

HON. MR. LETELLIER DE ST. JUST moved the appointment of a Standing Committee on Contingencies.

HON. MR. DICKEY said he had some remarks to make before the Motion was put. In the Session of 1867 or 1868 a scale of fees was adopted for the officers of the Senate, which remained untouched till the Session of 1872. When the hon. leader of the present Opposition—who stood then in a different capacity—thought proper to move a Resolution on the last day of the Session but one, authorising certain gentlemen to form a new scale. That was referred to the Contingencies Committee in the Session of 1873, with a result which he would presently state. A scale of fees was then returned to the House and adopted as a compromise, and, as he would show presently, as a final measure, which scale increased the salaries of the Officers of the House by amounts varying from 30 to 60 per cent. He was not going to say whether it was right or wrong; but the scale was accepted by the House, he believed, without opposition. He found, however, that in the absence of most of the Members of the Committee, and with only a very thin House—some thirty Members—the very evening before the prorogation, last year, the following Resolution had been placed upon the journals:—

“Moved by the Hon. Mr. Letellier, seconded by Hon. Mr. Scott, That the schedule of the salaries of the employees of the Senate be referred to the Speaker, the Minister of Agriculture, and the Secretary of State, for their consideration as to the relative amounts of salaries paid to the employees in the two

Houses, with a view to their readjustment; and also, for such action as to the Senate employees and their salaries, as they might deem just and reasonable.”

He (Mr. Dickey) might remind the House that there was an Order on record which stated that the whole Question—the appointment of officers and their salaries—was one entirely for the Senate. Now, this was an Order made on the very eve of the prorogation, delegating the power in question to certain gentlemen. He was quite sure that none of his hon. friends, whose names were mentioned, would imagine he was casting the slightest reflection upon any one of them, for he had too high a respect for them to do so. He would say then, that the late Government, in the Session of 1872, thought proper to take this course, and the present Government thought proper to follow their example. Yet, with regard to the first action, that of the leader of the Opposition, then the leader of the House, on the eve of prorogation, in his (Mr. Dickey's) absence, and in that of the Chairman of the Committee, well known as having taken a deep interest in these matters, this Order was passed; as he had stated, the same thing was done, under similar circumstances, on the succeeding occasion. But objectionable as he thought the first action, by the leader of the late Government, it had, at all events, the merit of finality; because, only so long ago as the 14th May, 1873, this clause appeared in the Report adopted by the House: That the annexed Schedule, from the 1st January last, except when another day was stated in the Schedule, should leave it understood that the said salaries should be considered as permanent, not to be increased except in case of such Clerks as might reasonably expect that as their knowledge and usefulness increased, their salaries would be reconsidered. He must not be accused of anything like personality in this matter. He was bound to except the Clerk of the House, respecting whom it was agreed that he should have a salary equal to that of a Deputy Head of a Department. Now, when that Order was about a twelve month old, they found action taken by the present

Government to reverse it, and empower certain gentlemen to increase those salaries. He did not know what had been done, and had not asked, but was merely pointing his hon. friend's attention to the result itself; and he gave no opinion upon the Question, in the abstract, of the propriety of the increase or not; but he felt it his duty to call attention to the position in which Members had been placed by the passing, in the absence of the Chairman of the Contingencies Committee, and all its Members, of an Order to increase salaries without reference to those gentlemen. And if any reference should take place hereafter, it would be under the disadvantage of first increasing the salaries, and then asking for hon. Members to sanction the proceeding or reduce them. He had made up his mind, after all the trouble he had taken to endeavor to keep things right in the Committee, to preserve its power and privileges intact, and to see that none but really expedient charges were made, and that the expenditure was checked and controlled in every way, to retire from the Committee, feeling he would be of no use in it. He should, therefore, be glad to see some other name substituted for his own, unless some satisfactory explanation could be given.

HON. MR. LETELLIER DE ST. JUST—Hon. Members, at the end of last Session, had expressed their opinion that the servants of this House should be placed on the same footing as those of the House of Commons. It was only an act of justice, as they were entitled to the same consideration. Had there been any objection at the time to a Commission of Inquiry, the Government would not have acted on it. On the contrary, there was a general desire favorable to such a proceeding. With regard to his hon. friend, who had expressed his intention of withdrawing from the Committee, he hoped that hon. gentleman, who had done so much and rendered such useful and important services, would be satisfied with the explanation, and would not now withdraw.

HON. MR. CAMPBELL fully agreed with what had been said by the hon. Member as to the important services and ability of the hon. gentleman (Hon. Mr. Dickey.) He also agreed with the

hon. Member as to the favorable expression of opinion with regard to increased remuneration of the officers and servants of the House. He recollected that an Address had been presented from the officers of the House on the subject during last Session. He thought that the matter should be taken up, and he trusted it would meet with due attention during the present Session.

HON. MR. DICKEY, after the explanation had been made, expressed himself perfectly satisfied.

COPYRIGHT BILL.

HON. MR. LETELLIER DE ST. JUST presented a Bill for the regulation of the Law of Copyright, which was, upon motion, read the first time, and ordered to be read a second time on Thursday next, 18th instant.

HON. MR. CAMPBELL was pleased to find that the Bill had been initiated in that House. There was an hon. gentleman whose name had been recently mentioned in connection with the proceedings of the House. As the subject of the Bill was one in which no doubt that hon. gentleman felt an interest, he hoped that the day named would be sufficiently convenient to enable the hon. gentleman to be in his place. He (Hon. Mr. C.) should congratulate the Government on the introduction of Bills into that House.

HON. MR. LETELLIER DE ST. JUST, in reply to the hon. Member, would observe that in naming Thursday, the 18th instant, he had done so to enable the hon. gentleman referred to, to be in his place. With regard to the introduction of Bills into that House, he (Hon. Mr. Letellier de St. Just) hoped that the Bill introduced to-day would not be the only one initiated in that House, and he begged further to state, that it was the intention of the Government to introduce into that House as many as possible.

The House, shortly after, adjourned until Monday next, the 15th instant, at three, P.M.

Monday, February 15, 1875.

The House met at three o'clock.

After routine business,

HON. MESSRS. LETELLIER and PENNY introduced Hon. Mr. Fabre,

who took the Oath, and was escorted to his seat.

HON. MR. CAMPBELL introduced a Bill to incorporate the Canadian Gas Lighting Company, which was read a first time.

QUESTIONS AND ANSWERS.

HON. MR. KAULBACH, after a few remarks, put the following Question:— Whether it is the intention of the Government to dredge the harbor of Lunenburg, Nova Scotia, this year, in accordance with the prayer of petitioners and favorable report of Mr. Perley, C.E., of the Public Works Department, made thereon in 1872, owing to the rapidly increasing tonnage of the port?

HON. MR. LETELLIER DE ST. JUST was understood to reply, That the attention of the Government was concentrated upon the harbors that most required improvement. All the Government dredges are constantly at work on the harbors which most require dredging, and Mr. Perley has instructions to reach them all as soon as possible. The new dredge, now finished in the Clyde, will be out early in the spring, and add to the strength of the fleet, and give the Government an opportunity of sooner reaching certain harbors which cannot be touched at present.

HON. MR. KAULBACH next inquired, Whether it was the intention of the Government to submit, during the present Session, a measure enforcing Pre-payment of Postage on Letters?

HON. MR. LETELLIER DE ST. JUST answered, That a Bill would be proposed to make certain changes in postal arrangements, and pre-payment would be necessary.

HON. MR. KAULBACH inquired, Was it the intention of the Government, during the present Session, to bring in a Bill to make uniform the rate of Interest on Bills, Notes, and other mercantile transactions?

HON. MR. LETELLIER DE ST. JUST answered, That it was not.

HON. MR. LETELLIER said, that in accordance with the view entertained by the House when the matter came before it on Friday last, he would move that the 84th Rule of this House be amended by leaving out "one hundred dollars, and inserting "two hundred

dollars" in lieu thereof, and that the Senators in attendance on the Session be summoned to consider the same. He said this was to equalize the amount paid for private bills with that for divorce bills. He thought the one ought to be assimilated to the other, to indemnify the House for the expense incurred in connection with these divorce bills. In some cases the increased amount might constitute a hardship, tending to deter or prevent poor people from obtaining an advantage considered important to them; but he thought that in such special cases the House might relieve the party from paying a portion of the amount.

HON. MR. CAMPBELL said he quite concurred in the amendment of the rule, but a point was missed the other day as to the new rule applying to petitions yet to be presented this Session. It could not apply to petitions already presented. He could not see any particular hardship, however, in applying it to all petitions after this day. He did not see any reason why the House should not change the rule, and why, when changed, it should not apply to all petitions presented after this day.

HON. DR. CARRALL said he would oppose the Resolution. In the absence of any divorce court in the Dominion, and considering the enormous expense that litigants were put to in many ways, in their efforts to get justice, the actual amount was more than sufficient. Instead of creating new barriers to prevent those seeking redress at our hands from coming here, existing obstacles should be removed. People in remote parts of the Dominion were debarred from redress by the enormous expense attending a journey to the Capital, and the bringing up of witnesses. This, no doubt, precluded a great many from seeking the desired redress. Persons in moderate circumstances in Ontario and Quebec even, might obtain relief were the expenses not so great. As to the fee for private bills, the majority of those bills were for charters for schemes out of which money was to be made, the promoters generally being men of means; whereas, in the other cases, applicants for relief may be poor and yet deserving of redress. (Hear, hear.)

HON. MR. DICKEY thought it might admit of doubt whether it would be advisable to make this change. As to the matter of uniformity, there was a perfect want of uniformity in the circumstances attending those cases—private bills and divorces. This Legislature was the only tribunal to which people could resort for divorce under circumstances which all justified. And rules were made for the poor as well as for the rich, and it was very hard to impose on a man who might not be able to pay \$100, the fee of \$200. In many cases it might not merely prove an objection, but a denial of justice. In these cases, the House sat, not so much as a legislature, as a judicial body, and they would be taxing the boon of justice by imposing the additional penalty. He assumed, in this connection, that they were all agreed, whatever their private opinions might be as to the propriety or impropriety of divorce, that they should not import this matter into the present discussion. He trusted that no sympathies, one way or the other, would induce members to throw any additional embarrassment in the way of obtaining what the laws allowed. Existing preliminaries were sufficiently onerous to petitioners for divorce, including the printing of 750 copies of the bill, the employment of counsel, the bringing here of witnesses, in some cases from remote corners of the Dominion. In addition, comes this deposit of \$100, which was simply to reimburse the Senate for expenses that did not come under any of the categories mentioned. Hitherto, \$100 had been found amply sufficient for the inevitable expenses of passing a bill through the House. It was more than sufficient, and consequently, if they could only separate their minds from the question of the propriety or impropriety of divorce, he saw no reason why they should place this additional difficulty or embarrassment in the way of people seeking a constitutional remedy for, possibly, a constitutional defect. (Hear, hear, and a laugh.)

HON. MR. PENNY was understood to say that he quite agreed with the views of the last speaker. He thought it was a question whether they should obstruct divorce, because many considered them bad things in themselves.

He should be disposed to go as far as anybody in this view, being much of the opinion of his Lower Canada neighbors generally, that divorces might as well be done away with altogether. That was not the question here, however. They admitted there were circumstances under which they were constitutionally proper. They (the Senate) sat as a court of justice; they were not legislating, but acting as judges, and it was the first time in the history of the world that a court of justice charged for adjudicating. This House and the other took the place of courts of justice in other countries, and should, as nearly as possible, conform their proceedings to those of courts. He thought it would be a very great hardship that a poor man or woman with a grievance of the kind redressed by divorce, should be debarred from a remedy open to a rich one. He should be far more disposed, while administering this law, to take the \$100 off altogether, than to add another \$100. (Hear, hear.)

HON. MR. WILMOT said he would be glad to see the Senate relieved of the duty of acting as a court of divorce, and the sooner they established a court of divorce the better. (Hear, hear.) In the Lower Provinces they had such courts, and they existed in the mother country, and other nations also. In the meantime, he was not prepared to bar the way to suitors desiring justice in Canada, and should vote for the abolition of the \$100 fee even, in place of the addition of another \$100. A divorce bill was not a private bill in the ordinary sense, but involved a matter of public justice; it was, in fact, a public bill. He therefore should not impose a penalty upon parties coming here for justice.

HON. MR. MACPHERSON said he was quite sure that neither the hon. leader of the Government nor the hon. leader of the Opposition, considered this a party matter, affected by party discipline, (laughter), and after the expression of opinion which had taken place, he hoped the hon. gentleman would withdraw his Motion. A Bill on this particular subject was more the sentence of judges than a private bill. He thought it essentially wrong to do anything to impede the adjudication of

matters specially placed within its jurisdiction. This House was a court, for cases that could not be tried anywhere else, and he thought they should not bar the entrance to this court, no matter how much some individuals might be opposed to divorce. (Hear, hear.)

HON. MR. ALLAN was understood to say that he heartily echoed the wish of the hon. gentleman opposite (Hon. Mr. Wilmot) that this matter was taken out of the jurisdiction of this House, for a more disagreeable or odious duty could not possibly be imposed on hon. members, than dealing with it. He believed strongly that it was not desirable either to increase the facilities or give greater opportunities to applicants for divorce on light or trivial grounds. He would rather surround divorce with greater difficulties than remove those existing. He had no desire to see in Canada the spectacle exhibited in some of the neighboring States: divorces obtained on the most trivial pretences, without any regard to the sacred nature or obligations of the marriage tie. He would prefer the adoption of the Motion.

HON. MR. SIMPSON said he was willing to grant aggrieved persons the opportunity of obtaining a severance from unworthy partners; yet, he did think they should not open the door too wide. He hoped some legal gentleman would frame a law on the subject, and he believed Government would accept one, to take this matter out of this Chamber, and relieve it of all those petty annoying divorce cases. He would support the Motion, and he thought even one that would raise the fee to \$500. He believed that in the case he had represented here, he was most egregiously deceived: that the complainant was more to blame than the other party. His impression was that they were as well entitled to pay as the judges, or that the country was entitled to some acknowledgment of the Senate's services.

HON. MR. CAMPBELL said, the object for which the deposit was required was defined in one of the clauses of the rules covering private bills, viz.: That the expense ought not to fall on the public. He thought that the costs of a divorce bill ought not to be defray-

ed by the public, but by those seeking the relief. (Hear, hear.) The time occupied with one of those bills was very considerable, much more than that spent on a private bill. The latter might be disposed of in a few hours, a divorce bill generally occupying days. He could not see that he should be doing anything inconsistent with the rule in saying those divorce bills should pay a sum at all events equal to that charged for private bills. As to not shutting the doors of Parliament against any class of claimants, those who came for those bills would enter a divorce court, though some were so poor that they would not go into such a court even were it in their own Province. Now, suitors in a court would not, he thought, obtain relief for a less sum than \$200. He apprehended they would pay as much, or more, in a court. In cases of poverty, the fact could be stated in the petitions, and relief afforded, as in the House of Lords when it had similar jurisdiction. To prevent the expense of this relief falling on the public, he thought the Motion advisable, and it was not wholesome or consistent with the weal of the country to enlarge the class of cases which would come here for this kind of relief. They did not want to move a step towards the light in which these matters were viewed in the United States, nor towards the manner of affording relief there. He thought they would be acting fairly and leniently, in imposing a fee to indemnify the public for the costs occasioned by such bills. (Hear, hear.)

HON. MR. KAULBACH could not concur in the remarks of the last speaker. A petitioner came to have a wrong redressed, and that under the most humiliating circumstances; by asking him to come in *formâ pauperis* they would be aggravating his sufferings. The wrong complained of was a moral wrong, a wrong to the community, a case in which a man should have the same redress as in a civil action. Here it was proposed to make a distinction between the poor man and the rich. (Hear, hear.) If they deprived a man of redress, he might seek a summary mode. He regretted those cases came before us at all, but as it was in Committee the expense

could not be great. He hoped some means would soon be devised for relieving us of those cases. While it was not furnished, he thought it was their duty to leave the door open to the existing redress.

HON. MR. MILLER thought it would be as well for honorable gentlemen who spoke of the establishment of a divorce court in the Dominion to reflect that there might exist very grave doubts as to the power of Parliament to establish such a court. The question was anything but clear. Therefore, he thought that it was useless to talk about the establishment of a divorce court for the Dominion until they had an amendment to the Constitution. With regard to the subject itself, he was surprised at the feeling exhibited in reference to the Motion. He thought it was the sense of the House clearly expressed on Friday that the Rule should be amended as proposed.

HON. MR. LETELLIER said his reason for bringing forward the Motion the other evening appeared to be well comprehended by the House. Seeing that the House could not otherwise come to a favorable conclusion on the subject, he gave notice of his intention to move the substitution of the fee of \$200, instead of the former one of \$100. The question was now before the House, and it was better that it should be freely discussed.

HON. MR. BENSON did not see that it would be any degradation for parties unable to pay the fee to seek remission of it from this House.

HON. MR. BOTSFORD had listened with much attention to the arguments advanced on both sides. Strong arguments had been advanced in favor of increasing the fee from \$100 to \$200, but nothing should be done calculated to create obstruction to parties seeking redress at the hands of this House.

HON. MR. REESOR was understood to say, we ought to learn something from the experience of our neighbors. In some of the States of the neighboring Republic, divorce laws had existed; but some of the most enlightened of their public men had come to the conclusion that the facilities afforded by such measures had been productive of very serious evils to society. Whatever tends to interfere with the mar-

riage bonds, tends to loosen the bonds of society, thereby exercising a most injurious influence upon free government. It was our duty to avoid all action calculated injuriously to effect our institutions which had worked so well. With regard to the fee, he (Hon. Mr. Reesor) was of opinion that any party willing to incur the expenses connected with a divorce suit could not experience great difficulty in paying the fee of \$200.

HON. MR. VIDAL—There was a great difference between opening the door to divorce and closing the door to the relief of those few unfortunate individuals placed in the unhappy position of seeking remedy by divorce. The question before the House appeared a very simple one, as to whether the House should accept the amendment before it. Whatever our feelings on divorce may be, they should not influence our minds in coming to the discussion of this simple matter. It appeared to him (Hon. Mr. Vidal) that the first and only argument which should be presented to induce the House to agree to this change, is a statement of some kind, that the present charge is insufficient to cover the expenses incurred. Had any hon. gentleman who advocated the change presented the House with any single word of proof that \$100 was insufficient to cover the expense? No.

HON. MR. CAMPBELL said, he thought he had done so. He alluded to the long period occupied in the consideration of these bills in Committee in the House.

HON. MR. VIDAL did not conceive that to be an expense contemplated in the wording of the Rule. (Hear, hear.) His (Hon. Mr. V.'s) impression was, that for the discharge of all duties devolving upon members of that House as Senators, they were amply paid. The attention which they would have to give to divorce bills would not prolong the Session one hour; and in undertaking the duty of Senators, they should be prepared for the discharge of disagreeable as well as agreeable duties. It was their bounden duty, even if not sufficiently paid, patiently to investigate all these cases without looking to the applicants for remuneration. It would be exceedingly unwise for the House to

throw any obstacle in the way of such suitors, beyond what was absolutely necessary. The party has to pay all his expenses, even printing. The distinction between private bills and divorce bills should not be lost sight of. The promoters of private bills bring them before the Legislature expecting to make money, and are well able to pay their legitimate expenses for purely personal and private ends. He thought it wise that the fee should be increased to \$200.

After some further observations from other hon. members the motion was put, when the numbers stood as follows:—Contents, 27; non-contents, 23.

The Motion was then declared carried.

A CORRECTION.

HON. MR. DICKEY said that his concluding observations on Friday last had been misreported, not only as to his words, but as to his meaning. It would be within the recollection of the House that upon that occasion, he stated in his concluding observations, that after what had passed, and after the assurance of the Minister of Agriculture with respect to the salaries of the servants of the House, that the lists of salaries should be submitted to the Contingencies Committee, that he believed it would be ungracious in him (Hon. Mr. D.) to withdraw from that Committee. So far from that being reported, he was reported to have said, without any explanation from the Minister of Agriculture, that he was perfectly satisfied, which was entirely the reverse of his meaning.

HON. MR. BOURINOT also complained that with regard to his brief observations on the subject of St. Peter's Canal, he had not been correctly reported.

After the transactions of some other business, the House, upon motion, adjourned until to-morrow, Tuesday, 16th inst., at three, P.M.

Tuesday, February 16, 1875.

The House met at three o'clock.

SALARIES OF THE SENATE EMPLOYEES.

After routine business,

The SPEAKER submitted the report of the Committee appointed last Ses-

sion, to consider the re-adjustment of the salaries of the servants of the House.

HON. MR. CAMPBELL asked if the Report should be referred to the Committee on Contingencies.

HON. MR. SEYMOUR moved its reference to that Committee.

HON. MR. LETELLIER replied that though he would not object to the proposal in 1873, when the hon. gentleman opposite (Hon. Mr. Campbell) had been, with the Receiver General and Minister of Marine of that day, authorized to consider the claims of the employees entitled, from length of service and efficiency, to increased remuneration, though no power was given them to make changes, by their Report of 27th June, 1872, presented to the House in March, 1873, they submitted certain changes; to do this they had no right whatever. They created three new offices. This Report was laid on the table on the 7th March, and contrary to the nature of the hon. gentleman's present course, he referred it to the Committee on Contingencies only the 1st May following. Under these circumstances he (Hon. Mr. Letellier) thought it was better that the Report should be printed, so that the Members of the Senate might be acquainted with the action of the Special Committee on the subject before proceeding to any conclusion on the matter. But he had no hesitation in saying that the Senate would find that this Committee had kept better within the limits of its instructions than the previous Committee.

HON. MR. SEYMOUR said that he would move only in this matter when the Report should be printed.

The House, shortly after, adjourned until to-morrow, Wednesday, 17th inst., at three, P.M.

Wednesday, February 17, 1875.

The House met at three o'clock.

After routine,

GEORGIAN BAY BRANCH OF PACIFIC R. R.

HON. MR. ALEXANDER, in moving the address to His Excellency the Governor General, praying that His Excellency would cause to be laid before the House, copies of all tenders and correspondence relating to the construction of the Georgian Bay branch

of the Pacific Railway, pursuant to public advertisement, dated the sixth day of November, said he deemed it proper that he should give his reason for doing so, which was, that he in common with others, both inside and outside the Legislature, was at a loss to know the reason why the Government should undertake the construction of the line of railway referred to, at this particular time. In moving in relation to the subject, on the present occasion, he wished to be understood, as not actuated by any motives of opposition to the Government, but looking at the grave responsibility resting upon that House, as a co-ordinate branch of the Legislature, he felt that hon. members were bound to use all their influence, and see that the public expenditure was prudently and carefully carried out. Upon the introduction of the bill into the House last session, he was surprised to find this branch included in the bill. The measure had been introduced at the last moment, when there was not sufficient time for the discussion of its merits, and when the greater number of members of that House had left for their homes, and many of those present at the time protested against any further action in the matter at that late period of the session. Whatever the circumstances may have been he was certainly surprised, and would ask the hon. members of the Government what could justify them at this time, in entering upon the large expenditure for this branch railway? Was the treasury at present in such an overflowing condition as to justify the throwing away of so many millions? When it was known that our financial obligations were so great, why further increase the burden of the people for an object prematurely entered upon? We should not forget that we shall soon have to meet the interest on the amount of the recent expenditure connected with the Intercolonial Railway, amounting to \$20,000,000. Then again, we had, in connection with the construction, enlargement and improvement of our canals, the amount of \$6,000,000, and the revenues arising from these canals had never been by any means proportionate to the expenditure. He understood, further, that the Govern-

ment was under obligation to spend \$2,000,000 in British Columbia for railroad construction. With such serious financial obligations resting upon us, it was not a moment for us to enter into an expenditure which would not be calculated to bring a corresponding return or increase of development and commerce. Hon. members no doubt remembered the charges preferred against the late Administration of undue expenditure, arising from the selection of the route of the Intercolonial Railway; but when the present party came into power, it was hoped that they would endeavor to administer the Government on the abstract principle of right and justice, and resist all outside pressure. (Hear, hear.) He (Hon. Mr. Alexander) assumed a position in which he felt he would be supported by hon. members from other parts of the Dominion; that nothing would justify a further increase of the burdens of the people. It would have been a prudent action on the part of the Government to have announced at the opening of Parliament their intention to remove a portion of the burdens imposed upon the people during last session—a remission of the duty of two and a half per cent. imposed last session would have been a graceful act upon their part. With regard to the public expenditure in connection with railways and other public works of importance, he felt assured that hon. members would agree with him that the time had arrived when some guiding principle should be laid down, so that no public work of importance should be undertaken unless there was some reasonable prospect of increase of population, commerce, and revenue. He (Hon. Mr. Alexander) would be extremely desirous that the resources of every portion of the Dominion should be developed in every possible way, but there was no population in the direction through which this line of railroad would pass, nor any immediate prospect of that portion of the country being utilized. He was really of opinion that, with the heavy and serious obligations resting upon us,—if we wish to improve and enlarge our canals—if we are really desirous of developing the resources of our vast territory,

capable of supporting millions, such an expenditure was most injudicious. If we hope to carry out the great works indispensably necessary to the Dominion, how, he would ask, could we hope to do so without a wise and judicious regard for the public expenditure.

HON. MR. SCOTT said the Government had no objection to the motion. He did not, however, propose to discuss the Government policy, in connection with the Pacific Railway, on this motion, as it had been thoroughly discussed already. The scheme of a mixed land and water means of communication between Canada and the Pacific coast was thoroughly discussed at the last general election, the Hon. Premier in his speech at Sarnia having, he (Mr. Scott) believed, explained the Ministerial policy on the subject. It was with a view to avoiding an enormous expenditure in the construction of an all land line that the Government decided upon utilizing the vast bodies of water between western Ontario and the Pacific slope. The hon. mover opposite was quite aware that the policy of the late Administration was, to commence the railway on a point south-east of Nipissing, and build along the shore of that lake, and along the north shores of Huron and Superior, and that this was a very inhospitable region, probably the very worst for agriculturists, although, perhaps, possessing minerals in abundance. A railway through this section would, certainly, prove very costly. The present Government did not, therefore, desire to carry a railway through this region. They rather felt it their duty to husband the country's means and resources, by utilising, instead, the stretches of water. They also considered it desirable, however, to construct a branch to Georgian Bay, to give access to that important point, to the railways to the south and east, to enable them to avail themselves of the advantages of the Ministerial policy. The Government, consequently, took power under the Pacific Act, to build those 85 miles between Nipissing and Georgian Bay, intending, moreover, to have this and the branch from Fort Garry to Pembina constructed immediately. It was then supposed

they could have the surveys completed and all the preliminaries arranged for proceeding with those lines before the present session. However, very serious delays had occurred as to the Georgian Bay branch, the advertisements for tenders for the construction of which appearing only a short time before the opening of Parliament. Under these circumstances the Government decided the tenders submitted should fall within the spirit of the Pacific Railway Act. Though they were not bound to come to Parliament, and ask its approval of any action by them in this matter, being desirous of dealing with it in the spirit of that Act, they desired that, as no contract had been given out for the Georgian Bay branch, they should submit the tenders and contracts to the House of Commons this session (hear, hear.) Government would adopt the lowest tender if the contractors could present sufficient security for constructing the road speedily and satisfactorily. He (Mr. Scott) was rather surprised that the hon. gentleman (Mr. Alexander) should have indulged in the comments uttered, hailing, as he did, from Ontario. He, doubtless, knew that the region to be intersected was about the best in that province not yet filled up—that it possessed the most available lands, and if the surveyors could be believed, was capable of maintaining millions. The country was well timbered, well watered, and, altogether, presented great attractions to settlers. Till opened up, it was quite impossible to attract settlers to it. But this was simply a subsidiary idea in connection with the subject. He thought the hon. gentleman's criticisms came with a very bad grace under all the circumstances. He stated there were other railways in Ontario going northward to Georgian Bay; but if he took the map he would find that, so far as the whole eastern portion of the Dominion was concerned, the route proposed by the Government was really the shortest, the most direct from it to the Bay, and from the latter to the Ottawa; and it was admitted the construction of this road, with the subsidy to be granted a railway from Renfrew, or Pembroke, to Nipissing, would give direct communication with Lake Hu-

ron, to the people of Montreal, Quebec, and the Lower Provinces. He thought these were considerations of no trifling importance. (Hear, hear.)

HON. MR. BELLEROSE, in French, was understood to say he was somewhat startled by the Secretary of State's expression of surprise at the remarks of the hon. member, considering he came from Ontario. He, (Mr. Bellerose) feared the Government might occasionally be too much disposed to be influenced, or occupied with the views and interests of Ontario, to the disadvantage of those of Quebec and the other Eastern Provinces. The feelings and interests of all parts of the Dominion should receive their due consideration in matters of importance like the present. The hon. gentleman went on to point out that a road most direct or shortest on the map often turned out to be longest and costliest, by reason of natural or topographical difficulties, and he contended that this would be the case as regards the route by the south shore of the Ottawa to Nipissing. He contended that the best line was that by the north shore, in Quebec, the Mattawa route, recommended by Shanly and Legge, and the Government were mistaken in their present impressions. (The hon. gentleman's remarks were repeated by him in English at more length, on the reappearance of the Minister of Agriculture, on which occasion he said): He was surprised that a member, speaking in a Chamber like this, should have uttered the remark heard from the Secretary of State. He had assured members that this line was the shortest. The Premier had recently made the same statement to a deputation from Quebec; but he was placed in an embarrassing position when he was shown the report of Mr. Shanly, to the effect that the South Shore line was longer than that in the Province of Quebec, by the Mattawa to the Georgian Bay, by the North Shore. He hoped the Ministry would yet correct their error. He hoped the Ministers who represented Quebec and the Maritime Provinces, who had the same interest in this matter as Quebec, would see that the shortest and most advantageous line to unite us with the Pacific coast

was chosen—the line possessing the fewest difficulties. The question concerned all the Provinces as well as Ontario and Quebec, for if the shortest route from the Pacific to the Atlantic was not selected, the carrying trade of the Great West would forever pass from us to the United States. Our object should be to attract and retain this trade. He hoped the Ministerial representatives of Quebec would not neglect their duty in this matter. If the majority of the Ministers from Ontario should wish to sacrifice all to Ontario, it was the duty of the others to see that justice should be done to the rest of the country. When the construction of the Intercolonial was a question, and when it was sought to carry it by a different route, Sir George Cartier, whose memory was dear to Lower Canada, procured a fresh survey, which changed the route that had been adopted for the road. When it was a question whether they should take the present route, the most reasonable and most practicable, he stated his position in the Government upon the decision, and achieved his object.

HON. MR. LETELLIER said the hon. gentleman who had just spoken, had advocated the case of a long route as against a short one. From a Lower Canada point of view he (Mr. Letellier) would naturally prefer the longer route through this Province. But as a member of the Federal Government, representing the whole Dominion, he and his colleagues could not look upon such works from the merely provincial standpoint, but with that larger vision comprehending the general interest of the Dominion. The hon. gentleman (Mr. Bellerose) could not have known the opinion of Sir George Cartier as to this road, or he would have acknowledged that, when that road was first spoken of, the very route now selected was that approved of by the late baronet. We saw by the plans made then, and by a comparison of the routes, that had we adopted the route even nearest the present, we should have been far away therefrom as to distance. In building railroads, of course, we had to depend greatly upon the reports of the engineers. True, Mr. Shanly's name was quoted

against that of the Government engineer as to this proposed route, but he did not know if Mr. Shanly had ever passed over the line adopted by the Government. Certainly a route which was mountainous, even if considerably shorter than a more level route, would prove more troublesome and expensive, and one to be avoided. The supposed superior advantages of the North Shore route should be demonstrated before hostile criticisms were passed upon the route Government had chosen. He believed they were justified in taking a different view from that of the last speaker, and the reports of the engineers to the Government could not justify the adoption of the line indicated by the last speaker.

HON. MR. BELLEROSE said he seemed to have been misunderstood. He had stated the projected route from Georgian Bay to Renfrew was certainly, geographically speaking, the shorter route, and, if so, other considerations apart, Government would have been justified in choosing it. But he (Mr. B.) also asserted that there were reports before us, from Messrs. Shanly and Legge, shewing that, though geographically, it was shorter, in an engineering point of view, the other route, the North Shore, by the Mattawa, was, practically, the shorter by thirty to forty miles. (Hear, hear, from Hon. Mr. Campbell.) He did not care whether the Hon. Minister of Agriculture hailed from Quebec or Ontario. His (Mr. Bellerose's) object was to show by argument that the public good, the general interest of all the Provinces, required the choice of another route. Whatever Sir George Cartier's opinions as to this Upper Ottawa route were, he did not care. It was because he (Mr. B.) had seen by a report that the Premier had selected the route from Renfrew to Georgian Bay, promising Government assistance, that he appealed to Ministers from Quebec to do something—not simply for the benefit of Quebec in this matter, but for the good of the whole Confederation. If we did not adopt the shortest and best line, the trade we might enjoy would pass to the United States. (Hear, hear.)

HON. MR. CAMPBELL said he did not think the country clearly under-

stood the object of the Government in constructing this Georgian Bay and Nipissing branch. For forty-five to fifty miles they would be in the middle of the forest, away from business and settlements. He was quite at a loss to know their object. The Secretary of State said it was to connect Lake Nipissing with a road the Government proposed to subsidise from Renfrew or Pembroke to that point. But it did not follow that, because Government proposed to subsidise that road, it would be built. That event would depend upon the feeling of the money market, and a hundred things over which Government had no control whatever. In the absence of the contemplated continuation eastwards, in what condition would the country be with a branch on its hands, constructed from a remote point in the woods, and carried thence to Georgian Bay? The scheme was not in pursuance of the plan Government originally adopted, which was a part land and water communication to British Columbia, or the Far West; and, as pointed out by the hon. gentleman who introduced the subject, there were already railroads to Georgian Bay. What object would a passenger from the Far West, landed, for example, at the mouth of French River, or one of the points on Georgian Bay, now in connection with different parts of Ontario, gain by the proposed Government road? Why should this branch be constructed in the absence of any means of getting away from Nipissing when you reach there from the West? The Government had no assurance of the building of a road eastward, for example, even in the event of a subsidy. This proposed branch was not a portion of the essential line of communication with the Far West. That from Thunder Bay to Shebandowan was essential, adopting the Government's theory of a mixed land and water route, as would be any other section of a railway to navigable water. It would be time enough to construct the Georgian Bay branch if the road from the Upper Ottawa to Nipissing was commenced or nearly completed. If Messrs. Shanly and Legge had reported that the North Shore branch, by the Mattawa, was practically the shorter, then, apparent-

ly, that was the road that ought to be built. The opinion of such eminent engineers ought to require some attention. He did hope the country would not be involved in what seemed the grave mistake of building this branch promised in advance of the extension of proper connections from the Eastern or Ottawa region. (Hear, hear.)

HON. MR. SCOTT replied the Government would take very good care that they proceeded *pari passu*—that their line should not be constructed as an isolated work in the wilderness. Connections must be provided. He believed a line by the north shore of the Ottawa was a certainty. Possibly it might be carried up to Portage du Fort or Pembroke; connections might be made there or at some place considered more advantageous. Government would look after the public interest in such arrangements, and would see that connecting lines had running powers over their subsidised lines. Care would also be taken that the western sections had eastern connections to Quebec. (Hear, hear.)

HON. MR. READ said his hopes of seeing the Pacific Railway were vanishing; when he observed the money of the country frittered on colonization purposes it was time to speak out. If those eighty-five miles of road were only part of the Pacific Road proper, he would not say an opposing word. Already there were three lines to the Georgian Bay, and there was another on the way. Was that not enough? How was this branch to be used? These eighty-five miles would cost three or four millions in a favourable locality; but more in such as the present. He hoped Parliament would resist in every way so useless an expenditure. Was the country's money to be spent building colonization roads like this, through regions devoid of inhabitants? The public money should only be spent on necessary and promising enterprises.

HON. MR. SKEAD said it appeared to him that when anything came up in this or the other branch of the Legislature, favorable to the Ottawa section, a number of gentlemen were sure to oppose it. The Government were not particular friends of his—(laughter)—yet he was bound to take note of their policy and statement that the

Georgian Bay branch would be built. He saw a prospect of a connection with railways to the eastward. He knew arrangements were making to extend the Canada Central to Pembroke. The citizens of Ottawa would assist this enterprise. The Government had promised to subsidise some road—whether this or another—to connect with the Nipissing line, which would prove beneficial not only to Ottawa but to Montreal and Quebec, as well as the Maritime Provinces. He was not a little astonished at the conduct of the hon. member (Mr. Alexander) who, when anything favoring his own Western section arose, was sure to support it; but anything benefitting the Eastern district, he was sure to oppose it. (Laughter.) His hon. friend to his left (Mr. Read) acted similarly. In this House a proper view of such questions ought to be taken. He would not like to see this Government long in power (laughter), but while they were, he wished to give them a fair trial and support. In their course in this matter he thought them right. He did not, however, like the land and water scheme, available for only five months in the year; but if they could not get anything better, let them have it. He did think hon. gentlemen around him would have taken a little larger view, and remember that the Dominion was not wholly composed of Toronto and the district west of it. What showed the importance of the Ottawa district was the number of new railroads now being pushed from the frontier of Ontario into the interior to catch its trade. Even my friends, the late Government, had not done right by them in the matter of this Pacific Railway. They had a stipulation that the terminus should be at the southeast side of Nipissing. Now he knew a little of that part of the country, and could assure members if there was any practicable route, it was on the north shore of Lake Nipissing. If we could not get the whole line by land to Manitoba, let us obtain what we could in patches. The time would come when it would all be by land. Do not, however, condemn the Government for this attempt to give us a branch to connect with roads eastward, which would be many miles shorter than the road round by the St. Lawrence. To-

ronto interests would always take care of themselves. He hoped gentlemen from that quarter would not be so selfish in future—should not desire to grasp everything for themselves at the expense of the people to the eastward. (Hear, hear, and a laugh.)

HON. MR. BELLEROSE begged to read an extract from Sir Wm. Logan's report upon the highest elevation of the region to be intersected by the proposed branch railway. This height was 1441 feet above the level of the sea. Mr. Legge had reported as to the North Shore on Mattawa route, that the greatest elevation found was but 665 feet. This gentleman computed, by the rules of engineering, the greater distance, constituted by the greater height of land on the south or Renfrew side, at 25½ miles.

HON. MR. LETELLIER said the Question could not be fairly dealt with till the papers were before the House, but when produced, he was sure it would be conceded the best route had been adopted.

The Motion was then agreed to.

IMPROVEMENT OF ST. PETER'S CANAL.

HON. MR. BOURINOT said it might be considered superfluous on his part to bring up a question already presented to the attention of the House by the hon. member for Richmond. But he (Mr. B.) considered the matter of no ordinary importance, and thought it desirable to ascertain something about the distribution of the plans for the enlargement of this canal. Their object was to procure the widening of its entrance, for the accommodation of vessels of a larger class than those at present using it. Every year 600 or 700 vessels of a small class pass through, and 200 or 300 boats. The channel might be made to afford depth for vessels of the largest description. Year after year large craft have attempted in vain to penetrate this canal. Now, it was worth while to give members from districts little acquainted with Cape Breton an idea of this canal, and the facilities for navigation it might be made to afford. Lake Bras d'Or, to which it led, contained 450 square miles, its borders possessing, besides, its rich mines of coal, gypsum, marble, iron and other valuable minerals, the lake

itself abounding in fish. When this canal was finished it would improve the prospects of the Intercolonial Railway through Cape Breton to connect with the shortest ocean route, which is Louisbourg, the landing wharf of America to and from Europe on the one hand, and with the western railway system on the other. The proposed road would, to some extent, skirt the canal and lake. The estimates last year promised \$75,000, out of \$260,000 provided for the entire work, for a commencement. He regretted to see that \$75,000 additional for this year, or \$150,000 altogether, for a beginning was not set down in this year's estimates, so that the work might be at once entered upon. As he mentioned already, when Confederation was brought before the people of Nova Scotia, one of the grounds upon which he supported it, as a member of their Legislature, was that such contemplated works would be entered upon at once by the Dominion, but they found that, notwithstanding eight years of Confederation, no public works of importance in the Island of Cape Breton had yet been undertaken, though small sums had been spent for works of no importance. He trusted this important work would be entered upon shortly. The hon. gentleman here quoted from a work published by a Mr. Brown, a gentleman of scientific attainments and who had contributed valuable information on geology, who was a friend of the late Sir Roderick Murchison and Sir Charles Lyell; and he mentioned these facts to show that he was a high authority the following passage upon the fine scenery of the region under consideration. "From the rugged promontory of Cape Dauphin to Cape North, the coast line exhibits steep ascents covered with scrubby spruce and pine, and rocky precipices rising abruptly from the sea to heights varying from 600 to 1,200 feet. Grand and very beautiful are the gorges and ravines which furrow these hills and precipices between St. Ann's and Ingonish, where first the golden rays of the rising sun light up their recesses, and in an instant make all clear and distinct which just before was hid in the dark shades of twilight. Equally grand and picturesque is the

red Syenitic escarpment of Smoky Cape, capped with the cloud, from which it derives its name, with many lofty head-lands in the background, and the peak of the Sugarloaf Mountain just peeping above the far distant horizon. On the western coast, from Cape St. Lawrence to Margarie, scenery of a similar character occurs; but it is the setting, not the rising sun, reveals all its hidden beauties." As great ignorance prevailed on this fine island, he (Mr. B.) would recommend his hon. friends to read this book, which would induce them, he was certain, to visit it, and which, as they would find, was not only attractive on account of its great resources, but possessing those natural beauties rarely to be met with on this continent. The hon. gentleman concluded by moving in accordance with previous notice, that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House a copy of the report of Mr. Perley, C.E., on the enlargement of the St. Peter's Canal.

HON. MR. LETELLIER expressed some astonishment at the tone of the hon. gentleman just sat down. For six years he was in office, and the hon. gentleman beside him (Mr. Bourinot) was constantly asking money to enlarge this canal; but nothing was done in that time. Suddenly, however, that he was in Opposition, his eyes were opened, and he saw the value of this work at the moment the present Government were proposing a vote for it. His Government neglected the matter for years, while the moment the present assumed office, it decided to see to this improvement. The hon. leader of the Opposition had discovered very late the advantages and wants of that region. The engineers are now at work, and the improvement will be effected as they recommend. He agreed to the Motion.

HON. MR. CAMPBELL admitted no actual work was done by the late Government in this direction, but it was but fair to say they sent down an engineer to examine into the possibility of enlarging the canal. Difficulties in the way were reported, owing to the character of the stone forming the banks of the canal, and it was

found necessary to examine into that matter before asking the Legislature for money. So the hon. gentleman was mistaken in saying nothing was done. He (Mr. C.) presumed it was upon the report of Mr. Perley, the engineer mentioned, that the present Government were about to take action. But, from whatever party action came, with a view to this improvement, he (Mr. C.) should be very glad, and he hoped his hon. friends would be glad to see the work accomplished—one that would give such great facilities to the trade of the country. (Hear, hear.)

HON. MR. MILLER was happy to find the interest shown by the leaders of the Government and Opposition in the St. Peter's Canal. He was glad to find that they were both now alive to the importance of finishing the canal, and he believed he had contributed something by his advocacy of the measure during the last few years to produce that result. He had frequently brought the question before Parliament, and would continue to do so until the end desired was attained. His hon. friend from Cape Breton had always been an advocate of every measure that might promote the prosperity of the Island, and he was glad to see him discussing the question. He was also much pleased to find the able advocacy of the hon. leader of the Opposition enlisted on their side; as he had visited the canal a few years ago, and could speak from personal experience, his remarks were entitled to special weight. The late Government had sent an engineer to inspect the canal and make a report as to required improvements, but shortly afterwards they went out of office. He (Mr. Miller) was well pleased now to find that the present Government were determined to forward the work, and he was satisfied with the assurance his hon. friend (Hon. Mr. Letellier de St. Just) had given him a few days ago as to the intention of the Government. He trusted there would be no further unnecessary delay. Many hon. members from the Upper Provinces did not realize the importance of many of the public works in the maritime provinces. A visit to the sea side would, perhaps, do as much for some of them as it had done for the hon. gentleman

(Mr. Campbell) who had so truly spoken of the great resources of Cape Breton, and the value of that country to the Dominion. If more intercourse existed there would be far better opportunity for the people of the western provinces to know and appreciate the resources of the east. (Hear, hear.) Cape Breton had, so far, been altogether overlooked in regard to its public works, because, perhaps, it had not made itself as troublesome as other portions of the Dominion. Having spoken so recently on this subject, he was not now disposed to enter into any discussion of the claims of the Island in this Parliament in the promotion of such undertakings. But he congratulated the people of that section of Nova Scotia upon the favorable expression of opinion on all sides in reference to a subject in which he had always taken a deep interest; and he believed the action taken by the Government in the matter would be such as the wants of the inhabitants and the general interests of trade and commerce imperatively demanded.

The Motion was then carried.

RESIGNATIONS, DISMISSALS, &C.

HON. MR. KAULBACH, in accordance with previous Notice of Motion, moved the following:—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all appointments to, and resignations and dismissals from, office in the County of Lunenburg, Nova Scotia, since 1st October 1873, as well as all letters, petitions, or other papers or correspondence relative, or in connection with said appointments, resignations and dismissals and appointments of successors.

He continued to say that his object in asking for the papers was to bring to the notice of the House the unworthy and discreditable action of the present Government in ejecting from office several persons in Lunenburg, N.S., appointed by the late Government, about the 20th October, 1873, being previous to the notice of want of confidence of that Government being placed on the table of the House of Commons, and to obtain such an expression from

this House as the conduct of the Government merited. He did not seek to provoke discussion now, but simply to lay sufficient ground for the present motion, and upon the papers coming down, and the facts developed, to base a proper censure upon the Government. He felt that no alternative was left him in this matter; it was but a duty he owed to the men so grievously injured, to Parliament and the country, that these cases should be known, and redress had if possible. The first was, the keeper appointed to the new light on Green Island—the situation was accepted, vessel chartered, provisions and furniture for self and family on board, and every preparation made by the officer, Mr. Schwartz, to get to the island as soon as a chance was offered to land on it. Whilst thus waiting for weeks for that opportunity, he received a letter from the member of the county advising him not to venture to take charge of the light, as he would be dismissed—that the Government, or the leader of it, had given him that promise. Soon after that, that officer received a letter from the Marine and Fishery Department, to know if he intended taking possession of the light, to which he made reply, explaining the reasons for the delay, and stating the nature of the letter he received from the member for the county. No answer was returned him, but another party was appointed lighthouse keeper. This matter would have been noticed during last session, had this House not been assured by the declaration then made on the floor of this hon. House, by the Minister of Agriculture, “that the Government would not thereafter remove any officer except for misconduct, incapacity or other just cause.” (Hear, hear.) No hon. gentleman who heard that declaration could have taken it for less than a propounding of the future policy of the Government. (Hear, hear.) He was convinced that the hon. member from Prince Edward Island would not have withdrawn his resolutions, implying censure on the Government for dismissals, had it not been for that declaration of the Government. (Hear, hear.) He believed the hon. gentleman from the Island had done good service to the Government, had strengthened

its hands against undue pressure, and that so long as the country sustained the Government, each man holding office was assured that he was protected by the Government from all undue pressure by political partizans. His faith in the moral strength of the Government in this respect had been destroyed, the Government had violated its pledges and policy, and could not possibly justify the dismissal from office of Mr. Morash, Protective Officer, and Capt. Young, Shipping Master of the Port of Lunenburg. Mr. Morash, an efficient officer, whose word, honour, vigilance and fearless discharge of duty, were such as to deter smuggling and smugglers, was dismissed through the Customs officer in May last, without previous notice, or cause assigned, or payment of salary to time of ejection from office. Had this officer been less sober, honest and independent, the Government would not have been forced to dismiss him. His dismissal has not only been injudicious and hurtful to the public interests, but to the revenue of the port. Capt. Young was also dismissed without notice or cause assigned, in October last, having been in office one year, faithfully doing his duty, striving to make all parties conform to the provisions of the Shipping Act, and making his quarterly reports to the head of his department. No man of that part stands higher in his position than he (Capt. Young.) He had done service to his country, and to the cause of humanity, that might have secured him lasting honour, had he sought it. When the *Indian*, of the Allan line of steamers, foundered on the sunken reef near the Gut of Canso, Capt. Young, regardless of self and the safety of his vessel and cargo (other vessels fearing to approach), rescued the greater part of the steamer's passengers and crew. In doing so he sacrificed his own vessel and the charter, amounting to \$7,000. When the papers will be submitted to the House he hoped to show clearly the tyranny practised over that officer, how he was ignored by the officer of Customs, who knowingly violated the law, clearing vessels, without having the necessary certificates from Capt. Young, of shipment of crews—who grasped at the shipping office and now holds it, in

connection with his own office, with the additional fees and emoluments, the Government not venturing to appoint any other person to the office, and having been made aware of the conduct of the Customs officer. The Government struggled long against ejecting Capt. Young, but at length ignobly yielded to the pressure, perhaps indirect pressure, used by a merchant of the port, who threatened annihilation of the representative and the Government if his will were not obeyed, and who had violated the laws time and again, allowing and directing his vessels to go to sea and return without legal shipment or discharge of crews, by the shipping master (Capt. Young), and who was again and again fined for such offences. He (Hon. Mr. Kaulbach) concluded by saying that he had already fully shown sufficient cause why the papers should be submitted, and he was prepared to charge home the wrong and injustice done to the ejected and the country, and would be prepared, at the proper time, and if necessary, to ask hon. gentlemen whether the vows made by Government last session had been violated; but yet he had some hope that the Government, on reviewing its action, and as it yet had the ability, might uphold its dignity, and with becoming grace restore to office the men so improperly dismissed.

HON. MR. BOURNOT seconded the Motion of the Hon. Mr. KAULBACH.

HON. MR. SCOTT had no objection to the motion, but the hon. gentleman had in his notice given no clue to his motives. He (Mr. Scott) had taken some notes of his observations. He had made reference to these particular cases; but his references were of such a character as not to admit of an immediate reply. He therefore thought it better to wait until the papers came down to the House.

HON. MR. SCOTT moved, seconded by Hon. Mr. HAMILTON, that the Hon. Mr. Fabre be relieved from further attendance on the Committee appointed to examine and report upon the contingent accounts of the Senate for the present Session, and the Hon. Mr. Wilmot be appointed in his stead. Upon this Motion being put and carried,

HON. MR. SCOTT moved, seconded by HON. MR. HAMILTON, that the Hon. Mr. Hamilton be relieved from further attendance on the Joint Committee of the Senate and House of Commons on the Printing of Parliament, and that the Hon. Mr. Fabre be appointed in his stead.

Upon this Motion being carried, it was ordered that the foregoing Resolution be communicated to the House of Commons by one of the Masters in Chancery.

BILL TO AMEND INTERPRETATION ACT.

HON. MR. SCOTT presented a bill intituled "An Act to amend the Interpretation Act, as respects the Printing and Distribution of the Statutes, and the Territorial application of Acts amending previous Acts."

This bill was, upon motion, read a first time; to be read a second time on Friday next.

The House then adjourned.

Thursday, February 18, 1875.

DOMINION STATISTICS.

After routine,

HON. MR. BROWN moved that a Select Committee be appointed to enquire and report as to the best mode of improving the system of obtaining and publishing statistical information throughout the Dominion; that the said Committee have power to send for persons, papers and records, and that it shall consist of Hon. Messrs. Letellier, Campbell, Carral, Fabre, Girard, McMaster, Miller, Montgomery, Odell, Penny, Ryan, Simpson, Trudel and the mover. The hon. gentleman said that the importance of obtaining reliable statistical returns in regard to the industrial, financial, commercial, agricultural, manufacturing and sanitary progress of the Dominion could hardly be overrated; and without casting any reproach on any Government, past or present, it was impossible to deny that there was room for a very great improvement in this department of the public service. It could in no way be regarded as satisfactory that the enumeration of the people taken in 1871 was not yet fully published. (Hear, hear.) The value of

the census was comparatively of little moment when four years were consumed in compiling and printing the returns; indeed it was difficult to obtain public attention to facts and figures so far back, and that had already been so much affected by the progress of the country. The trade and navigation returns of the Dominion, which were so valuable to all men of business, were not, he thought, got up in that condensed and clear style that would enable them to be easily mastered by the parties for whose benefit they were got up. The mortality returns were admittedly of very little value—though the highest interests of the Dominion demanded that they should be accurately and fully obtained. And as to the industrial and commercial returns of the several Provinces, it was not to be denied that reform was urgently demanded throughout the whole of them. It was true that great difficulty had been found in getting the several Provinces to unite on a uniform system, that would make the whole returns, when compiled, of interest and value; but some way could certainly be found of overcoming this obstacle. On the whole he thought that it might prove very advantageous to have the entire subject of our national statistics thoroughly investigated by a Committee, with the view of making suggestions towards the establishment of a more reliable and useful system than that we now possessed.

HON. MR. LETELLIER had no objection to the appointment of a Committee or to the names of the hon. gentlemen who were to comprise it. It was one of those questions which must come under the consideration of the House. With reference to the census, which had met with some objections at the hands of the hon. gentleman, he would say that it would have been very hard work indeed for those who had it in charge to have improved upon it; but he believed that when the report was made it would be a step in the right direction, and a large improvement on the census that had been taken before Confederation. Some defects might be found, but those defects, after careful consideration and study by those who

were well acquainted with the operations of its system, both abroad and at home, would be corrected, and he certainly considered that the steps proposed to be adopted in the matter would enable the census to be taken in a shorter period, and bring the statistics more up to a correct standard than they were at present. As to the registration of births, marriages and deaths, they were placed in a very awkward position, as the Local and the Federal Governments had each their own peculiar jurisdiction. If, however, the local legislatures were willing to unite with the Federal Government, a scheme of legislation with all the Provinces might be framed, which might work very well. But they would have to consider what means could be adopted to bring such a harmonious accord between the Provinces and the Federal Government, or to create a general representation for the Dominion. It would be extremely beneficial if full reliable statistics could be obtained, upon which every class, every interest in the community could rely to base their observations. The principle difficulty of registration would be that of the difference in local standing which existed between different Provinces. In the Provinces of Ontario and Quebec it would be easy to obtain the authority by which these statistics could be taken, but it was not the same with British Columbia and Prince Edward Island, where no municipal Government had been established. A general mode of registration might be adopted for the greater part of the Confederation; but they must have a different one for the small Provinces, where there were no municipal institutions to carry out the necessary details. He approved of the motion before the House, and would be very happy if the hon. gentlemen who were appointed on the Committee should be successful in their efforts to secure to this Dominion full information for a basis on which such a system could be erected as would meet the wants of all.

HON. MR. WILMOT thought the Minister of Agriculture had made a mistake with regard to the municipal laws of the Lower Provinces. They

had in New Brunswick some municipal incorporations, although in but very few counties. It would be exceedingly desirable that the mode of taking the statistics throughout the Dominion and the different provinces should be put upon some plan by which we could get some approximate idea as to what the true state of things was. A celebrated statesman once remarked that nothing was more fallacious than figures except facts, it depended upon how facts and figures were placed, as to whether they told the truth or not, and he thought there was a good deal of fallacy about some of the means at present adopted for the collection of statistics, and he hoped some better method would be the result of the labors of the Committee.

HON. MR. BELLEROSE would not oppose the motion. But he reminded the hon. mover that they would seek in vain a better or a surer system than that which they had at present in his Province, and he hoped that instead of endeavoring to erect a surer system on the ruins of the old, they would respect the usages of the Province of Quebec, and would change nothing. He hoped the hon. member who had made the motion would have no objection if the name of Mr. Trudel be added to the Committee.

HON. MR. RYAN rose to give a warm support to the proposition of his hon. friend. The importance of statistics was hardly realized as yet in the Dominion, but whenever that importance was recognized and a correct method was employed, it would contribute largely to the benefit of the country. In no country were statistics so well ascertained as in Great Britain. He held in his hand a very valuable pamphlet, "The Agricultural Returns of Great Britain, with Abstract Returns for the United Kingdom, British Possessions, and Foreign Countries, for 1874." In glancing over it he had been much struck with the following remarks which showed how far behind other countries we were in the science of statistics. Under the head of "Returns for British Possessions," were the following remarks:—"Tables to show the extent of the agricultural resources of various British possessions are given

after those for Great Britain to the latest dates for which official returns have reached this Department. The absence of official returns for Canada is still to be regretted. The yield of wheat in that colony at the date of the last return in 1868 was 4,500,000 quarters. It does not appear by the export returns that there has been any material increase in the quantities of wheat that Canada has had to spare to other countries." He (Mr. Ryan) would be very sorry if we should be behind any of the colonies in our statistics, a state of things which would lower us in the opinion of the mother country, and which would not tend to promote what they wanted, emigration. In answer to a question from an hon. member as to the date of publication of these remarks, he said that it was a return for 1874. He had the good fortune to know the gentleman to whom they owed the report, who was a distinguished member of the Department of the Board of Trade. The report says, further: "The progress of agriculture can be better traced in the Australian Colonies, for which annual returns are published. These show a progressive increase of the cultivation in Australia of the various kinds of crops." Why should not they have the annual returns of the various crops? They had them in Australia, and they were published in the pamphlet, which he could confidently recommend as an admirable guide. It went very much into details, and was exceedingly interesting. They could see the importance of statistics when they perceived that a judgment of the progress of a country was formed by its official returns, and the best thing they could do would be to give their hearty support to the motion before them.

HON. MR. MILLER, who strongly favored the appointment of a Committee, suggested that the name of the hon. gentleman who had given such valuable information on the subject of the motion, should be added to the list.

HON. MR. WARK thought that the quotation of the hon. member, and the observations which had been made as to the necessity of more accurate and frequent calculations of statistics, could not be admitted to be very important.

They had not the facilities in the Dominion which they had in older countries for collecting information, but much more might be done than had been done. He thought that these statistics could be generally collected by agricultural societies, although not perhaps with such accuracy. It was by means of the police that the returns were collected in Ireland. They returned the number of acres of particular crops, estimated the value of the crop, and such a plan must be of vast importance to the merchants of this country to know what the probable wheat crop would be, or the probable amount of lumber going to the market; but it must be of still greater importance to our customers in other countries to know what would be the probable amount of grain, etc., in our markets, in order that they might be able to form some estimate as to the best means of supplying their own. There had been some remarks made about valuation. He was glad to say that the Government of New Brunswick had done something towards the acquirement of a universal valuation throughout the whole Province. The want of uniformity invariably led to a want of accuracy. There was a great oversight in the census, which would very much decrease its value when published, and that was that while the quantity of wheat raised was specified, the number of acres on which it was raised was not. One man, for example, might raise one hundred and another only ninety bushels of wheat; but if the acreage on which the wheat is raised is not given, how could a proper estimate of the value of the land be given. At the first sight the raiser of the one hundred bushels might be considered the most successful, but if it turned out on enquiry that the ninety bushels had been raised on one-third the acreage of the one hundred bushels, the settler would have no hesitation in declaring his preference for the land where he could raise thirty bushels an acre over that where he could only raise twenty. Indeed, if any two things ought to be combined to give a correct result surely it ought to be the amount of the crop and of the acreage, so that you may not only tell what a man raises, but the amount of land on which he raises it. The hon. gentleman conclud-

ed by saying he should be happy to see the Committee commence its labors as soon as possible, and hoped they would be attended with beneficial results.

HON. MR. SMITH thought there was a simpler method of obtaining the result than the one proposed, and suggested that each township should give the necessary information to the warden, and the warden could transmit that information to the Government. He thought that by that means they could get very simply, and without any great trouble, that which he did not think the societies spoken of would do. They would say it was not their business, while if this Act compelled each Province to give its returns there would be no trouble about the matter at all.

HON. MR. LETELLIER DE ST. JUST denied that they had the power to do this. They could not do anything of that nature unless the local powers would unite with them in the enterprise, but without that they would be unable to do it. As to his hon. friend's remark about the acreage not being given when this census was taken, he would say that this census had been taken in December, 1871, and was a great improvement on all the census that had been taken up to that time, and was, indeed, reliable in the majority of instances. To organize bodies for such a purpose required a great deal of energy, skill and talent on the part of those who had to do it. It was by no means an easy task.

The motion was then carried, with the names of the Hon. Messrs. Trudel, Ryan, and Simpson added to the Committee.

DIVORCE BILL.

HON. MR. VIDAL introduced a bill for the relief of Henry William Peterson, and moved, seconded by Hon. Mr. AIKINS, that it be read a second time on the 1st day of March next.

PRINTING COMMITTEE'S REPORT.

HON. MR. SIMPSON moved that the second report of the Joint Committee of both Houses on printing be taken into consideration on Monday. Carried.

Also that the third report of the same Committee on the printing of the Hansard, be taken into consideration on Monday next. Carried.

BANKING AND COMMERCE.

HON. MR. LETELLIER DE ST. JUST moved that the Hon. Mr. Brown be added to the Committee on Banking, Commerce and Railways. Carried.

RE-ADJUSTMENT OF SALARIES.

HON. MR. LETELLIER DE ST. JUST then rose, and referring to the suggestion made by the Hon. Mr. Campbell, that the report of the Committee appointed to re-adjust the salaries of the officers of the House should be referred to the Committee of Contingencies, said that there was certainly no need for such a reference. The re-adjustment of the salaries of which the hon. gentleman complained, has been made in perfect accordance with the power granted by the House for that purpose, and he could not see why the hon. member should wish to have the matter referred to Committee. He thought it would be far better for the hon. gentleman to follow in this instance what he followed when he was in power. The gentleman must be responsible for the patronage which it conferred, and while the House was willing to confer on some of the members of this House the power of examining the salaries of the servants of the House, he could not see why a Committee should be appointed to examine the action of the examiners, unless of course anything beyond the power assigned to them had been attempted. He would bring to the recollection of the hon. leader of the Opposition what he had done in connection with his two colleagues and the Speaker of the House, when he was in power, how he had added to the salaries of the then officers, and not only that he could show the hon. gentleman his own signature in which he acknowledged having created several new offices. The report was made to the House on the 5th of March, 1873, but the Opposition, considering there was a certain due patronage to be exercised by the Government, made no objections. What did they want to appoint this Committee for, except for the purpose of casting reflections on the hon. members of the Government. They had been authorized by the House to re-adjust the salaries of its servants, to put them on the same footing and make them cor-

respond with those of the other Chamber. Such a question as this ought not to be made one of the little party questions to give a slap in the face to the Speaker of House or any of its hon. members. All that he would ask from the House was that they would consider the matter carefully, and in the same way that they had considered it in 1873, and not to try and make out that the Committee had passed the limits assigned to it. Let them have the same fair play which had been accorded to the former Government. They asked no more. If the hon. gentleman was willing to give them the same fair play they were all right. They were in a better position, for they had created no new offices, but only filled vacancies and re-adjusted the salaries. He knew that a small stir had been made about it, but he believed that when it was seen that powers had been given to the Committee to revise the salaries, it would also be seen that they had acted according to the rules of the House, and he would move that the report be referred to the Committee on Contingencies.

HON. MR. CAMPBELL—Is the hon. gentleman going to move now?

HON. MR. LETELLIER DE ST. JUST—Not now.

HON. MR. CAMPBELL was surprised at the manner in which the question had been brought before the House. There was not the slightest disposition on his part to attack the Government or anybody else, but a day or two after the meeting of the House a motion was made for the appointment of the Committee on Contingencies, and his friend behind him rather declined to join, as he alleged that something had been done during recess, of which he did not approve. He did not wish to make any attack upon any member of the Government, but he maintained, and proposed to maintain, the full power and right of this House to overlook the appointments of the House, and he would do his best to prevent the Government from assuming that power. He would affirm that right and deny that power most distinctly. He made no attack on the Government, and the hon. Minister of Agriculture made a most unnecessary attack upon him, and had contrasted his conduct in committee three

years ago with his own. He (Mr. Campbell) made no such contrast, but for the purpose of making an attack upon him, the Minister of Agriculture said that the report under consideration made much less change in the establishment of the House than the one he (Mr. Campbell) had made, and that he (Mr. Campbell) had changed three offices and created three new officers. But the hon. gentleman was utterly mistaken, and he was surprised that he had fallen into such an error. From the desire of making an attack upon him, it seemed that he had not paid that attention to details which he ought to have done before making the attack. The hon. gentleman had accused him (Mr. Campbell) of creating new offices, meaning thereby that the titles of second English clerk, third English clerk, and shorthand writer were new. But they appointed none to office. The second English clerk was appointed by this House in 1868, while they were speaking of 1873. Mr. John George Bourinot, the son of his friend, the loss of whose services to the House he could not but regret, was appointed in 1869 as third English clerk and shorthand writer. Messrs. Le Moine and Miller were also appointed about the same time. All that he and his colleagues had done was to give them new titles, and he would ask the House whether this was not a part of the duty assigned to them. They found these gentlemen in office, and as it was part of their duty to distribute the labours of the House, they gave these gentlemen certain labours to perform. All that they did was to arrange their duties and change the name of their office. In the present case, however, three new officers had been appointed, and in making these appointments they had entirely gone beyond the scope contained in the plan contained in the resolution passed last session, which was simply to provide for the readjustment of salaries, but gave no authority whatever to appoint two new officers and one new servant to the House. No such power had been entrusted to the Committee. He would have said nothing about it, however, if the Hon. Minister of Agriculture had not thus stepped out of his way to make an attack upon him. Had the hon. gentleman obtained right in-

formation on the subject he would have saved the trouble of making such an attack, and he (Mr. Campbell) would have been saved the pain—for it was a pain—of receiving it. The scale adopted might be just; he had not seen it. He would have been disposed to believe that what they had done had been fair and reasonable, and his first action would have been to support the action of that Committee, and in all probability he would have supported it; but he desired, and many of the members of the House also desired, to see the matter brought before the Committee of Contingencies, that it might be discussed there. He hoped it would go there, and if the hon. gentleman did not make the motion himself at an early date, he should take it upon himself to do so.

HON. MR. LETELLIER had the hon. gentleman's own signature showing that three new offices had been created for those gentlemen. Had he any right or any permission from the House to create these offices? He saw positively that he had none whatever. It was contrary to the order and instructions which he had received from the House in the resolution passed by them. They were entitled to increase the salaries, but had no authority to confer new titles. The hon. gentleman complained that they were bringing a charge against him. It was not so at all. If he had been willing to have let the matter stand, and to have acted as fairly towards the Government as they had acted towards him and his colleagues in the past, nothing would have been said, but since he had forced it upon the attention of the House he surely could not blame him (the speaker) for the steps he had taken. Instead of opposing in such a manner, the hon. leader of the Opposition ought to help the Government to carry out the affairs of the House. As to the statement which had been made, that the power did not belong to the Senate, he denied it entirely, it did belong to them, and he would always uphold the rights of the Senate.

HON. MR. CAMPBELL—I give notice that I will move on Monday that the matter be referred to the Committee on Contingencies.

HON. MR. LETELLIER—The hon. gentleman need not do that. Let him

but show a fair spirit towards us, and he will see that we will bring the motion forward.

HON. MR. CAMPBELL—I have given notice that I will move on Monday.

HON. MR. LETELLIER—Your motion will be perhaps too late.

After the adjournment of two bills, which were not ready, to a later day,

HON. MR. LETELLIER told the House that when he had professed his willingness to move at an early date he did not think that the leader of the Opposition would take the matter out of his hands. He would, therefore, give notice that he would make the necessary motion to-morrow.

On the motion of HON. MR. LETELLIER, seconded by HON. MR. SCOTT, the House adjourned at ten minutes past four, P.M.

Friday, February 19, 1875.

STATISTICS COMMITTEE.

After routine,

HON. MR. BROWN presented the first report of the Committee on Statistics, which contained a suggestion that the quorum be reduced to five, and that leave be granted to the Committee to sit on Saturdays. Adopted.

MARINE ELECTRIC TELEGRAPHS.

HON. MR. DICKEY said it was unnecessary to press his motion for copies of all despatches received to and from the Right Hon. Secretary of State, relative to the bill passed and reserved for the signification of Her Majesty's pleasure during the last Session, entitled "An Act to regulate the Construction and Maintenance of Marine Electric Telegraphs," and its allowance or disallowance, as well as of any reports of the Honorable the Minister of Justice in reference thereto, prior or subsequent to the said Act so reserved, as the despatches referred to had since been laid on the Table, and the hon. Secretary of State had had the kindness to send the report of the hon. Minister of Justice, the other report referred to in the motion, and he would therefore ask the House that it might be withdrawn. Withdrawn.

READJUSTMENT OF SALARIES.

HON. MR. LETELLIER DE ST. JUST moved that the report of the Senators appointed last Session on the readjustment of salaries, be referred to the Committee on Contingent Accounts Carried.

DISCUSSION ON COMPANY BILLS.

HON. MR. ALLAN said that the Hon. Mr. Campbell had requested him in his absence, if the bill were printed, to undertake the second reading of the Canadian Gas Lighting Company Incorporation Bill. This bill was simply to incorporate certain parties as a Gas Lighting Company. The capital was rated at \$300,000, and the shares were \$1,000 each. The bill contained the usual provisions, and he proposed to refer it to the Committee on Private Bills.

HON. MR. BOTSFORD asked the hon. gentleman why this bill should be brought before the Dominion Parliament. It seemed to him one of those questions which ought not to be brought before them, but before a Local Legislature.

HON. MR. ALLAN said it would be remembered that this matter had been up before, that the bill had passed the Committee on Standing Orders, and no objection had then been made to it on that ground, though he believed a very strong desire had been expressed by the Chairman and other members of the Committee that they should endeavour to get some general rule to guide them in their dealings with similar bills.

HON. MR. PENNY—Am I to understand that this has been brought in in any other guise than as a private bill?

An hon. Member—Yes.

HON. MR. PENNY—Then it will save \$200. It is certainly as much a private bill as any of the others.

HON. MR. SCOTT—Oh, yes, it's a private bill.

HON. MR. PENNY did not wish to raise any objection at this stage, but it seemed to be an extraordinary thing that while they had gas companies from all parts of the Dominion who went to local legislatures to get their Acts passed, they should have one here seeking incorporation from the Dominion Parliament, on the ground

that their business was to be carried on in all of the Provinces.

HON. MR. BELLEROSE—I rise to a point of Order. The bill is not printed in both languages. It will be better then to waive the reading till next Monday.

HON. MR. MILLER remarked, with regard to the point raised by the hon. member at the head of the room, (Mr. Botsford) there could be no doubt at all that the parties applying for this bill might attain their object by local legislation. If the object of the petitioners was simply to carry on their business in one Province, that object would be easily attained by the passing in the Legislature of that Province of such a bill as that before the House, but if, on the other hand, it was intended to carry on their operations all over the Dominion, then it must be perceived that a great deal of trouble would be saved by a general act of incorporation. It was the opinion of the Committee and the House, he believed, that when a good object like the present was in view it was really the intention of the company, he understood, to carry out their operations all over the Dominion the petition should be granted.

HON. MR. PENNY—Every local company will soon profess the same intention.

HON. MR. MILLER said it had been discussed how that could be avoided. It had been suggested that it would be well to insert a clause in these bills which should provide that the powers granted by the bill would cease unless it was really the intention of the parties, and the result would soon declare, to carry on operations over the whole Dominion.

HON. MR. LETELLIER said the bill asked for rights not for one single Province but for the whole Dominion. They could not therefore go to a Local Legislature for such a power. It could only be granted by the Dominion Parliament.

HON. MR. DICKEY differed from the Honorable Minister of Agriculture, and to his mind the reason that he had given pointed to a different conclusion. The petition extended all over the Dominion by virtue of its powers. All that was wanted was an Act of

incorporation anywhere, and his opinion, an opinion not embraced for the first time, was that when a company was incorporated in one Province it was incorporated in all, and had legal power to carry out its business all over the Dominion. Indeed, it was contended by some that parties incorporated out of the Dominion might legally bring suits and recover in it. He, therefore, could not understand because parties merely wanted to exercise a right which was in the gift of every Legislature, why they should come to the Dominion Parliament. Where the difficulty arose was in the practice of the Private Bills Committee; he was throwing no reflection on the Chairman of that Committee, whom he believed had only been Chairman of it for a short time. All that was necessary for a party wishing for incorporation here was to profess the intention of carrying out the operations of the company all over the Dominion, while the result was generally that the incorporation was only used for one Province. If parties could be forced to give this general obligation when they obtained these joint powers it would be all right. If possible, this evil should be put an end to at once, and he thought his hon. friend was perfectly correct in calling the attention of the House to it. It was right in the second reading of a Bill for opinions to be expressed pro and con. He had expressed his opinion on the bill which he had seen for the first time that day. He had nothing to say against its subject matter, but thought that all the powers required might be obtained just as well from the Local Legislature.

HON. MR. AIKINS said this was one of those vexed questions which had been before the House for some considerable time. In reference to the course which should be pursued, he thought for his own part, that unless the business was intended to be carried out over the whole Dominion—in which case Parliament should grant the necessary rights—bills of this nature should go before a Local Legislature. A clause should, however, be introduced similar in purport to that proposed by the hon. member who had just sat down.

The matter then dropped.

FIRST READING.

HON. MR. SCOTT moved the first reading of a bill entitled "An Act to amend the Act to provide for the organization of the Department of the Secretary of State for Canada. Carried.

NAVIGATION RETURNS.

HON. MR. AIKINS said he did not know why it was that the navigation returns, which had been distributed to the other House, had not also been distributed to them. The other House had had five, while they only had one copy. He considered they should be in the same position.

HON. MR. LETELLIER was sorry, but could not explain it.

MR. SIMPSON said the members of the other House had had their reports for the last seven or eight days.

On the motion of MR. LETELLIER, the House adjourned at half-past three, P.M.

Monday, February 22, 1875.

RECIPROCITY NEGOTIATIONS.

After routine,

HON. MR. BROWN moved:—That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House such papers in connection with the negotiations with the Government of the United States for a Treaty of Commercial Reciprocity as may be compatible with the public interest to submit, and said:—Hon. gentlemen, in rising to make the motion of which I have given notice, I am sure you will all feel that it is right and fitting, and will be expected by the country, that I should take this earliest opportunity of laying before the House such a statement of the recent negotiations between the United States Government and Great Britain, in regard to commercial reciprocity between the United States and Canada, as may be in the public interest, and befitting my position. I have the more pleasure in doing so because I feel that in dealing with this matter before the Senate, I shall be sustained by the hon. gentlemen who compose this body in taking an enlarged view of the whole question, in leaving aside many frivo-

lous criticisms that have been made by political partisans, and in contending that because a commercial treaty is very advantageous for one party, it does not follow that it may not be equally good for the other. It is very easy to fancy things that might advantageously have been included or omitted in any such arrangement—but it must be always borne in mind that, when two parties sit down to make a bargain the result arrived at cannot be what each desires to obtain, but what both will consent to. The merit or demerit of every such compact must therefore be tested by looking at it in its bearings as a whole, and not by minute dissection of minor points. I shall not waste time by entering into any elaborate argument as to the advantages which must flow from throwing down the barriers in the way of international commerce between two countries so contiguous to each other as are the United States and this Dominion. We have ample proof of this in the commercial history of Great Britain since the union of the three kingdoms. We have it still more markedly in the great material results directly flowing from the free interchange of products between the several States of the neighbouring Republic. And nowhere can be found a more gratifying illustration of the grand results that flow from commercial freedom than we have in the progress of our own Dominion since the accomplishment of Confederation. Though the customs barriers against inter-traffic between B.N.A. Provinces have only been removed since July 1867, the united foreign commerce of the Provinces has risen from an annual average for thirteen years before confederation of \$115,000,000, to the enormous amount in the seventh year after it, of \$240,000,000. Twenty-five years ago the subject of commercial reciprocity was, I believe, quite as well if not better understood by the people of Canada than it is now. It is twenty-one years since the Treaty of 1854 went into operation; but it took six years to negotiate it, and during that time the people of the Provinces became thoroughly conversant with the various advantages which flow from such arrangements; and if the statesmen who conducted the negotiations of those

years were present to-day, they would hear with astonishment that any member of this chamber entertained a doubt as to the enormous advantage which must accrue to both countries from the consummation of such a Treaty as that which has been recently discussed. It is only nine years since the old Treaty of 1854 was brought to a close by the action of the United States Government. The wonderful success which attended that Treaty, is shown by the fact that the interchange of traffic between the United States and the British North American Provinces, during the thirteen years of its continuance increased from \$33,000,000 in the year immediately preceding that in which the Treaty went into operation, to no less than \$84,000,000 in 1866—the year in which it was repealed. Since 1866 there have been several negotiations with the United States for the renewal of the old Treaty. I will briefly refer to each of them, not for the purpose of drawing invidious comparisons,—for I hope nothing will cross my lips to-day to excite party feeling—but simply for the purpose of showing clearly the past history and present position of the Reciprocity question. Such questions as this, should, I think, be regarded from a higher point than that of mere partisanship. We are all alike concerned in the prosperity of our foreign commerce, and in securing good relations with our powerful neighbours—and to these ends we should all heartily contribute, whatever party may be in power, or charged with the negotiations. In the negotiations of 1855-6 for a renewal of the Treaty, offers were made to the American Government by our then Finance Minister, Sir A. T. Galt, which, in my opinion, ought not to have been made. The Government then existing in Canada was the Coalition Government, formed in 1864 for the special purpose of carrying confederation of the whole British North American Provinces. I was a member of that Government—and, as is well known, it was in consequence of the policy adopted by my colleagues in the conduct of the reciprocity negotiation that I felt compelled to resign my position as President of the Executive Council. I resigned because I felt very

strongly that though we in Canada derived great advantage from the Treaty of 1854, the American people derived still greater advantage from it. I had no objection to that—and was quite ready to renew the old Treaty, or even to extend it largely on fair terms of reciprocity. But I was not willing to ask for renewal as a favor to Canada—I was not willing to offer special inducements for renewal without fair concessions in return—I was not willing that the canals and inland waters of Canada should be made the joint property of the United States and Canada, and be maintained at their joint expense. I was not willing that the customs and excise duties of Canada should be assimilated to the prohibitory rates of the United States—and very especially was I unwilling that any such arrangement should be entered into with the United States, dependant on the frail tenure of reciprocal legislation, repealable at any moment at the caprice of either party. I firmly believed that good as the Reciprocity Treaty had been for Canada—in the event of repeal, we had a commercial policy of our own open to us for adoption not greatly inferior to that we would be deprived of—and unless we had a Treaty for a definite term of years, and on conditions of fair reciprocity, without such embarrassing entanglements as were proposed, I was willing that the Treaty of 1854 should be repealed, and each country left to follow its own course. My colleagues determined to proceed in the manner I deprecated; I could not be responsible for such a policy; and to avoid responsibility for it, I resigned office. The Government sent deputies to Washington to obtain, if possible, legislative reciprocity—they did all they could to obtain it, but without success, and the Treaty of 1854 came to an end on the 17th of March, 1866. Honorable gentlemen,—I have not changed my opinions from what they were in December, 1865. I still believe that Canada largely profited by the Treaty of 1854, but that the Americans profited by it still more; and we all know now—for we have tested it—that Canada has a commercial policy of her own, but little, if at all, inferior to that she was deprived of in 1866. Not-

withstanding this I am still strongly in favor of a commercial treaty with the United States for a definite number of years—and so long as it was just and profitable to Canada, I should be all the better pleased the more profitable it proved to our American friends. It is always well to have two strings to one's bow—it cannot possibly be injurious to secure access to a market of forty millions of people, at the price of permitting our own people to buy some of their wares from them free from customs duties. Treaties of the comprehensive character of that proposed with the United States ought not to be—cannot be—adjusted by ounce scales. By the removal of all artificial barriers in the way of a fair exchange of the products of industry—both parties must benefit. No man sells unless he benefits by doing so—and no one buys unless he finds advantage in it. And who shall tell when two countries throw open their respective markets to each other, which of them derives most advantage from the arrangement? It takes years of practical experience to obtain *data* for such a comparison—and the ramifications of commercial interchanges are so far-reaching and so various and complicated that it is hardly possible to judge with accuracy on which side the balance turns. More than one effort was made by the late Government for the renewal of the old Treaty between 1866 and 1869. In 1869 formal negotiations were entered into with the American Government, and the *projet* of a treaty was presented for discussion. The negotiations continued from July, 1869, to March, 1870. This *projet* included the cession for a term of years of our fisheries to the United States; the enlargement and enjoyment of our canal; the free enjoyment of the navigation of the St. Lawrence River; the assimilation of our customs and excise duties; the concession of an import duty equal to the internal revenue taxes of the United States; and the free admission into either country of certain manufactures of the other. This negotiation ended abruptly in March, 1870—but it is instructive to observe, and I refer to it for the purpose of pointing out that from the repeal of the old Treaty in 1866, up to the recent negotiations,

the Government of Canada has always held the most liberal views as to the considerations that might be included in a treaty with the United States. The negotiation of 1870 was soon followed by the High Joint Commission, nominally for the adjustment of our fishery disputes, but in reality for the settlement of the Alabama embroglio. We all know what was the cost to Canada of that negotiation. The fisheries of the St. Lawrence went from us for twelve years. The navigation of the St. Lawrence was presented to the United States in perpetuity. The use of our canals was ceded to them for twelve years. And to show exactly the position to which the relations of the two countries were then reduced, it will not be deemed unfitting that I should read a few short extracts from the official protocols of the High Joint Commissioners. And first as to our invaluable sea-coast fisheries:—

The question of the fisheries was discussed at the Conference of the 6th March, 1871, when the British Commissioners stated that "they considered that the Reciprocity Treaty of the 5th June, 1854, should be restored in principle. The American Commissioners declined to assent to a renewal of the former Reciprocity Treaty." They said:

"That that Treaty had proved unsatisfactory to the people of the United States, and consequently had been terminated by notice from the Government of the United States, in pursuance of its provisions. Its renewal was not in their interest, and would not be in accordance with the sentiments of their people."

At conferences held on the 7th, 20th, 22nd, and 25th of March, the American Commissioners stated:

"That if the value of the inshore fisheries could be ascertained, the United States might prefer to purchase, for a sum of money, the right to enjoy in perpetuity the use of these inshore fisheries in common with British fishermen, and mentioned \$1,000,000 as the sum they were prepared to offer. The British Commissioners replied that this offer was, they thought, wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States, free of duty, of fish the produce of the British fisheries did not form a part; adding that any arrangement for the acquisition by purchase of the inshore fisheries in perpetuity was open to grave objection."

"During these discussions the British Commissioners contended that these inshore fisheries were of great value, and that the most satisfactory arrangement for their use would be a reciprocal tariff arrangement and reciprocity in the coasting trade. The American Commissioners replied that their value was over-estimated: that the United States desired to secure their enjoyment not for their commercial or intrinsic value, but for the purpose of removing a source of irritation,

and that they could hold out no hope that the Congress of the United States would give its consent to such a tariff arrangement as was proposed, or to any extended plan of reciprocal free admission of the products of the two countries. But that inasmuch as one branch of Congress had recently more than once expressed itself in favor of the abolition of duties on coal and salt, they would propose that coal, salt, and fish be reciprocally admitted free, and that

they would further propose that lumber be admitted free from duty, from and after the 1st of July, 1874." The British Commissioners, on the 17th of April, stated that this offer was regarded as inadequate; that Her Majesty's Government considered that free lumber should be granted at once, and that the proposed tariff concessions should be supplemented by a money payment. The American Commissioners then stated that they withdrew the proposal which they had previously made of the reciprocal free admission of coal, salt, and fish, and of lumber, after July 1st, 1874."

They expressed their willingness to "concede free fish and fish oil as an equivalent for the use of the inshore fisheries, and to make the arrangement for a term of years: that they were of opinion that free fish and fish oil would be more than an equivalent for those fisheries; but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent." The British Commissioners on 18th April, accepted this proposal, and articles XVIII to XXV there inent were agreed to.

"The British Commissioners proposed to take into consideration the question of opening the coasting trade of the lakes reciprocally to each party, which was declined."

"The British Commissioners proposed to take into consideration the reciprocal registration of vessels as between the Dominion of Canada and the United States, which was declined."

"At the Conference on the 23rd March, the American Commissioners stated that:— 'Unless the Welland Canal should be enlarged so as to accommodate the present course of trade, they should not be disposed to make any concessions, &c.'"

At the Conference on the 27th March the proposed enlargement of the Canadian canals was further discussed. It was stated on the part of the British Commissioners that the Canadian Government were now considering the expediency of enlarging the capacity of the canals on the River St. Lawrence, and had already provided for the enlargement of the Welland Canal, which would be undertaken without delay."

Hon. gentlemen would see by these extracts from the official records of the High Joint Commissioners how very humble a position in the eyes of the Commissioners Canada held as a negotiator with the United States for reciprocal commercial advantages, and to show the effect of the concessions made by that Commission, I will now read from a speech made by Sir A. T. Galt, in the Canadian House of Com-

mons, on 24th February, 1871, in reference to the appointment of that Commission, and the great danger that serious injury might be done by it to Canadian interests. Sir Alexander Galt used the following language :

"The fisheries were of paramount importance to us. They meant an important source of employment and trade to us, and a field for the training up of seamen. They have intrinsic merits also. They constituted valuable means of commercial exchange with the United States—means of securing useful trading equivalents from our neighbors. It was the way we dealt with the fisheries and navigation of the St. Lawrence, upon which depended our future advantage and superiority with the United States, in negotiating any commercial convention. If we made an improper use of them—if we lost those advantages we should be placed in a position of inferiority, having nothing to offer for enviable opportunities."

Sir Alexander Galt wound up his speech by moving the following as one of a series of Resolutions, earnestly deprecating interference by the Commission with the territorial rights of the people of Canada :

"That this House has always been, and now is, prepared to concede the most free and unrestricted use of the fisheries and inland navigation to the United States, upon receiving as an equivalent therefor, complete compensation in the modification of the United States commercial system, directed to the more free and liberal interchange of the products of labor in the two countries."

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

Other negotiations took place after the Treaty of Washington was signed, but to these it is not now necessary to refer. Such then, honorable gentleman, was the position of the Reciprocity question when Sir John Macdonald's Government resigned and the present Administration came into power. And to show the light in which the Right Honorable gentleman who leads the Opposition in the House of Commons then regarded the situation, I will now read from a speech of that gentleman, made in the other Chamber in March, 1874, when the announcement was made to Parliament that I had been associated with Sir Edward Thornton in the renewal of negotiations:—

"His hon. friend from West Toronto had thrown out a remark which would discourage the negotiations at Washington, because he had stated that the old Reciprocity Treaty, if they obtained that, would not give satisfaction to the country, as something more was wanted. Now, if they were only to be consulted in making such a treaty, they could put in what they thought proper; but there were two sides to the question, and what our negotiator had to think of was, not whether we should get all we required, but to get as much as possible. He should be very glad to see Canada get the old Reciprocity Treaty. He had no hopes that we would succeed in getting it in its entirety, but if the hon. gentleman made an approximation to it he should be exceedingly glad. If they could protect the salt, wool, and timber interests, so much the better; and if they could open the market still more, so much the greater gain for Canada. They should not scan too much the concessions made on the part of the United States, so long as our concessions were not too great on the other side."

The right hon. gentleman, at the very moment when the men who had relieved him of the cares of office were about opening negotiations at Washington, might well have omitted so inconsiderate a statement as that even a small portion of the old treaty would be acceptable to Canada in exchange for what he (Sir John A. Macdonald) had left it in our power to offer to the United States. I cannot but think it was exceedingly wrong that such a statement should have been made, with the certain knowledge that it would be carried to Washington, and be used there in depreciating the value of our concessions to the Americans. While agreeing with both of the hon. gentlemen from whose speeches I have read, as to the injurious influence of the Washington Treaty concessions on our position as negotiators with the Republic, I entirely dissent from them in their assumption that, apart from the use of our great sea fisheries and the free navigation of the St. Lawrence, we have not commercial advantages to offer to the Americans quite equal in value to any we seek from them, I venture to think that this error has tinged all their negotiations at Washington, and that a close enquiry as to the value to the United States of the commercial traffic alone between the Republic and the British Provinces for a long series of years past would show it to have greatly surpassed in importance and profit any other branch of their foreign commerce, except their direct trade

with the British Isles. I have never doubted that our neighbours, if they did not already recognize this fact, would come ere long to acknowledge it—and that the value of the vast carrying-trade they derive from us, of the great saving in cost of transportation realized from the free use of our internal navigation, and of their lucrative enjoyment of our Atlantic-coast fisheries, would come home to them more clearly as the settlement loomed nearer in the distance, that must be made, and cannot be evaded, some seven or eight years hence, when the concessions of the High Joint Commissioners shall come to an end. It was in this belief that the present Canadian Government re-opened negotiations at Washington—not, as has been diligently asserted by their political opponents, with hat in hand, but in the frank, independent attitude of men who asked no favours but believed they had ample equivalents to offer for all they sought to obtain. The time of their going to Washington was not of their selection—they had to go. The 22nd and 23rd articles of the Washington Treaty rendered it absolutely necessary that they should do so. Let me read the words:—

“ARTICLE XXII.—Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States: it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.”

“ARTICLE XXIII.—The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this Article

shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

“The Commissioners so named shall meet in the City of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

“Each of the High Contracting Parties shall also name one person to attend the Commission as its agent to represent it generally in all matters connected with the Commission.”

Mr. Rothery, a distinguished English juris consult and Registrar of the High Court of Admiralty, arrived in Canada shortly before the late Government left office in 1873, as the duly appointed agent of the British Government to get up the case of Canada in the Fishery arbitration provided for by these articles. I know nothing of what passed between either the late or the present Government and Mr. Rothery, while he was at Ottawa; but in passing through Toronto on his way to Washington, Mr. Rothery saw several prominent public men with a view to acquiring information as to the value of our sea-coast fisheries and the best mode of collecting evidence to sustain our claim, and amongst whom I had the honour to be included. I availed myself of the opportunity to express to Mr. Rothery my strong conviction that the submission to any three arbitrators of the power to place a cash value on our great sea fisheries was exceedingly distasteful to the great mass of the Canadian people. I reminded him that Canada in 1854 conceded these fisheries to the United States for a term of years as part of a commercial arrangement between the two countries, and I ventured to suggest how much better it would be were the same thing repeated now, and the concession of the fisheries merged in a general treaty of commercial reciprocity for a term of years and on a mutually advantageous basis. I expressed my belief to Mr. Rothery

that if he could succeed in bringing this about he would confer a great benefit on both countries, and establish good relations between them for years to come, and that probably he might find that the United States Government not disinclined to entertain the proposition. Who, that owns a property of enormous value, would voluntarily consent to dispose of it for a price to be determined by three persons of whose very names he was ignorant? Would he not say, "let us dispense with arbitrators; tell me the compensation you propose, and then I will tell you if I will dispose of it?" Who can tell what view may be taken of our fisheries by the empire selected by the Austrian ambassador? Would the Americans be satisfied if he gave an award equal to the great estimate that we place upon them? And what would be the feeling of our people if he named a sum much under their expectation? Nay, in view of the vast annual value now drawn from the St. Lawrence fisheries—the exhaustless character of those fisheries—the rapidly increasing population of this Continent depended on them for daily supplies of fish—and the fact that there is no other fishery in the world to enter into competition with them—what greater folly could be imagined than to have a money value placed upon them at all? Mr. Rothery went on to Washington, and some weeks after I had the pleasure of learning from him that he had suggested the substitution of a general commercial treaty for the Fishery Arbitration—and there was some hope of its being favourably entertained. But, meantime, the Canadian Government had been moving in the matter, and in February, of last year, I was informed by them that there was some movement at Washington in favour of a renewal of the old Reciprocity Treaty, and they were anxious that I should visit that city, unofficially, and ascertain what were the prospects of success. I went immediately to Washington and had the advantage of discussing the whole subject with many of the prominent public men of the Republic. I heard a very general desire expressed for the establishment of better commercial relations with Canada, if terms could be arranged to mutual satisfac-

tion; this I communicated to Government on my return home. Of the official action that followed I have no personal knowledge, but on the 17th March a commission was issued, under the great seal of Great Britain, appointing Sir Edward Thornton and myself joint-plenipotentiaries on the part of Her Majesty to negotiate a Treaty of Fisheries, Commerce and Navigation with the Government of the United States. On the 28th March the negotiation was formally opened, and I will now read, from the official record, an extract showing the position held in the matter by the Canadian Government:—

"When Her Majesty's advisers invite the Government of the United States to reconsider the whole commercial relations of the Republic and the Dominion, with a view to placing them on a friendly and durable basis of reciprocal advantage, the question naturally presents itself, how it comes that, having prospered so well since the repeal of the Reciprocity Treaty of 1854, Canada now seeks for its restoration. The answer is as natural as the question. The population of the United States is forty millions, and that of the Dominion is but four millions. The boundary between them is for the most part but a surveyor's line, often unknown even to those who live beside it; and it is of the utmost importance to Canada that common interests and mutual good will should exist between the countries. And what so conducive to this end as commercial intercourse generously carried on and mutually profitable? The people of Canada are not ignorant that a market near at hand is better than a distant one; and good as their present markets are, they would gladly have the old one in addition. They comprehend the barrier that custom-house restrictions throw in the way even of the existing traffic; and they seek to have these withdrawn. They are proud of their own St. Lawrence route, and intend to improve it to the uttermost for the benefit of the great West and Canadian traffic: but would gladly use the ocean ports and other channels of commerce of the Republic, when freights and fares and friendly reciprocity draw them in that direction. And very great as have been the advantages always accruing to the United States from reciprocity, the Canadians can find only cause of rejoicing at that, so long as they themselves continue to enjoy that moderate degree of prosperity with which Providence has blessed them. There is no mystery in their desire that the commercial relations of the Republic and the Dominion should be placed on the most kindly and unfettered and mutually advantageous basis consistent with their respective existing obligations, and with that connection with Great Britain which the Dominion so happily enjoys.

"It was with these views, and in this spirit, that the Canadian Administration availed itself of the opportunity presented by the twenty-second Article of the Treaty of Washington to represent to Her Majesty's Government the advantage that would accrue to both countries by the substitution of a satisfactory commercial treaty in lieu of the money compensation

to be paid (under arbitration) by the United States, for twelve years' enjoyment of the coast fisheries of the Dominion. It was felt that if the large value placed by the Canadian people on their fisheries were not reasonably compensated by the results of the arbitration, a feeling of dissatisfaction might be engendered in the Provinces, not conducive to international harmony; and that if, on the other hand, an award were made equal to the confident anticipations of the Provinces, the good feeling restored in the United States by the Treaty of Washington might be sensibly impaired. To merge the matter in a general measure of mutual commercial concession, for the mutual advantage of both parties, and with injury or injustice to neither, seemed the fitting conclusion to be arrived at by the Governments of two great nations. Her Majesty's Ministers were pleased to adopt the suggestion of the Canadian Government, and the matter having been brought under the attention of the Secretary of State and through him to the notice of the President of the United States, a friendly response was at once received, and the necessary measures instituted for opening formal negotiations."

Honorable gentlemen may therefore dismiss from their minds the false impression that the initiation of this negotiation by the gentleman on the Treasury Benches was in the slightest degree improper or undignified. And I take this opportunity of expressing my regret that heated partisans outside the walls of Parliament should have spoken of the attitude held by the United States Government in these negotiations as if it had been intended to delude or overreach. Nothing could be more unfounded or unjust. The President of the United States, the Secretary of State, and all the other distinguished persons who took an interest in the negotiations, with hardly an exception, showed the most friendly feeling towards Canada, and a sincere desire to bring about more satisfactory commercial relations. True they naturally enough looked at the question from their own point of view—and sought to get an advantageous arrangement for their country; but they never concealed or undervalued the difficulties that stood in the way of success—and to the unsettled condition of the country and the financial difficulties now pressing for adjustment, may, in a great measure, be attributed the unfavorable advice in the matter recently given to the President by the Senate of the United States. And now let me call the attention of honorable gentlemen to the manner in which the negotiations proceeded—and very especially to the fact that all that was

sought by the British Plenipotentiaries was simply the renewal, for a term of years, of the old Reciprocity Treaty, and the concurrent abandonment of the Fishery Arbitration. From the American Government came the suggestion of an enlargement of the scope of the old treaty. Mr. Fish suggested the enlargement of our canals, and he was at once informed that the Canadian Government was ready to treat for their enlargement. Mr. Fish suggested the addition of manufactures to the free list of the proposed Treaty, and here is the reply that was made as officially recorded:—

"In regard to the addition of certain classes of manufactures to the free list under the old treaty, we reminded Mr. Fish that the revenue of the Canadian Dominion was largely obtained from a fifteen per cent. *ad valorem* duty on manufactured goods, and that any articles made free in Canada under agreement with any foreign country must be made free to Great Britain. But we added that the Government of Canada was desirous to afford every facility for the encouragement of extended commercial relations between the Republic and the Dominion, in the belief that nothing could tend more to their mutual advantage, not only in a pecuniary sense, but as tending to foster and strengthen those friendly feelings that ought eminently to prevail between two peoples mainly derived from the same origin, speaking the same language, and occupying the geographic position towards each other of the United States and Canada. We conveyed to Mr. Fish the assurance of the Canadian Government, that acting in this spirit, and in the confidence that we would be met in the same spirit by the Government of the Republic, the assent of Canada will be heartily given to any measure calculated to promote the free and fair interchange of commodities, to reduce the cost of transportation, or conduce to the joint advantage of the two countries, so that it be not seriously prejudicial to existing industrial interests of the Canadian people."

It was then suggested that a *projet* of a Treaty should be prepared, to form the basis of discussion. That was agreed to—and a *projet* was accordingly prepared and presented to the American Government by the British Commissioners. It suggested:—

- 1.—That the duration of the Treaty should be twenty-one years.
- 2.—That all the conditions of the old Treaty of 1854 should be renewed.
- 3.—That the following additional articles should be added to the Free List of the old Treaty:—

Agricultural implements—to be defined.
Bark, extracts of, for tanning purposes.
Bath bricks.
Bricks for building purposes.
Earth ochres, ground or unground.

Hay.

Lime.

Malt.

Manufactures of iron and steel—to be defined.

Manufactures of iron or steel, and wood jointly—to be defined.

Manufactures of wood—to be defined.

Mineral and other oils.

Plaster, raw or calcined.

Salt.

Straw.

Stone, marble or granite, partly or wholly cut, or wrought.

4.—That the Fishery Arbitration provision of the Washington Treaty should be abandoned.

5.—That the entire coasting trade of the United States and Canada should be thrown open to the shipping of both countries.

6.—That the Welland and St. Lawrence Canals should be enlarged forthwith, so as to admit of the passage of vessels 260 feet long, 45 feet beam, and a depth equal to that of the Lake harbors.

7.—That the Canadian, New York, and Michigan Canals should be thrown open to the vessels of both countries on terms of complete equality; and with full power to tranship cargo at the entrance or outlet of any of the said canals.

8.—That the free navigation of Lake Michigan should be conceded forever to Great Britain, as the free navigation of the St. Lawrence River had been conceded to the United States by the High Joint Commission, in 1871.

9.—That vessels of all kinds built in the United States or Canada should be entitled to registry in either country, with all the advantages pertaining to home-built vessels.

10.—That a Joint Commission should be formed and continued, charged with the deepening and maintaining in efficient condition the navigation of the St. Clair and Detroit Rivers and Lake St. Clair.

11.—That a similar Joint Commission should be formed and maintained for securing the erection and proper regulation of light-houses on the Great Lakes.

12.—That a similar Joint Commission should be formed and maintained to promote the protection and propagation of fish in the inland waters common to both countries.

13.—That the citizens of either

country should be entitled to letters patent for new discoveries in the other country on the same terms as the citizens of that country enjoyed.

14.—That joint action for the prevention of smuggling along the lines should be a subject of consideration and co-operation by the Customs authorities of the two countries.

Time was of course needed for consideration of these suggestions and for enquiry and discussion in regard to them, and it very soon became manifest that the absence of exact knowledge as to the inter-traffic between the Republic and the Provinces in past years, as to the actual operation of the Treaty of 1854 during the thirteen years it was in force, and as to the advantage to be gained by our neighbors from access to our markets in our improved position,—stood greatly in the way of successful negotiation. The misapprehensions found to exist as to the condition of Canada, her revenue, her foreign commerce, her shipping, her railway system, and the extent and prosperity of her various industrial avocations was truly marvellous. On every hand, and from very unexpected quarters, you heard it alleged as beyond question that the commerce between the countries in bygone years had been of little account to them, but always in our favor; that our neighbors bought from us pretty much all we had to sell, while we bought little or nothing from them; that the Reciprocity Treaty made the matter much worse, and enriched us at their expense, and that the abolition of the Treaty of '54 had brought us well nigh to our wits end. I do not mean to say that such mistakes as these were found among many of the prominent statesmen at Washington, but with a very large proportion of the politicians congregating at the Capital such ideas were sincerely entertained, and unhesitatingly affirmed. Let me give you an example. I had the good fortune to meet a well-known statesman, equally remarkable for his ability, high personal character and kindness of heart, as for the extreme nature of his Protectionist opinions. The subject of the proposed Treaty came up, and I ventured to express the hope that it would receive a more friendly reception from him than

had been accorded to a previous one. "What possible good," was his exclamation, "can we get from a Treaty with Canada! When the last Treaty existed, we took everything from you that you had to sell, and you took nothing from us." "Surely," I replied, "you are not stating this seriously." "Of course I am," said he; "surely you don't deny that it was so?" My reply was that I not only denied it, but was prepared to show, beyond the shadow of a doubt, and from the official returns of the United States that from 1820 up to 1864 the inhabitants of the British Provinces had bought from the United States merchandise and produce to the extent of over \$150,000,000 in excess of what the States had bought from them in the same years. I said I had no faith myself in what was termed "the balance of trade," but if there was any truth in it, the traffic of the United States with the Provinces must be all that could be desired, for up to the third year before the Treaty was repealed it always showed a large annual balance against Canada. He was utterly incredulous—indignantly incredulous—though my statement was strictly accurate. But said I,—"Let us suppose that you are correct—let us suppose that during all these past years you bought a vast amount from Canada and we bought very little from you—was that a very great disadvantage to you? Do you think your merchants and traders would have flocked over as they did to the lumber-mills and farm-yards and factories and fishing-ports of the Provinces to buy our stuff to the extent of many millions per annum unless they got profit by it? They might have done it once or twice with a loss—but would they have done it for fifty years in succession, steadily and largely increasing the amount of their purchases from year to year? And apart from the great profits that must have been realized by the re-sale of the goods, was there not great gains to the United States from the transportation of all that stuff overland to your ocean ports, and in shipping it from them in your sea-going vessels to foreign countries?" I made very little impression on my Protectionist friend, and his case is but one out of a great many similar

to it. And, indeed, it is hardly to be wondered at that very great misapprehension should exist in the United States as to our traffic with that country. Until the B.N.A. Colonies were confederated in 1867, all the Provinces were isolated from each other, their public accounts and trade and navigation returns were published separately, if published formally at all, their customs and excise duties were entirely different, and their shipping returns were made up separately, if made up at all. No clear statement of the united traffic of all the Provinces with the American Republic in past years was ever compiled until last year—we, ourselves, in Canada, were ignorant of its vast extent—and the absence of reliable data left us open to the misrepresentations of our Protectionist opponents in the Republic. Put our traffic together in one account and hardly could a branch of trade in the United States be named which did not profit by it—but take the traffic of the several Provinces apart and there was hardly a branch of trade that could not be shown from the example of some one Province to buy nothing of that sort. Upper Canada was shown to send wheat and flour to the United States every year to great amounts—and the attention of Western farmers was pointed earnestly to the fact—but it was carefully omitted to be told at the same time, that Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island took much more of these commodities from the United States than the States took from Upper Canada. Cape Breton and Nova Scotia were shown to send a few hundred thousand tons of coal to the Boston and New York markets—and the indignant protests of Pennsylvania were hurled against such an iniquity—but it was carefully omitted to be told that Upper and Lower Canada took four or five times the quantity of coal from Pennsylvania that Cape Breton and Nova Scotia sent into the States. Just so was it with a very large portion of the commodities we sold to our American friends. Yet it was by such weapons that the false impression was implanted deep on the public mind of the United States that the traffic with the Provinces was utterly unprofitable

to the Republic. It soon, as I have said, became perfectly manifest that these false impressions so created must be removed if satisfactory progress was to be made in the Reciprocity negotiations. Reliable returns of the traffic for a long series of years between the countries must be compiled, balances struck, comparisons with other countries exhibited. All this was done—every figure having been taken from the official returns of the United States, and a memorandum on the commercial relations of the two countries was prepared, which is now, I believe, in the hands of hon. gentlemen. How entirely erroneous were the impressions of our neighbors as to our traffic with them in past years, is shown beyond cavil in that document. It shows that the B. N. A. Provinces in the 34 years, from 1820 to 1854, bought merchandise from the United States to the extent of \$167,000,000; that the United States bought from us in the same period goods to the extent of \$17,000,000; and that the so-called "balance of trade" was, therefore, \$100,000,000 against the Provinces. It shows that from 1854 to 1866—being the thirteen years during which the Treaty of 1854 was in operation—according to the United States returns (for there is a great discrepancy between their returns and ours) the balance was \$20,000,000, and according to Canadian returns, \$95,000,000 against us, and in favour of the Republic. A large portion of this discrepancy occurred during the last two years of the Treaty's existence, and no doubt arose in a large degree from the loose valuations at the Custom-houses on the lines during these years. The memorandum shows further that the gross traffic between the United States and the British Provinces rose in the eight years immediately before the Treaty went into operation, from eight millions of dollars in 1845, to nine millions in 1846; to ten millions in 1847; to twelve millions in 1848; to fifteen millions in 1850; to eighteen millions in 1851; and to twenty millions in 1853. In 1854 the Reciprocity Treaty went into operation, and at one jump the traffic went up in that year to no less than thirty-three millions of dollars. In the following year it went

to forty-two millions; in 1857 to forty-six millions; in 1859 to forty-eight millions; in 1863 to fifty-five millions; in 1864 to sixty-seven millions; in 1865 to seventy-one millions; and in 1866 (when the Treaty came to an end) to no less than eighty-four millions of dollars. The gross amount of traffic between the countries during the thirteen years of the Treaty's operation amounted, according to the United States returns, to no less than \$571,000,000, and according to the Canadian returns, to \$630,000,000,—either of them a sum which, considering all the circumstances, must be admitted to be marvellously great. I know not where, in the history of commerce, a parallel of success to this can be found, if we keep in mind that one of the parties to the Treaty had at the time but three millions of population. The memorandum shows also that the purchases from the United States by the British American Provinces during the thirteen years of the Treaty's operations were greater than the purchases from them of China, Brazil, Italy, Hayti, Russia and her possessions, Venezuela, Austria, the Argentine Republic, Denmark and her possessions, Turkey, Portugal and her possessions, the Sandwich Islands, the Central American States, and Japan, in the same years, all put together. It shows further that our purchases during the existence of the Treaty were of the most valuable character—there having been no less than \$150,000,000 of farm products, \$8,500,000 of timber, \$24,000,000 of miscellaneous, and no less than \$151,000,000 of general merchandise—a sum to which no other country approached in these years. The memorandum shows also that, in addition to these great commercial exchanges between the countries, an enormous transportation traffic was carried over United States Railways and Canals between the Provinces and Atlantic ports, and *vice versa*. Accurate returns of this traffic do not appear to have been kept until very lately, but in the six years—namely, from 1868 to 1873—for which we have returns, it appears that the merchandise transported for the British American Colonies over American lines was of the total value of \$162,-

000,000. The memorandum brings out, moreover, from the official statements of United States Commissioners, that our shore fisheries are not of the slight value to the United States that they were placed at in the protocols of the High Joint Commissioners—but that, on the contrary, they had in the year 1862 over 203,000 tons of shipping engaged in the St. Lawrence fisheries; and 28,000 seamen; that the returns that year considerably exceeded \$14,000,000; that at least 5,000 new seamen are annually broken in for the United States marine service; that 600 sail have in one season fished for mackerel in the Gulf of St. Lawrence, and taken fish to the value of \$4,500,000; and that from 40,000 to 50,000 tons of the United States fishing fleet, worth from \$5,000,000 to \$7,000,000, annually fish near the three-mile line of the Provinces. It shows that three years from the repeal of the Reciprocity Treaty, which deprived United States fishermen of the shore privileges enjoyed under the Treaty, the United States tonnage in the trade had fallen from 203,000 tons in the year 1862, to 62,000 tons in 1869—a falling off of seventy per cent; that the reconcession of these shore privileges under the Washington Treaty, doubled the tonnage of the American fishing fleet from what it was in 1869, and that it will soon exceed the tonnage of 1862. The memorandum shows yet further that the foreign trade of Canada was not seriously injured, as seems to have been supposed across the lines, by the abrogation of the Treaty; but that, on the contrary, while from 1854 to 1862 our foreign traffic had averaged but \$115,000,000 per annum, it had in the year immediately following the abrogation, risen to \$142,000,000—in 1869 to \$145,000,000—in 1870 to \$165,000,000—in 1871 to \$189,000,000—in the year 1872, to \$214,000,000—and in 1873, the seventh year after repeal, to no less than \$240,000,000. But the memorandum brings out another fact worthy of note—that though the repeal of the Treaty did not for an hour stay the increase of our foreign trade, it greatly lessened the proportion of it done with the United States. During the existence of the Treaty the aggregate exchange of commodities

with the Republic gradually rose until in the year of its repeal it amounted to 52½ per cent. of our whole foreign traffic. But in the first year after repeal it fell to 42 per cent.; in 1868 to 41 per cent.; in 1869 to 40 per cent.; in 1872 to 36 per cent.; and in 1873 to 35 per cent.—And the memorandum discloses another most important fact—that a great change in the character of the traffic between the countries resulted from the repeal of the Treaty. For example, that the price of lumber has gone up so much, and the demand has continued so good, that while we sold to the United States people but five millions of dollars worth in the year before the expiry of the Treaty, and an annual average of but three millions during its whole continuance, we sold in the single year of 1873 over eleven millions of dollars worth. Again, that in regard to wheat, flour, provisions, and other like commodities, of which both countries have a surplus, the effect of the prohibitory duties of the United States has simply been to send the Canadian surplus of these products to compete successfully with the American article in foreign markets where they formerly held sole possession. And still further, it shows that Canada has become a large purchaser of American products in the Chicago and Milwaukee markets, which it carries by the St. Lawrence route for consumption in foreign countries—that this trade only commenced with the repeal of the Treaty, but in the six years following that event aggregated the large amount of \$46,583,312. And strange enough, in regard to the much abused “balance of trade,” it shows that since the repeal of the Treaty the balance had gone so systematically against the Republic, and so steadily in favour of the Provinces, that, in the seven years following repeal, a balance of nearly \$52,000,000 had to be settled with our people by the United States. Nay, it is clearly shown that in spite of all the discouragement that has been thrown in the way of our traffic by high customs duties and custom-house barriers, our annual purchases from the United States are still large enough to keep us in the front rank of their foreign customers; and that with the exception

of the British Isles, no country takes as large an amount from them as we do. This memorandum was completed on the 27th of April and was immediately communicated to Mr. Fish. It was referred to the Treasury Department for examination, and remained in its hands for several weeks. Its facts and figures were closely examined and their accuracy acknowledged fully and frankly. From that time there was a manifest improvement in the impressions as to the character of Canadian commerce, of such persons as took the trouble to read the memorandum, and these were not a few; and the progress of the negotiations was sensibly accelerated. The attention of the United States public press was aroused to the importance of the question, the merits of the proposed Treaty were thoroughly canvassed, and, though severely criticized by the Ultra-Protectionist organs, I have no recollection of any similar measure being received with such general favour by the leading papers of the Republic as was accorded to our *projet*. In New York, the *Tribune*, *Herald*, *Times*, *World*, *Evening Post*, *Express*, *Journal of Commerce*, *Graphic*, *Mail*, and many other leading exponents of public opinion, all declared in favour of a new Treaty; and in Boston, Chicago, St. Louis, Cincinnati, and other great cities, the unanimity of opinion among the leading journals was equally remarkable. I cannot pass from this part of the subject without referring to a charge that originated in Philadelphia, and was echoed far and wide over the Continent—aye, even in Canadian journals—that this unanimity of the press was obtained by the corrupt use of Canadian public money. The charge is utterly without foundation—it has not a vestige of truth to palliate its concoction. (Hear, hear.) Not one shilling has been spent illegitimately to promote the negotiation, and a final answer to this and all similar charges is found in the fact that the entire cost of the negotiation to the people of Canada, including all necessary disbursements, will amount to little more than four thousand dollars. The negotiations now went on from day to day; the several clauses of the *projet* were discussed, al-

terations suggested, modifications adopted; the draft Treaty, as it now stands, submitted for the approval of the three Governments; and all that remained to make it ready for signature was the clear definition for custom-house purposes of some articles in the free lists; and the correction of the appearance of ambiguity in the wording of one or two passages. It had been understood that Congress would be unable to adjourn before the end of July; but unexpectedly the determination was arrived at to adjourn on the 22nd of June, and that day was near at hand. The Secretary of State suggested that the draft Treaty, as it then stood, should be sent down by the President of the United States to the Senate for advice, and it favorably entertained by that body, the necessary corrections of language could be made and the Treaty formally executed. It was of course for the United States Government to judge as to the mode of obtaining the sanction of the Senate, and the plan suggested was adopted. The draft Treaty only reached the Senate two days before the adjournment of Congress, when it was quite impossible to discuss and decide so large and complicated a question as its adoption involved, and the consideration of it was accordingly adjourned to the next ensuing session. We come now, honorable gentlemen, to the consideration of the several provisions embraced in the draft Treaty as transmitted to the Senate by the President of the United States. And let me say to you, very frankly, that I do not stand here to-day to contend that the conditions of this bargain are more favorable to Canada than to the United States. On the contrary, I believe that in a commercial treaty between a people of forty million souls and one of four million, it is almost in the nature of the thing that to the larger country the greatest advantages must accrue. But greatly advantageous as this Treaty must be to our friends across the lines—if it ever goes into operation—there is enough in it, I venture fearlessly to assert, to set the wheels of industry in motion on this side the lines, and to give a new impetus to the development of our great natural resources, as would amply compensate us for all the concessions we

are pledged to in the agreement. I acknowledge the force of all that is said as to the immense advantage possessed by the American people in a contest with a colony one-tenth their population, and hardly yet past the first stages of forest settlement. I admit the larger the means, the vastly greater experience and the eminent business capacity they would carry into the contest; but I have faith enough in the industry, the energy, the enterprise, and the indomitable perseverance of my countrymen, and in the cool blood of our northern clime, to believe that in the long run, and a fair field, Canada would hold her own under all these disadvantages. (Hear, hear.) As you are aware, hon. gentlemen, the Draft Treaty embraces ten propositions:—1st. The concession to the United States of our fisheries for twenty-one years, and the abandonment of the Washington Treaty arbitration. 2nd. The admission, duty free, into both countries, of certain natural products therein named. 3rd. The admission, duty free, of certain manufactured articles therein named. 4th. The enlargement of our Welland and St. Lawrence Canals. 5th. The construction of the Caughnawaga and Whitehall Canals. 6th. The throwing open to each other, reciprocally, by both countries, the coasting trade of the great inland lakes, and of the St. Lawrence River. 7th. The concession to each other on equal terms of the use of the Canadian, New York and Michigan Canals. 8th. The reciprocal admission of vessels built in either country to all the advantages of registry in the other. 9th. The formation of a joint commission to secure the efficient lighting of the great inland waters common to both countries. And, 10th. The formation of a joint commission to promote the protection and propagation of fish on the great inland waters, common to both countries. Now, then, let us examine these propositions *seriatim*. The first, second, and seventh of them go naturally together, and they need no comment. They embrace simply the conditions of the old Treaty of 1854, which operated so favorably for us, and so much more favorably for the United States. The third proposition—as to manufactures—is the only item that has met with bitter opposition, and that,

strangely enough, from all three countries. I will leave it for the present and return to it again. The fourth proposition, for the enlargement of our existing canals, is one eminently for the advantage of the United States, and involves a very large expenditure on our part. It is impossible to estimate the enormous annual gains that must result to the farmers of the Western States when vessels of 1,000 or 1,200 tons shall be able to load in the upper lake ports and sail direct to Liverpool—free from transshipment expenses, brokers' commissions, way-harbor dues and ocean-port charges, and return direct to the prairies with hardy immigrants and cargoes of European merchandise. Canada, no doubt, would have her share of benefit from all this—but it could not be compared for a moment with that of the great Northwestern and some of the Middle States. The fifth proposition—for the construction of the Caughnawaga Canal—would be also an immense boon to the United States. It would open up to the dense manufacturing population of New England, for the first time, a direct water communication of their own with the great West, it would enable them to load ships of 1,000 tons at their Lake Champlain ports with merchandise for the Prairie States and bring them back freighted with farm produce; and when the Whitehall Canal should be enlarged to Troy, and the improvements of the Upper Hudson completed to deep water, where in the wide world could be found so grand a system of internal water navigation as that stretching as it then would in one continuous ship channel from New York on the Atlantic, to the west end of Lake Superior, and possibly, ere long, to the eastern base of the Rocky Mountains. Canada, too, would have her share of profit in all this. Her great lumber interests on the Ottawa and its branches would find full advantage from it, and the enterprising farmers of the middle and eastern counties of Ontario would have the New England market, with its three-and-a-half million of manufacturing population, opened to their traffic. The sixth proposition is the concession to each other of the inland coasting-trade, and nothing could be done more sensible or more profitable to both

parties. Our season of navigation on the Lakes is short—the pressure for vessels in particular trades at special times is very great on both sides of the lakes, and freights advance to unreasonable rates. Cheap transportation is a foremost question in this Western industrial world, and what can be conceived more absurd than to see, as is often seen, large quantities of produce lying unshipped for want of vessels, because foreign bottoms cannot take freight from one port to another in the same country? What the United States could fear from the competition of our limited inland marine, with the 5,576 vessels of all kinds, and an aggregate tonnage of 788,000 tons, it is difficult to imagine. The eighth proposition for the reciprocal admission of vessels built in either country to registry in the other, is generally regarded as highly advantageous to this country, and no doubt, such is the fact. But I confess I cannot see why it ought not to be regarded as infinitely more advantageous to the United States. During the civil war the merchant vessels of the Republic were sold in large numbers to foreign owners, and acquired foreign registers; and notwithstanding that ship-building had almost disappeared from the United States in consequence of an extreme Protectionist policy, the law absolutely forbade their being bought back or vessels of foreign build being purchased in their room. The consequence is, that at this moment, nearly the entire passenger traffic of the Atlantic is in the hands of foreigners—a vast proportion of the freight of merchandise from and to foreign countries, is also in the hands of foreigners—and only two months ago we had the startling statement made officially by Mr. Bristow, the very able Secretary of the United States Treasury, that no less a sum than one hundred millions of dollars is paid annually by the people of the United States to foreign ship-owners for freights and fares. Now, a large portion of these ships, which the people of the United States require so urgently, can be as well built in St. John and Halifax and Quebec, and at less cost than in any other country. Why then, deprive American citizens of the privilege of buying them from

us, and sailing them as their own? We are told that American ship-building is reviving, but were it to revive with all the rapidity the most sanguine could desire, it could not keep pace with the wear and tear of the present reduced marine and the annually increasing demand, much less begin to supply the vacuum created since the war. The 9th and 10th proposals are for the appointment of Joint Commissions for the care of the light-houses and the fisheries of the inland waters common to both countries, but as to these there is no difference of opinion, and no doubt of the great mutual advantage that might flow from the proposed concerted action in regard to them. These, then, are the whole of the items; and now let us return to the one we passed by—the list of manufactures. Now, honorable gentlemen, I shall not allege for one moment that there is no ground whatever for the loud outcries we have heard from Protectionist manufacturers against the admission of their wares to the free list of the Treaty. That some would have suffered by the competition it would have entailed, I readily admit—for in all avocations there are men whose want of experience or want of energy or deficiency of capital unfit them for such a contest. But while all our sympathies must have gone heartily with such men in these circumstances, had the Treaty been consummated, I cannot think that this great measure, affecting advantageously as it would have done so large a proportion of our industrial population, ought to have been given up simply because some among us might have suffered from its provisions. Are there not always sufferers by every new measure of taxation—by every change of the tariff—by every new municipal assessment scheme? And yet who dreams of rejecting a great measure of public policy because such individual hardships unfortunately attend them? I cannot, however, help thinking that many of the gentlemen who have been complaining most loudly of their threatened ruin would have been more frightened than hurt had it gone into effect. It cannot be an unmixed evil to exchange a market of four millions of buyers for one of forty millions, and I

industry natural to Canada or the United States, and in which a con-know some shrewd manufacturers among us who heard with deep regret of the action of the American Senate. It is not to be doubted, however, that a great deal of the alarm which has been professed in reference to this section of the scheme, has arisen from the parties not knowing exactly what the Treaty proposed. I have myself met many persons who supposed that they would be most injuriously affected by it, but who found on a little enquiry that their articles were not in the slightest degree affected. A curious instance of this was seen in the excited meeting of New York druggists to denounce the injurious influence of the Treaty on their trade—though not an article in their business was touched by its provisions. Only within the last few days I met a most intelligent gentleman who was positive that his business was to be very much injured, if not destroyed; but it turned out, after a little conversation, that the article he mainly manufactured was not at all affected by the Treaty. And there have been many such cases among those loudest in their protestations. A great deal of the indignation, too, and a great deal of the eloquence has proceeded from parties who were angry—not because their wares were included in the scheme, but because they were excluded from it. But hon. gentlemen, for my own part, I am ready to meet all objections to this part of the proposed Treaty on higher and broader grounds. I contend that there is not one article contained in the schedules that is a fit object of taxation—not one that ought not to be totally free of duty either in Canada or the United States, in the interest of the public. I contend that the Finance Minister of Canada who—Treaty or no Treaty with the United States—was able to announce the repeal of all customs duties on the entire list of articles in schedules A, B and C—even though the lost revenue was but shifted to articles of luxury—would carry with him the hearty gratitude of the country. I call the attention of the Senate earnestly to this fact—that nearly every article in the entire list of manufactures is either of daily consumption

and necessity among all classes of our population, or an implement of trade, or enters largely into the economical prosecution of the main industries of the Dominion. Let me read you the whole list:

Agricultural Implements, all kinds.
 Axles, of all kinds.
 Boots and shoes, of leather.
 Boot and shoemaking machines.
 Buffalo robes, dressed and trimmed.
 Cotton grain bags. Cotton denims.
 Cotton jeans, unbleached.
 Cotton drillings, unbleached.
 Cotton plaids. Cotton tickings.
 Cottonades, unbleached.
 Cabinetware and furniture, or parts thereof.
 Carriages, carts, wagons, and other wheeled vehicles and sleighs, or parts thereof.
 Fire-engines, or parts thereof.
 Felt covering for boilers
 Gutta-percha belting and tubing.
 Iron—bar, hoop, pig, puddled, rod, sheet, or scrap.
 Iron—nails, spikes, bolts, tacks, brads, or springs.
 Iron castings.
 India-rubber belting and tubing.
 Locomotives for railways or parts thereof.
 Lead, Sheet or pig.
 Leather, Sole or upper.
 Leather, harness and saddlery.
 Mill or factory or steamboat fixed engines and machines, or parts thereof.
 Manufactures of marble, stone, slate or granite.
 Manufactures of wood solely, or of wood nailed, bound, hinged, or locked with metal materials.
 Mangles, washing machines, wringing machines, and drying machines, or parts thereof.
 Printing paper for newspapers.
 Paper-making machines, or parts thereof.
 Printing type, presses and folders, paper cutters, ruling machines, page-numbering machines, and stereotyping and electrotyping apparatus, or parts thereof.
 Refrigerators, or parts thereof
 Railroad cars, carriages and trucks, or parts thereof.
 Satinets of wool and cotton.
 Steam-engines, or parts thereof.
 Steel, wrought or cast, and steel plates and rails.
 Tin tubes and piping.
 Tweeds, of wool solely.
 Water-wheel machines and apparatus or parts thereof.

These articles were selected with a triple object. The first was, as I have already stated, that they should be articles of common daily use among the people or affecting the prosecution of our leading industries. The second was that they should be of such a character as to be difficult to smuggle across the lines, and easy of identification as the genuine production of Canada or the States. And the third was that they should be as far as possible the production of branches of

siderable inter-traffic between the two countries might reasonably be expected. And if the list is carefully examined I think it will be admitted that the articles fairly fulfil these three conditions. Could anything be more impolitic than the imposition of custom's duties on such articles as these? Time was in Canada when the imposition of duty on any article was regarded as a misfortune, and the slightest addition to an existing duty was resented by the people. But increasing debt brought new burdens—the deceptive cry of "incidental protection" got a footing in the land—and from that the step has been easy to the bold demand now set up by a few favored industries that all the rest of the community ought to be, and should rejoice to be, taxed 17½ per cent. to keep them in existence. And it is remarkable how small a portion of the community are concerned in the maintenance of this injustice. I hold in my hand an accurate return of the men, women and children personally employed in all the industries that could possibly have been affected either advantageously or injuriously by the Treaty had it gone into operation—and it appears that the entire number is 68,813. Of these, a considerable number would practically not be affected at all, for they have no protection now and don't want any; a large number would only be affected in a small part of their business; and a very large number would be advantageously affected by the Treaty. The number who could honestly declare that "ruin" to them would be the result, would be small indeed. And it is not unworthy of note how very small are the contributions of the industries that might be affected by the Treaty to the foreign exports of the country. In the year ending 30th June, 1874, the exports of domestic products were as follows:—

Products of the farm.....	\$34,269,311
Products of the forest.....	26,817,715
Products of the fisheries.....	5,292,368
Products of the mine.....	3,977,216
New ships.....	796,675
Miscellaneous.....	419,840

\$71,573,085

Manufactures....., 2,353,663

Total..... \$73,926,748

The amount of manufactures imported that year was, therefore, a little over two millions of dollars, but I hold in my hand a return of the articles that made up this amount, and I find that several hundred thousand dollars of it could not fairly be classed as manufactures at all; that more than half of the remaining amount is made up of articles not protected now, and that the contributors who are protected now and could be injuriously affected by the Treaty, are few in number and very small exporters. And now let us place in contrast with this the great agricultural interest with its half million of hardy workers—which has no protection—which feeds the whole people, and contributes besides annually to the foreign exports of the Dominion commodities to the value of thirty-four millions of dollars. I hold in my hand a return of the customs duties levied on agricultural products going into the United States, and to show the advantage that would have accrued to our farmers from the operation of the Treaty, I will now read some of the items:—

Animals.....	20 per cent.
Beef.....	1c per lb.
Butter.....	4c per lb.
Cheese.....	4c per lb.
Honey.....	20c per gallon.
Lard.....	2c per lb.
Meats (smoked, &c.).....	3½ per cent.
Pelts.....	10 per cent.
Pork.....	1c per lb.
Sheepskins.....	30 per cent.
Tallow.....	1c per lb.
Wool (worth 32c & under).....	10c per lb, & 11 per c.
do (worth over 32c).....	12c per lb, & 10 per c.
Barley.....	15c per bushel.
Beans.....	10 per cent.
Bran.....	2 per cent.
Flax (undressed).....	\$5 per ton.
Flax (dressed).....	\$20 per ton.
Flaxseed.....	20c per bushel.
Flour.....	20 per cent.
Fruit (green).....	10 per cent.
Hay.....	20 per cent.
Hops.....	5c per lb.
Indian corn.....	10 per cent.
Malt.....	20 per cent.
Maple sugar.....	20 per cent.
Meal (oat).....	4c per lb.
Meal (corn).....	10 per cent.
Oats.....	10c per bushel.
Peas (seed).....	20 per cent.
Peas (vegetable).....	10 per cent.
Peas (split).....	20 per cent.
Rye.....	15c per bushel.
Seeds.....	20 per cent.
Tobacco.....	35c per lb.
Vegetables.....	10: per lb.
Wheat.....	20c per bushel.

All these duties would have been

swept away and the American market thrown freely open for all farm products. The great lumber interest, too—in which 100,000 men are said to be engaged—which has no protection, which not only supplies our home market, but sends 27 millions of dollars' worth of lumber annually to foreign countries, and employs a large fleet of vessels in its traffic; how would it have been affected by the operation of the Treaty? Why it would have swept away an average duty of 20 per cent. from the entire exportations to the States. And just so would it have been with our great mineral interest. Seventy-five cents per ton now levied on Cape Breton and Pictou coal would have been abolished, and the New England markets would have been freely opened to our coal trade. Twenty per cent. on iron ore and one-and-a-half cents per lb. on lead ore would also have disappeared. The great coast fishery interest would also have been largely benefitted, for the American market would have been secured to it for twenty-four years to come. On the whole, therefore, I think it will be safe to come to the conclusion that however a portion of our manufacturing interest might have been affected by the Treaty, the result on the large industries of the Dominion could not have failed to be beneficial. I come now, honorable gentlemen, to the objections which have been urged against the Treaty from such quarters as entitle them to a formal answer. The first of these is the allegation that the Treaty discriminated against Great Britain in favor of the United States. Nothing could be more unfounded than this. It was perfectly understood from the opening of the negotiations that no article could be free from duty in regard to the United States that was not also free with regard to Great Britain, and nothing else was ever contemplated for a moment. The other objections which have been made I find so clearly formulated in a memorial of the Dominion Board of Trade, and clothed in such unusually temperate language, that I shall answer them *seriatim*. And I venture to believe that a very cursory examination will show how very little force is contained in the whole of them. The first ob-

jection of the Board is in regard to what has been styled "the sliding scale," and about which we have heard a very great deal for many months past. In the first place, then, I have to say that the gradual reduction of the existing customs duties was not part of the Treaty, but merely a mode of putting the Treaty in operation as easily as possible for all parties concerned. It was suggested merely as a means of overcoming two difficulties found to exist, not only in the United States but in Canada as well. It was supposed to be not undesirable to give manufacturers some time of preparation for the change by gradually reducing the existing duties on foreign goods. Moreover, had the duties gone off in one day, the revenues of both countries would have been seriously affected, and the simultaneous imposition of new taxes to replace the loss of revenue, might have been a difficult task. But, in truth, the importance of this matter has been absurdly exaggerated. It has been totally ignored that—though the duties of the United States on fine manufactured goods are enormously high—on the articles we send them the average is only about 24 per cent. Now, one-third of this coming off would have made their rate for the first year 16 per cent., while ours would have been nearly 12, and for the second year their 8 per cent. against our 6; and at the end of the second year all the duty would have come off in both countries. Moreover, the important fact seems to have been forgotten or concealed, that we would have had some compensation for that small sliding-scale disadvantage, in the fact that the coasting trade and ship registry clauses would have gone at once into operation, while the enlargement of our canals could not have become available before 1880. And to sum up the matter, it is by no means certain that the sliding scale might not have been dispensed with altogether, for in the Customs Act giving effect to the Treaty, clauses would, no doubt, have been inserted, giving the two Governments power by proclamation to put the whole Treaty in force at any earlier moment they might mutually find convenient. The second objection of the Board of Trade is the

danger they see in a promise to complete the canal works by 1880. I dare say the Canadian Government carefully considered this matter before they committed themselves to it, and had the best advice upon the point that skilled engineers could afford them; and I venture to believe that my honorable friend in the other Chamber, who so admirably presides over the Public Works Department, was as competent to judge of what was fitting to be done in the premises as any man in Canada. The third objection is that in the opinion of the Board of Trade the entire ocean coasting trade of the United States should have been conceded to Canada. No doubt—but probably the other party had something to say to that. The fourth objection of the Board is that the right of obtaining United States registry for Canadian ships cannot be regarded as a valuable concession—seeing that Canadians, instead of keeping their ships and sailing them, might be seduced into selling them, and thereby transfer to the Americans the great profits of the carrying trade. I venture to think this objection is not worthy of a reply. The fifth objection of the Board is, that the Caughnawaga Canal should not have been stipulated to have been built until the construction of the Whitehall Canal was absolutely secured. The Canadian Government thought otherwise, and I venture to believe they were right in what they did. The chief interest of the United States may be “in the opening up of a new route to the ocean”—but a very important interest of Canada is to open up a new water route from New England to the West. The sixth objection of the Board is, that the right of re-entry of goods into the country of their production should have been provided for, but was not. All goods placed in bond can now be re-entered in the country from whence they came. Surely the Board cannot mean that broken packages of goods should be returned? The seventh objection of the Board is, that it cannot tell whether goods manufactured in either country must be composed entirely of native materials. Certainly not. The eighth, and last, objection is, that all consular fees and certificates should have been abolished by the Treaty, but were not.

It is by no means clear that this would have been an advantage. The hon. gentleman then proceeded to refer to the recent action of the United States Senate on the Draft Treaty, and to its return to the President with the advice that it was inexpedient to proceed with it. He explained that the proceedings of the Senate had been taken in executive session, and were therefore strictly secret, but the probability was that no full discussion of the matter had been had in consequence of the shortness of the session, the absorbing interests of the questions now agitated and the large financial deficit that had to be met by the imposition of new taxes. The fate of the negotiation was, however, settled for the present, but the agreement that resulted from it was on record, and he did not doubt would yet make its appearance again and form the basis of a new and more successful negotiation. It took six years to conclude the negotiation for the Treaty of 1854, and not a few delays and rejections occurred in that time. He totally misconstrued the present temper of the American public mind if a great change on the subject of protection and finance and foreign trade was not approaching; and when that day arrived the large and practical scheme embraced in the Draft Treaty will hardly be forgotten. But be that as it might, it was not for the people of Canada to be influenced by any such anticipation. They had shown their ability to open new markets for themselves when the American market was closed against them, and the clear path for them was to follow up, with redoubled energy and perseverance, the policy on which they had entered. Let the Americans load their industries with customs' duties as they choose; be it the firm policy of Canada to remove every barrier in the way of commercial extension, to repeal all duties on raw materials, on articles used in manufacturing, and on the common necessities of daily life, and to replace the revenue lost, if needed, by a wiser and cheaper system of taxation; let them seek to develop their great national industries, and especially the agricultural, shipping, fishing, mineral and lumber industries; let them open up new markets adapted to their traffic, and let the Canadian flag be found float-

ing on every sea. The hon. gentleman concluded by apologizing for detaining the House so long, and resumed his seat after speaking for two hours.

Friday, February 23, 1875.

SYDNEY MARINE HOSPITAL.

After routine, The HON. MR. BOURINOT moved for all plans, correspondence, documents and tenders in possession of the Government, relative to the proposed erection of a Marine Hospital at Sydney, C. B., specifying the respective amounts of such tenders. The hon. gentleman explained that many tenders had been offered, and in the interest of the future hospital he was anxious to learn their respective amounts, and any other information which could be obtained.

HON. MR. LETELLIER said that there was no objection on the part of the Government to give the particulars desired, and they would accordingly be ready as soon as possible.

THE ICE-BRIDGE AT QUEBEC.

HON. MR. RYAN rose to propose a question with reference to the formation of the ice-bridge within the limits of the harbour of Quebec. He had brought forward a measure and asked some questions on the same subject last session. On that occasion his hon. friend, the Minister of Agriculture, had informed him that he would take the subject into consideration in the interval between that session and the present. He would ask, therefore, whether any measure had been prepared, or whether it was the intention of the Government to introduce any measure on the subject. He might mention that his attention had been specially directed to the question on the present occasion by a correspondence in the papers at Quebec between the municipal authorities. It had been urged by some that the municipality had no right to stop the steamers, their contract being to leave every day during the year. He need not remind the House of the great disaster that attended the shipping last year in consequence of the bridge of ice. The emigrants were detained on board their

ships for nearly ten days and suffered great privation and hardship. The Minister of Agriculture, in whose Department the case of emigrants was, (so pressing was the necessity) went to Quebec to ameliorate the condition of the emigrants. He did not pretend to say that there were not two opinions on this subject; he believed there were, and that many of the inhabitants found the ice a convenience, but the loss had been so great last year that its recurrence again might injure our prospects, the character of the river and the navigation very seriously, and also injure the prospect of emigrants coming by that route to some extent. It was on the assurance of the Minister of Marine that some means would be taken to prevent such a thing occurring again, that he (Hon. Mr. Ryan) withdrew his measure on 21st May last. He would therefore inquire whether the Government intended to introduce any measure, during the present session of Parliament, with a view to prevent, as far as practicable, the recurrence of the loss and delay to ships and immigration, and of the serious injury to the trade and commerce of the River St. Lawrence which occurred in the spring of 1874, in consequence of the stoppage of ice and the formation of an ice bridge within the limits of the harbour of Quebec.

HON. MR. LETELLIER replied, that it was not the intention of the Government to introduce such a measure this session. During this winter they had been informed that the St. Lawrence Steamship Company was trying to prevent the formation of the ice bridge, and that this company was in a situation to carry out the views his hon. friend had expressed, when he brought the matter before the House last session. There had been, he believed, a quarrel between the company and the Corporation of Quebec; but he understood and he believed that up to this time the company had been able to prevent the formation of the ice bridge in question.

BRITISH COPYRIGHT WORKS.

HON. MR. RYAN then moved for copies of all despatches and other communications which had passed between the Government and its agents and

other individuals since the 31st March, 1874, relative to the question of re-printing British copyright works, under certain conditions, as set forth in "An Act to amend the Act respecting copyrights" passed by this Legislature in the session of 1872, and reserved for the signification of Her Majesty's pleasure on the 14th of June, 1872. He almost dreaded to bring this subject again before the attention of this House. He had so often had their indulgence that he thought they would scarcely have the patience to listen to him again; but it was simply to have the papers, which he thought would be very important and very useful in considering the measure of copyright, which his hon. friend the Minister of Agriculture had introduced into that House and which was on the way towards its second reading. He might mention, however, that he was greatly gratified to find that this subject had now assumed a new position. It had occasionally made some progress, but generally, to every step it made forward, it made one backward; but at length the question of copyright had attained a prominent position—it had been mentioned in the Speech from the Throne, and he hoped they would be able to succeed in framing a bill which would be satisfactory to the printing interests of this country, and which would also not be objectionable to the printing interests of England. He would just recall what our position was with regard to this question. An address to the Imperial Parliament on this matter had been moved last year, praying that the bill of 1872, which was passed and which met in every respect the wants of the printing and publishing interests of Canada, should have the consent of the Government at home, it having been reserved for the consideration of Her Majesty's Ministers. In order to guide this House in its deliberations it was necessary that copies of the documents and resolutions which had passed between the Imperial and Dominion Governments should be placed before the House, that they might know what were the views of the Imperial Government on the question. He was sure that the hon. gentleman who had taken so active an interest in the matter, would

have no objection to produce the papers for the information of this House, or of any Committee (whether a Committee of the whole or a private Committee), to whom he might refer his views.

HON. MR. LETELLIER replied that he should be in a position to afford hon. members of the Committee, all the correspondence that had taken place on the subject, in order that a law might be passed best suited to the interests of the Dominion.

LANDS IN MANITOBA.

HON. MR. GIRARD then inquired whether the inhabitants of the Province of Manitoba can reckon upon the speedy solution of the difficulties which have been pending ever since their entry into Confederation on the subjects—

1st. Of the lands of which they were in possession at that time without sufficient titles, but for which Letters Patent from the Crown were guaranteed to them by the Manitoba Act.

2nd. Of the rights of cutting hay and other rights reserved to them by the said Act.

3rd. Of the grants of land for their children provided for by the same Act, and of the causes which have prevented the making thereof.

The hon. gentleman said he was sorry to bring this question again before the House, but when he looked at the provisions of the Manitoba Act, with reference to those who were in the possession of land in that Province, and when at the same time he considered that for four or five years this question had been before them, and nothing had been done, he must confess he was by no means satisfied, and not only was he not satisfied, but the Province which he had the honour to represent was not, and never would be satisfied until their interests were better attended to. Hon. gentlemen would at once admit that nothing was more painful for any one than not to have any title to one's property; and no one in that Province could be said to have a sufficient title. It was well known that the only title to property was the book which was kept for a time by the Hudson's Bay Company. However sufficient a title this might have been in the old time, it was certainly not

sufficient now; and he had to ask hon. members of the Government from time to time, what was going to be done to put an end to this painful position of affairs. A great deal had been promised, but he was sorry to say nothing had been done. He was aware there were many difficulties to contend against, but he thought that sufficient time had been given for the settlement of these difficulties. He would say a word or two about the grant made to the half-breeds. They knew that Canada was obliged to give them that grant, but at the same time they could not but feel uneasy that so long a time had elapsed without anything having been done. It was neither fair for the old nor for the new settlers. Property would certainly be sold more easily if these difficulties were settled, while under the present state of things every sale was accompanied by some loss of money; for no one would risk any great improvements on a property, or any large expenditure where there was no title. He hoped this would be the last year he should have occasion to direct the attention of the Government to their position. There were many other grievances of which he would like to speak, but the question of the lands was the most grievous, and he would not say anything in respect to the others. He concluded by hoping that if not before many days, at least immediately after the session, a measure would be taken to give them that justice upon which they have been waiting so long.

HON. MR. SCOTT begged to assure his hon. friend that the Minister of the Interior, who had charge of this duty, was most anxious to carry it out as fairly and as liberally as possible. Difficulties, however, which it was unnecessary for him to discuss, had arisen. In regard to the first question, as to when patents would be issued, he was informed that they would be issued as speedily as possible. In reference to the second, which touched on the rights of cutting hay, they also were in course of settlement; he believed many had been already arranged, indeed all except those which required additional information and fuller surveys. There was no intention or desire on the part of the Government to delay, but it was

necessary to proceed with due caution where there were so many different claims. With regard to the third question, the grants of land to the children of half-breeds, he was advised that they could not be prepared till certain claims had been adjudicated upon. They had been for some time in the hands of the Minister of Justice, and the distribution of lands would be proceeded with at an early date.

HON. MR. GIRARD said the question which he had now to put was a continuation of the first. It was as follows:—Why the Act 36 Victoria, Chapter 6, passed with a view to smoothing difficulties and saving expense with respect to those lands, had not been put into execution? He had asked the same question last year. Immense services were expected from the operation of that law. He had been told that it would be put in operation immediately, very likely before his arrival in Manitoba, but he had gone and had come back again, and yet nothing had been done, and he would like to know what was the insurmountable obstacle that existed now, but which did not appear to exist then.

MR. SCOTT replied that it was found to be entirely too expensive and cumbersome, and an Act was to be submitted this session to enable some one to go into the country and adjudicate on the cases. This had been done simply with the view of gaining dispatch. Had the judge of the higher courts disposed of the case it would have cost a great deal, and serious delay would also have ensued.

HON. MR. GIRARD said that it was understood that the court would be presided over by one of the judges and by two citizens of the country at the same time; that either a justice of the peace or some one occupying a similar position would assist the judge. An auxiliary would be wanted, however the matter were arranged. It was highly desirable that some one, a native of the country, should assist the judge, for the questions at issue were not any of those of law, but arose out of the manners and customs of the country. The Act 36 Victoria provides for that, and he considered it a very wise measure on that account.

As the Government had prepared a measure by which money would be spared and time would be saved, he must accept the explanation and hoped it would meet the requirements of the case, although at the same time he could not refrain from expressing his doubts as to the result.

HON. MR. SUTHERLAND rose up to support his honorable colleague in his enquiry, for which he considered there was a great necessity. He was aware that an application for patents had been made by a considerable number of the inhabitants, but he was not aware that any had been received. What was the reason why these patents had not been issued? For his own part he could not conceive of any obstacle. Perhaps the hon. gentleman at the head of the Government could give them some explanation on that point. He was not at all satisfied with matters as they stood at present, or with the explanations that had been offered. Two years ago he had received the same explanations himself, but to-day these explanations were no longer tenable. He was sorry to say that a very great indifference existed somewhere in regard to this question. Hon. gentlemen would understand how very undesirable a position the whole Province was in, when not one inch of the land on which settlers resided was their own, because, as his hon. colleague had just remarked, all could be said that old settlers had to show for it was an insertion in a certain book kept by the Hudson Bay Company, of which they had little interest in keeping any record. After referring to a case which had come before his own knowledge as to the malfeasance of an officer in the department, he reminded hon. gentlemen that neither of the grievances, that of the lands to be given to the half-breeds and the issuing of patents, had as yet been settled, and he would impress upon them in conclusion that these were not sentiments peculiar to himself or to his colleagues, but were largely shared in by the rest of the inhabitants of Manitoba.

HON. MR. SCOTT could not speak as to the particular case alluded to by the hon. gentleman, but he had no doubt that had the hon. gentleman called the

attention of the department to it the matter would have been investigated. With regard to the general question he would say again that no unnecessary delay had been exercised by the department in carrying out liberally and generously all the provisions in regard to the North-West. The patents were going out as rapidly as possible. Where cases were disputed, where laws overlapped each other, some delay must necessarily arise, but their interests were safe so long as the Government held the fee of the land; but it was not possible to carry the work forward with the rapidity which the hon. representatives of the Province thought and no doubt was desirable.

PRINTING OF BILLS.

HON. MR. SCOTT then said, that in accordance with the suggestion made by the hon. Speaker for hastening the printing of bills for the second reading, he would move that a change be made, such as that provided for in the other Chamber, and, he believed in the House of Lords, that bills be printed immediately after the first reading. Carried.

AGRICULTURAL RETURNS.

The HON. MR. LETELLIER then laid on the Table the Agricultural Returns for the year ending December, 31st, 1874. He explained that if there had been any delay, it arose from the fact of some of the returns not having been sent in till January. The returns were for the other departments made up to June 30.

NOVA SCOTIA BILL.

The HON. MR. MILLER moved the first reading of an Act to repeal certain provisions in the Act of Nova Scotia. Carried.

RESUMPTION OF DEBATE.

The HON. MR. LETELLIER then moved that the last order on the notice—to resume the debate on the Reciprocity motions—should be the first order of the day. Carried.

RECIPROCITY NEGOTIATIONS.

On motion for the resumption of the debate being carried,

HON. MR. CAMPBELL rose to express how very desirable and convenient it would be if the House under-

stood how the Government stood in reference to the treaty. In the debate immediately after the speech from the throne, language was used by the Right Hon. Premier indicating that the negotiations for a treaty were in such a state as would make it extremely inconvenient if the House were to press by any remarks in reference to it, and he hoped they would not do so. Language not precisely so distinct was held in this House by the Honorable Minister of Agriculture. All of a sudden his hon. friend made a full explanation—the difficulties vanished, and appeared indeed to have been only imaginary. The position of the hon. gentleman who made the explanations was rather a peculiar one. He was immediately responsible to the Queen and Her Majesty's Government for what had happened at Washington, yet the explanations he had given to the House, for which they were extremely indebted to him, were as from a private member of Parliament. Involving such large interests as did this treaty, it should be treated, as it was treated by the hon. gentleman yesterday, with great urbanity; they ought to understand the position of Government in this matter, what instructions they had given, and what were their plans. He would also like to know how it was that they had first the expression of the Premier and the Honorable Minister of Agriculture depreciating all discussion, from which they were in a moment asked to depart, without any additional explanation from the Government, and he thought they were entitled to understand their position very distinctly.

Hon. Mr. LETELLIER said that the reason why he had called upon them to speak to the question was that at the commencement of Parliament no decision had been come to by the Senate in reference to the proposal which had been made by the Commission, and it was only after that decision that the hon. member had moved for the papers. He moved as a member of that House, and he had every right to bring before the House and the country his views on the question. If they had not been precluded by the fact that at that time the proposal was being submitted to the Senate of the

United States, this question would have been discussed before. The situation was now changed. Then the negotiations were opened, now they were not. He had just received the decision of the Senate, who declined to form the treaty with Canada. The hon. gentleman was now, therefore, at perfect liberty to express his views on the question.

HON. MR. CAMPBELL did not think that these reasons were sufficient. Very different language had been held at the beginning of the Session, and simply because the United States Senate had come to a decision since Parliament had opened, they had been called upon to speak to the treaty. For his own part he did not know that any decision had been arrived at either before or since the opening of Parliament. The question, he believed, had been before a Committee, but what was done by that Committee was a matter of profound secrecy. He did not understand how he (Mr. Letellier) had been able to learn so thoroughly the decision of that Committee, nor why he should have given this as the reason for their departure from the original views held by the Government. He thought that the House was entitled to have some account of the origin of the embassy and of the instructions which had been given. They were entitled to know from some one responsible to the country what had been done, they ought not to be put off by an explanation given by a private member of that House. This was an important—a State matter, and it was not right that a discussion of this kind should go on without any authoritative information as to the position the Government had taken in the matter. Was the Government the instrument of his hon. friend, or what was their position? They were certainly entitled to know the instructions given, so that they might understand how the treaty originated, and what really was the position of the Government relative to this matter.

Hon. Mr. LETELLIER said that an hon. member of this side of the House had moved for these papers, and the Government did not intend to prevent the papers from being laid before this

House. They readily agreed to put them in possession of the papers, and this would show that they were in possession of information; but they were not now compelled to give any verbal information to that House. If the Government had refused these papers, then the hon. member for Kingston might complain with justice, but when the address was allowed, the Government could not be said to shirk from giving all the information in their power. He thought it would be better for the hon. gentleman to criticise the action of the Government when he had the papers in his possession.

Hon. Mr. CAMPBELL thought it was very unsatisfactory to proceed in that way in a debate of such importance, and to wait till the papers were laid upon the Table. He proposed then that they should adjourn till that time. It might be more convenient to postpone the debate till they had a full statement of what the Government had done.

Hon. Mr. LETELLIER said his hon. friend might think it better to take that course, but it was not usual to talk upon the question till the papers were before the House. If the hon. gentleman thought fit to make such a motion, he could not prevent him. If his hon. friend was not ready to answer the proposition made by the hon. member for Toronto, it was his own fault, and not that of the Minister of Agriculture. If then he (Mr. Campbell) was ready, they were, if he were not, they were not.

Hon. Mr. BUREAU did not understand how they could adjourn the debate and move the address.

Hon. Mr. CAMPBELL said that the inconvenience of going on was very great; (hear, hear, from the Government benches)—perhaps the hon. gentleman would allow him to finish—the inconvenience, he would repeat, of going on was very great, because there was no statement from the Government as to what had been done. The hon. gentleman who had made this explanation and who was Plenipotentiary to Her Majesty had no doubt done the duty entrusted him by the Government. But they were placed in a peculiar position. What has the

Government done? The hon. gentleman had doubtless made his report to England. Let the House be informed as to the particulars, or let them adjourn the debate.

Hon. Mr. BUREAU thought his hon. friend was in favor of an unusual course. The best plan would be, he thought, to follow the ordinary practice of Parliament, and go on with the debate now. Let the address pass. The papers would come down, and then the hon. gentleman could bring up his debate in any way he chose. During the whole course of his Parliamentary experience, he never knew of an address to the Crown, on which such large interest depended, being refused, and he apprehended his hon. friend would not insist on such a course as that.

Hon. Mr. CAMPBELL did not wish to oppose the address, but was anxious to see the papers. What he wanted to understand was, the position occupied by the Government and by the hon. gentleman. Something of that position might have been understood from the account which the hon. gentleman gave of the origin of this effort to procure reciprocity. So far as one could judge from the narrative of the hon. gentleman, this did not so much result from the Government, as from his (Mr. Brown's) sudden inspiration in the course of his conversation with Mr. Rothray.

HON. MR. BROWN—The hon. gentleman is mistaken, I know nothing at all of the course taken previous to that time.

HON. MR. CAMPBELL—It only showed how right he was in asking information as to the course pursued by the Government; these explanations, if they were before them, would enable them to understand the position better than they now did. If the hon. gentleman had taken the course which he ought to have taken, he would have explained to the House the instructions he had received. His (Mr. Campbell's) idea was, that the Hon. Mr. Brown and Mr. Rothray met at Toronto, and Mr. Rothray informing him what he was about to do, Hon. Mr. Brown remarked, that the giving up of the fisheries for a money consideration, would be distasteful to the people of Canada, and

suggested instead, that he should endeavour to obtain some reciprocal arrangement. Mr. Rothery went to Washington and adopted that idea. The Hon. Mr. Brown himself was then asked to go down to Washington and ascertain what the prospects of negotiation were. Leaving that part of the subject, and the question of the origin of this negotiation, which he supposed was adopted by the Government on the suggestion of the hon. gentleman, the course which had been pursued throughout, both in this House and in Washington, showed that the hon. gentleman was really the person who controlled the negotiations, and who, to some extent, he would not say instructed, but suggested what should be done by the Government. (Hear, hear.) All was suggestive that in order to change the plan which the Government had originally intended to adopt, in stopping the discussion of this question, an imaginary decision of the Senate had been arrived at.

HON. MR. SCOTT thought that it had been stated that authoritative information had been received that the Senate had decided that it was not expedient to adopt the treaty.

HON. MR. CAMPBELL—Then my hon. friend is wrong, because he stated what no one knew.

HON. MR. LETELLIER—I stated that the Committee of the Senate had reported to that effect, and that I understood the Senate had endorsed that report.

HON. MR. SCOTT—All these different statements may be harmonised, inasmuch as they occurred at different times. We have just been informed by official despatch, that the Committee has reported that it was not expedient to adopt the treaty.

HON. MR. CAMPBELL—It was difficult to proceed with so many interruptions. He was sure, apart from the origin of this discussion, apart from the control which he had exercised, and which he continued to exercise over the management of this treaty, it was possible, he thought, to listen to the narrative of the hon. gentleman without considerable interest. He was anxious to say that he gave the hon. gentleman credit for the greatest anxiety and earnest efforts to accomplish

the object for which he went to Washington. He had no doubt that the efforts he made were persevering, and such as were likely to accomplish the object in view. Everyone who knew the career of the hon. gentleman would give him credit for a very sincere love of country, and he was quite persuaded that anything he could do, in the light in which he had viewed this matter, would be done by him to bring about a result which he believed would be an essential service to this country. He had no doubt of that whatever, and was glad to be able to offer his humble testimony to it to-day. But the course pursued by the hon. gentleman although characterized by great earnestness and perseverance was somewhat lacking, he thought, in judgment. He hoped his hon. friend would allow him to use such an expression without offence. He had a great respect for him, and would not willingly offend him on any account, but he would recognize the spirit in which he made these remarks was one of anxiety to obtain information as to how this matter had been brought about, and not to reflect upon any person or party in this country, but simply to be able to place before the country a narrative of all that had occurred, in order that they might see how matters stood; and that if any negotiations were entered into in the future, they might be taken up at the stage where they were left off. But he must express his doubts as to the judgment exercised by the hon. gentleman in carrying on the negotiation in the manner in which it had been carried on. The hon. gentleman had observed in the course of his speech that the way to obtain the treaty was not to approach the United States cap in hand, but if they were to judge from his printed arguments, from the memorandums signed by Sir Edward Thornton and himself, from the proceedings at Washington, and from the calm sort of indifference and reticence with which the negotiation was met by the United States Government, they could not but come to the conclusion that the hon. gentleman had done just that very thing which he thought it was not necessary to do; that although he thought it so unbecoming to approach the American Government cap in hand,

yet they would see that he did almost approach them in that manner. This was manifested by the argument used in the paper, by the fact in the first place of a paper being presented at all, and in the next by his visit to Washington. To have been successful they should have started on the true basis that each country was interested in reciprocity. A suggestion to that effect might have been made to the American Government, and if satisfactorily answered, then some one might have been sent down to Washington. But when they found the hon. gentleman going down so promptly, and urging upon the Washington authorities the granting of this treaty—working for it and presenting reasons, which to his mind, rather indicated that this country did not want the treaty—and then, instead of being met by some advance on the part of the United States, by a disposition not to make any step in that direction, he certainly thought that they had gone the wrong way to work, and that that was not the spirit in which the people of the country would like the Americans to be approached. It would have been better to have approached the Americans on more equal terms than we had actually carried out and practiced, though he admitted, that the way in which he (Mr. Brown) had proposed to carry on the negotiation was the right way; but he contended at the same time that it was not the plan which he eventually adopted. He thought that the general feeling of the country was that Canada had as much to give as America. When they looked at the enormous population which America possessed, and considered the advantages which they might hope to obtain from reciprocal commercial relations, although they of course would be glad to avail themselves of these advantages, yet at the same time they were under no necessity for asking anything like cap in hand for this treaty. And he thought when his hon. friend approached the Government at Washington as he did, and urged upon them in his vigorous and earnest manner and with all the arguments in this book, that he showed his anxiety too much, that he really fell into the error mentioned in the speech of the right

hon. gentleman (the leader of the Opposition) as a not impossible event. He thought that what the Hon. Mr. Brown had said to the House, and what was said in this pamphlet, both combined to show that the hon. gentleman pursued at Washington a course which was too eager, and which did not truly and clearly reflect the disposition of the people of Canada, which was to approach the Government of the United States as on a matter of fair business and on equal terms and not in any way to beg a favor at their hands. When the hon. gentleman went beyond that, he went beyond what was really the feeling of the people of this Dominion. He dare say the hon. gentleman did not believe that he went cap in hand; but such was the impression that was obtained from reading the statements contained in the book alluded to, and from hearing from the hon. gentleman the narrative of his proceeding at Washington. The arguments, too, that had been used by the hon. gentleman in order to induce their neighbors to look favorably on the treaty were not, in his opinion, likely to succeed. In them he endeavored to show that the Americans would have by far the best of the treaty, but he hardly thought that was the way to influence them in favor of the negotiation, for the Americans would certainly think that the advantages of the treaty to Canada must have been very great if they took so much trouble for its renewal. Since the abrogation of the treaty, argued the hon. gentleman, in 1854, the trade returns, which a little before that time had fallen off, had increased to a large extent with other countries, and in the course of a few years Canada stood in a better position than ever. The same argument was applied to the drug export, which apparently showed that Canada did not want the treaty at all; and how the hon. gentleman expected the Americans to swallow that line of argument and act upon it, he was somewhat at a loss to conceive. But it hardly seemed to him to be an argument which should be addressed to a Government so intelligent and so keen as that of the Americans. Objections were taken to this treaty by many persons and many parties in Canada, notably by the Do-

minion Board of Trade, objections which the hon. gentleman had answered more or less. Those objections, however, seemed more grave to him (the speaker) than they had appeared to the hon. mover of the Address. He thought probably that the answer which he gave to the first objection, as to the reduction of scale duties, was sufficient, and rendered that objection of less importance. The second objection urged by the Board of Trade touched on the gradual reduction of the duties. The average duty laid on goods going from Canada to the United States was, he believed, 25 per cent., while the duty paid by products of the United States coming here was $17\frac{1}{2}$ per cent. He did not think, on the whole, that the objection to the gradual reduction of these rates was a very serious one, but there was another objection of a more serious character, which did not seem to have been sufficiently understood, nor did it seem to have been sufficiently impressed on the mind of the hon. gentleman; he referred to the construction of the Gaugnawaga Canal. In the first place, it was very unwise to have stipulated that the work should be finished by 1880; we ought only to have been bound to have completed the canal in as short a time as possible. Grave objection had been taken to the fixing of the period of the Pacific Railway. It was decided at the time that it was a very unwise proceeding, but there at all events we were dealing with ourselves. It was one part of the country dealing with another. The representatives of that one province in our Legislature were quite willing to listen to any reasonable excuses that might be advanced; but in this case it was different. Here we were binding ourselves to do something in 1880, which we might find ourselves unable to perform within the time specified. If it were not done within the period specified, he supposed the conditions would fall to the ground. The fact of the possibility of the treaty being nullified by failure in the conditions was enough to deter manufacturers in Canada from speculating as they otherwise would. He did not think that this objection had been sufficiently answered by his hon. friend. He said

it was necessary to fix some period and therefore he fixed this; but even then it would have been wiser and safer not to have made that a condition of the treaty, to have named a longer period or the earliest possible day. The other objection was that it was not coupled with a stipulation on the part of the United States that they would continue it to the Hudson river. They promised to recommend it to the State of New York legislature, which was a very uncertain method of procedure. A recommendation of a similar nature had been made to the same legislature on the occasion of a former treaty, but which had never been carried out, and he did not see why in the present instance the hon. gentleman could have expected better success. As to the permission to go through the canal in that State he believed they might have done that before, but that was a matter of much less importance than would be the continuation of this canal from White Fall to the waters of the Hudson. It was quite equal in importance to the construction of that portion of it which lay in Canada, and why the hon. gentleman should have proposed to bind Canada to construct one portion of the canal in a certain period and not bound the Americans to construct theirs as well, he was at a loss to understand. The only explanation that he could see lay in assuming, what was just possible, and he hoped the hon. gentleman would pardon him for saying so, that he did display some over-eagerness for the obtaining of the treaty. No obligation to commence our work should have been undertaken until our suggestion had been first responded to by the others. In answer to this objection the hon. gentleman replied that the canal itself was a most important one, and irrespective of its being carried out as a part of the treaty, was of itself so valuable that we might venture to undertake its construction for ourselves. He apprehended, however, that this country would not undertake the construction of this canal simply as a local work, and certainly not on the scale mentioned, as a twelve feet canal. If the country undertook the construction of this canal at all, it would be with the intention of having

a continuous communication with the Hudson River, and not for any local purpose alone. In answer to another question with reference to the coasting trade, the hon. gentleman had said that we could not expect a treaty to be altogether such as we wanted. It was very easy to say we will have this and we will have that, and we might very easily make treaties to suit ourselves, but in reality we could only get what both parties agreed to. He agreed with the hon. gentleman's observations, but had he not displayed that eagerness about the matter, had he held himself a little more aloof and taken, if not a high and mighty, at any rate a proper, fair and independent attitude, willing to make a treaty, but not willing to go a-begging for it; and had he been a little more reticent, the authorities at Washington might have shown a far stronger disposition to advance. He hoped that some of the other objections taken by the Board of Trade would be cleared up. Some of them might easily be arranged with a little more time and attention, and perhaps a little less eagerness, such as discharging of cargoes on Lake Champlain, the bonding system, and a few other similar points. Then a remark had been made as to the indifferent phraseology of the schedules, an additional proof pointing to the eagerness and anxiety of the hon. gentleman to obtain the treaty, which was not in accordance with the feeling of the people of Canada, who were satisfied with their own business and prosperity, anxious to be good neighbours, and desirous of increasing their trade by any fair means—willing to make reciprocal terms with the United States, and believing that they could give as many advantages as they could hope to obtain. The hon. gentleman concluded by repeating that so far as they were able to judge, though the hon. member for Toronto held the language of independence—which was the language of the country—yet in his actual conduct he had gone beyond that and shown that eagerness and desire to get this treaty which, perhaps tended to defeat its object, and which was not the reflex of the people of the Dominion. Instead of a simple narrative of the negotiations at

Washington which the hon. gentleman had given them, he considered they should have had an official statement from some responsible member for what had been done.

The Hon. Mr. CAMPBELL having resumed his seat,

Hon. Mr. SCOTT addressed the House. He considered it very inexpedient to discuss a measure like the present on a mere motion for papers. If the hon. gentleman opposite wished to criticise or censure the acts either of the Government or of the Commission, the reasonable way would have been to have passed the Address, and when the House was in full possession of the facts, then to have put a notice on the orders of the day to enable him to discuss the subject at length. The course would have been the more desirable considering the position the question was in. It had only gone through the first stage, and would have had to pass, not only the Legislatures of the United States and the Dominion, but that of England as well, so that, whatever shape the treaty was in at the present moment, no one could say what would be its final appearance after it had gone through the various Parliaments whose concurrence was necessary before it could be adopted as a treaty. He did not propose to answer his hon. friend. He thought the hon. gentleman who, with Sir Edward Thornton, had arranged the terms of the treaty, had given to the House a very full explanation of his proceedings at Washington. He had been charged by the hon. leader of the Opposition with having been too eager about the matter, and with having gone cap in hand to the authorities at Washington, and that in his arguments to secure the attention of those authorities he had endeavored to show that the last treaty had been rather prejudicial to Canada and to the advantage of the States. He would leave his hon. friend to clear himself from the insinuations of the member for Kingston. We would simply advert to the initiation of this question by the Government of Canada. His hon. friend would remember that, since the abrogation of the treaty in 1864, the people of Canada and the States, particularly the Western States, desired its renewal, and the at-

tention of both Governments was drawn to the desirability of having some reciprocal relations in regard to the trade between the two countries. An opportunity seemed to present itself for considering this question, when, under the Washington Treaty, it became necessary to receive an extra compensation for the fisheries. It was well known that in the past they had always been the losers in their treaties—he would refer to that with the State of Maine—whether from the apathy of the Imperial Commissioners, through whom all our negotiations had to be filtered, or from some other cause, they invariably lost a good deal. The hon. gentleman knew that they had to speak through a power on the other side of the Atlantic, and that, however keenly they might feel their position and the interests of the people, those interests must necessarily suffer somewhat from the delays and other inconveniences consequent on the intervention of a superior power. In the treaties respecting the boundaries of Canada our interests had been largely sacrificed. It was only a short time since the San Juan difficulty. There again they were checkmated, if he might use the term, by the cause of this country not being fairly represented. He was sure they must all coincide with this feeling; and they must also see that if the question of the value of these fisheries was placed beyond their management and control, they would receive a much smaller sum in exchange than they were fairly entitled to. It would, therefore, be a less damaging cloud upon their national honor if these fisheries could be exchanged for some equivalent which would increase the trade relations between the two countries. The hon. gentleman said he had prepared the treaty; he denied the fact, and he would ask hon. members to compare the course pursued by the hon. gentleman at Washington with that pursued by the representatives of the Dominion four or five years ago, when it became notorious that large sums of money had been spent to bring about the treaty which they were seeking. But as the hon. gentleman had said, and said in a spirit of which he felt proud, the arrangements of this treaty had been honestly drawn up, as

between two great countries—(hear, hear)—and the whole cost of the negotiation was under \$4,000. He contended that this small sum could have occasioned no undue pressure in carrying on the negotiations. All who had given any attention to the subject were aware that America was in a state of extreme difficulty and embarrassment; things had been at a dead lock for eighteen months; the representatives at Congress had sat up twenty, twenty-five, and even thirty hours, discussing important questions. With so many difficulties to contend against, they could hardly be expected to be desirous of considering a treaty with their neighbors who lived on their northern boundary. But apart from that (and he thought it was one of the best arguments in refutation of the charges made by the hon. gentleman), he would point to the very great efforts made by the lumber trade, the iron trade, and the woollen manufacturers to stop the course of this treaty. Nearly all those who were at the head of the woollen manufactures opposed it; while those engaged in the iron trade of Pennsylvania pointed out the injurious effect it would have upon their trade; and the lumbermen of Massachusetts sent representatives to Washington to get this treaty quashed, because it would give us such an immense advantage over them. He hardly thought it fair to this House that hon. gentlemen who were at an advantage over the others in respect of their information of the details of the treaty, should discuss this question, and it would have been much better if the hon. member for Kingston had deferred his criticism till the motion of the hon. member for Toronto had been passed, and the papers had come down. He then could have put a motion on the table for an enquiry. They knew that on delicate questions of this kind they were extremely sensitive, and it was unwise to give utterance to the criticisms which possibly they might feel in relation to this topic. He thought that the feeling which had prompted the States to withhold the treaty would eventually be dispelled, and that the general opinion would soon prevail that, living alongside a people who enjoyed the same climate and temperature, and

spoke the same language, and cultivated the same commerce as themselves the barrier of custom should be broken down, and that the trade relations of the two countries should be placed on a liberal and generous basis. This principle was admitted as far as China and Japan. The commercial relations between the powers of Europe were being arranged on a liberal and generous basis, and were found to be to their mutual benefit. Treaties of this nature exercised a very peaceful influence on neighboring nations. Cobden's Treaty had prevented a war, and the difficulties between themselves and the States would be much diminished if the trade relations were renewed. He did not now intend to discuss which side would gain the most advantages from the treaty. He thought it was hardly fair to have reflected on his hon. friend from Toronto in the manner that had been done by the hon. member for Kingston. It was hardly possible to have met another gentleman in Ontario who would have made so good a commissioner. (Hon. Mr. Letellier: hear, hear.) No one in the broad Dominion of Canada was so conversant with the commercial relations of Canada—who for the last 25 years had kept a watchful eye on the interests of the country—who, as editor of the largest paper in the Dominion, was well acquainted with all the questions which would come before him—who knew where the United States would have the advantage, and who also was so well aware of our expectations in the future; and he ventured to affirm that he could not have entrusted the honor and dignity of this country to a gentleman who would have hesitated more to sacrifice the national reputation of the Dominion. (Hon. Mr. Letellier: hear, hear.) He did not think, however, that hon. gentleman required an apologist to defend him. He was too thoroughly master of this question. Of this he had given the best possible evidence in his speech of the day before; for he thought that the House felt that the hon. gentleman was perfect master of all the details of the treaty, and of all the issues which it embraced. He had not probably gone into it in the exhaustive manner in which he might have done; but he

gave this House unmistakable proof that he was sufficiently qualified for the position which he was called upon to fill.

HON. MR. ALEXANDER said that the treaty was not now before them either for their consideration or discussion, but the hon. gentleman who had moved for the papers had very properly made a lengthened explanation, in which he had endeavored to meet the objections of the press of the country and of the Boards of Trade. Such a statement was doubtless looked for by the country. It was a subject upon which varied and opposite opinions were entertained. If they assumed, which they must, that the Government of this country was really the author of this treaty, that it sustained the whole of their views enunciated by the hon. member from Toronto; if they assumed that to be the position of the Government, he felt it to be the duty of the members of this House from different parts of the Dominion to give expression to what they believed to be the sentiment of their respective sections in regard to this treaty. He could only speak for his own section of the country, because different opinions were entertained in the different parts of the Dominion. In British Columbia the treaty would be held as a great boon, and he believed the same sentiments prevailed in Manitoba and in Nova Scotia. Upon various commercial grounds, the treaty would possess greater value to those Provinces than to the particular one for which he had the honor of a seat in that House. The people of Ontario would acquiesce in the renewal of the Treaty of 1854 as the proper action of the Government, and they were quite prepared to enter upon any necessary expenditure to enlarge or deepen their canals, as an inducement to the United States to renew the same; but he did not agree with his hon. friend from Kingston that a satisfactory answer had been given to the objection raised against the sliding scale. The duties had been estimated by his hon. friend at 25 per cent., instead of being what they really were—at 35 per cent.

HON. MR. BUREAU—35 per cent. is not the average. The average duty is 25 per cent.

HON. MR. ALEXANDER—He was well aware as to the average, but 35 per cent was the prevailing tariff upon all manufactured goods such as enumerated in the last schedule. He would ask whether the arrangement of that sliding scale in the manner proposed would be fair and reasonable and just between a country of forty millions of inhabitants and the Dominion. He was surprised at a people of such prosperity making such a proposal to a young and rising country like the Dominion. The honorable gentleman then observed that he came to the important question as to how the industrial interests of the Dominion would be affected by the addition of so many articles to the free list. We could not look but with pride and gratification to the great success which had attended such industrial enterprise, giving employment to so large a part of our young population—giving such an impetus to the growth of our cities and towns, and constituting so large a share of the general prosperity. It would be replied that such a treaty would give such manufacturers 40,000,000 more customers. But he would now ask the members of the Government whether they were prepared to advance and propound the doctrine, that a young country, with limited capital, a deficiency of skilled and mechanical labour, and not very advanced experience, was capable of measuring arms either with the neighboring Republic, and still more with Great Britain, which has been and continues to be the master of the world in the manufacturing arts. It was well known that one of the considerations which prevailed to make the United States postpone this treaty, was that they were afraid of the workshops of England, because free trade between us would involve free trade with England in regard to those items set forth in the proposed treaty. The hon. gentleman concluded by showing how great had been the prosperity of the country since the union—how all our industries had prospered, and admonished the Government to be cautious how they entered upon an experiment of so critical and hazardous a character—one which might prove disastrous to so large a number of our best

citizens, and throw out of employment large masses of our people. He (Mr. Alexander) was sure that the hon. gentleman, the proposer of this treaty, was actuated and impelled by the highest motives,—by a sincere desire to benefit his country; but this question was one upon which the most opposite opinions were entertained, and conscientiously entertained, by the first commercial men of the Dominion. The interests of the agricultural classes were so deeply interwoven with the industrial art that were they to adopt free trade the decline of the one would necessarily follow that of the other. The advantage of protection were instanced by the prosperity of Great Britain, a country which had been built up by a protection policy. He was sure that everyone was persuaded that the hon. gentleman who went to Washington was actuated by nothing but an earnest desire to make this country more prosperous than ever it had been before, but he hoped he would not forget that free trade and protection were questions on which opposite opinions were entertained, and conscientiously entertained, by the greatest and most influential of their manufacturers. (Hear, hear.) He considered that the question should be postponed till the country had had longer time to consider it.

HON. MR. LETELLIER, who addressed the House in French, sustained this action of the Commissioner at Washington, which he contended was a faithful reflex of the opinion of Canada with regard to the treaty, and complimented the hon. gentleman who had so honourably discharged that duty. If the treaty had been refused now, there was every prospect, he thought, of a different determination being arrived at in the future, when the advantage resulting from such an arrangement would be more fully appreciated. The question had been largely discussed in that Chamber, but he could not but regret that criticism had not been avoided till the production of the papers. They might then have been able to form a different conclusion. He would like to justify, not the position of the Government, but the position which he had taken in the matter, but he would wait till the necessary information was before the House, and he deprecated their

coming to a judgment which, in all probability, would be ill-grounded till such information was before them. It would always be time when the papers did come down to renew the discussion, although for his own part he hardly thought the House would be troubled with the subject again. Those papers, however, would throw every light on the conduct of the Government and the actual position of affairs.

HON. MR. WILMOT arose to make a few remarks.

HON. MR. LETELLIER was of opinion that they should wait for the necessary papers before discussing the question.

HON. MR. WILMOT—The hon. gentleman who had conducted this negotiation had gone into an explanation of the circumstances connected with it, and he would give him every credit for his desire for the interests of the country, but a great variety of opinion existed upon this question. He felt it his duty to tell this House that if the treaty were carried out it would, in his opinion, be very detrimental to the interests of this country. In all other treaties with the United States it had been the Provinces which had gained the advantage. The export trade of the country, quoted by the hon. gentleman, did not show the real prosperity of the country. He quoted Adam Smith to prove that a home trade, where two capitals were exchanged, was worth more to a country than a foreign trade, where only one was exchanged. The cost of feeding our paupers and criminals, reckoned at twenty cents per day, amounted to the large sum per annum of \$700,000, which was generally in excess both of the import and export trade of the country.

HON. MR. MILLER begged the hon. gentleman's pardon for interrupting him, but he thought they had had quite enough till the production of the papers. There might be reasons why a full argument of the necessity of the treaty might be desirable at the present time, and he believed it was usual, when the gentleman occupying the position of leader of the House assumed the responsibility of saying that the more desirable course would be to judge the question on the production of the

papers, not to press the discussion.

It being then six o'clock the Speaker left the chair, and on his return at eight o'clock the Motion was put for the adjournment of the debate till the next day. There were only a few members present who were divided in their opinion, Hon. Mr. Alexander and several others being in favour of the debate being continued, but the Speaker deciding that the Motion was carried.

The House adjourned.

Wednesday, February 24, 1875.

After routine,

Upon the motion of Hon. Mr. LETELLIER, that the adjourned debate on the Hon. Mr. Brown's notice be resumed,

MR. WILMOT said that he had listened with attention and great interest to the speech made by the honorable gentleman (Mr. Brown) who had gone to Washington as one of Her Majesty's plenipotentiaries, to re-open the subject of reciprocal trade between the United States and the Dominion of Canada, and he had no doubt his hon. friend had been actuated in going there by a sincerely patriotic desire to further the interests of the Dominion, as he understood them, and had he only stated what had occurred in connection with the negotiation, he (Mr. Wilmot) would not have said one word on the subject; for as the debate in Congress had been conducted with closed doors, it would, in his opinion, have been more prudent that no discussion should take place in the Dominion Parliament. He coincided in the opinion expressed by his hon. friend the Secretary of State, that, as in previous treaties between Great Britain and the United States, relative to our boundaries and other matters, ambassadors from Great Britain, not being well acquainted with our country and its rights and interests, had inequitably dealt with our interests, it was desirable that one from among ourselves should be sent there to guard them. His hon. friend, however, had not in his speech confined himself to a statement of what the negotiations were, but he had propounded a fiscal policy,

which, in his opinion, should be adopted by the Government of this country, and he understood him to say that the Minister of Finance was in accord with him in that policy. He (Mr. Wilmot) could not allow silence on his part to be considered as assenting to the policy indicated. The hon. gentleman was aware that there were great differences of opinion in many parts of the Dominion relative to the probable beneficial or injurious effect of the proposed treaty. It dealt with our producing and manufacturing industries, and, had it been entered into, would have admitted into the markets of Canada free of duty the natural productions and a variety of manufactured goods, not only from the United States, but from Great Britain also, and from other countries with which she had commercial treaties, causing necessarily a large loss of revenue that would have to be made up in some other way. His hon. friend viewed the general interests to be dealt with from the standpoint of our import and export trade, and in referring to the exports of agricultural products from the Dominion to the United States, being \$35,000,000, and of manufactured articles only about \$2,000,000, and consequently that the amount of manufactured articles being so small, it was of so little importance as not to require any great consideration; but his hon. friend must recollect that the amount of the import and export trade was small compared to the home trade. As an instance, with regard to agriculture; supposing the cost of feeding the 4,000,000 inhabitants of the Dominion at twenty cents per head per day, which was probably a rate less than it now costs to support the paupers and criminals, it would amount in the year to \$292,000,000, the great proportion of which was contributed by the farming population, being nearly \$60,000,000 more than all the import and export trade of the Dominion in the year 1873, which was \$235,000,000; the same reasoning would apply to our manufacturing industries, and Adam Smith, the standard authority on political economy, in his chapter on the home and foreign trade, says that the home trade exchanges two capitals, and that rapidly, while the foreign trade exchanges only one, and that slowly,

and that is by far the greatest test of national wealth. Any statesman or financier who did not take into consideration the extent and value of the home trade, might be far astray in his estimates. The Reciprocity Treaty of 1854 was abrogated by the United States, with the supposition that Canada would be forced into annexation if their markets were closed against us; but from our trade returns since the abrogation of that treaty we do not appear to have suffered; in fact, the people of the Dominion were thrown more upon their own resources, and new channels of trade with the West Indies, South America and the Mediterranean, which had been previously carried on through the United States in American bottoms, was now carried on by our own shipping, giving us not only the benefits of more distant and profitable markets, but earning profitable freights in addition, and so far as our trade returns show, even with the United States themselves, our trade had greatly increased. By the showing of his honorable friend not only had our trade with them greatly increased, but in the seven years since the abrogation of the treaty, the balance of trade in our favor was \$51,975,008, while during the continuance of the Reciprocity Treaty it was largely against us. There were two factors or elements in the creation of wealth: one was the varied natural resources, we possessed, the other—the labor, industry, and ingenuity of our people, converting the raw material of nature into exchangeable products. Production must precede commerce, for in the exchange of these products, trade, whether home or foreign, really consists; but in commerce another element enters—that is the medium by which the exchanges are conducted, viz., money, which is with us gold, and upon it all our banking operations rest. If, therefore, our foreign trade should show a balance against us, our banks may be drained of gold to pay the balance, and all our circulation to carry on our home industries may be so restricted as to greatly embarrass them. His hon. friend stated that at the present time, in consequence of the derangement in the finances of the United States, reciprocity could not be entertained, and he (Mr. Wilmot) saw by the last re-

ports from Washington that Congress had imposed an additional 10 per cent. on imported manufactured articles. His hon. friend was of opinion that protection was run into the ground; yet the Americans were a shrewd, practical people, and in their policy they were followed by France, Belgium, Germany, Austria and Russia. England was the only country that had adopted a free-trade policy, but she had only done so, after generations of a protective one, during which time she had accumulated enormous wealth, and had loaned her surplus capital to all the nations of the earth, and had invested a vast sum of money in great public undertakings throughout the civilized world, receiving therefrom a large annual revenue which would pay for her importations. But in the financial history of the United States it must be remembered that about 1832, Congress, to meet the demand of the Democratic party, passed a compromise tariff, under which the duties were annually to be reduced until they reached a maximum of 20 per cent., with the annual reduction the imports of foreign commodities largely increased, and in 1837 the excess in value of the imports over the value of exports became so great that the drain of gold from the banks brought about a panic of great magnitude, causing all the banks throughout the Union to suspend specie payments. Many of them failed, and bankruptcy and ruin was universally spread. While the currency is a metallic one trade is subject to great panics, should the imports greatly exceed the value of the exports. Free trade, in his opinion, did not consist in the importation of goods free of duty if payable in gold fixed in price, but a true system of free trade would be an exchange of commodities on fair and equal terms. The abolishing of import duties would so affect the revenue as to require the deficiency to be raised by direct taxation, and that would most probably be put upon the land, for personal property could in many ways be put out of sight. He, as a farmer, would be opposed to direct taxation, and he believed it would act most injuriously upon the business of the country. On referring to a report of the hon. gentleman's speech in 1865, ex-

plaining his reasons for resigning his seat in the Government in consequence of Mr. Galt having gone to Washington to negotiate for a continuation of the treaty, he said that "We should not have gone to Washington as suitors for any terms they were pleased to give us. We were satisfied with the treaty, and the American Government should have come to us, since they, not we, desired a change. There was something in building up a great country besides mere commercial advantages, and he did not desire that by a system of reciprocal legislation Canada should be bound to sail in the wake of Washington." Of course no public man should be bound by opinions expressed nine years ago, but he (Mr. Wilmot) was very much of the same opinion now. Our country was of vast extent, and with all the resources by wise statesmanship we could build up a great nationality, — its fertile lands, its various minerals, its magnificent forests and valuable fisheries, and a fleet of shipping that was to be found scattered over every sea, with a hardy, healthy, and industrious population that rendered us independent of any other country for the necessaries of life, and sufficient surplus to export to procure a moderate supply of the luxuries of life. And he for one was not prepared to leg for reciprocity without the United States were prepared to meet us fairly. They were so keen and sharp that they were bound to have the best of the bargain. While they have the navigation of the River St. John, under the Ashburton Treaty, and could bring their timber and lumber down, they passed a special Act of Congress to permit their own citizens to manufacture lumber at the Port of St. John, and send it thence into the United States free of duty. Our people had to pay from twenty to forty per cent. duty, giving the Americans the monopoly of the business.

HON. MR. KAULBACH—Situated as we and the United States are on this continent, many reasons suggest themselves in favour of more intimate trade relations, providing proper regard is paid to reciprocal advantages and the fostering of home industries. Yet we should be thankful that by the grace of our American neighbors, our interests have not been sacrificed or

even endangered; that we can calmly approach this treaty abortion without desiring its vitality, only regretting that the Government should have conceived such a project, and the memory of it go down to posterity. We look in vain for reasons why these treaty negotiations were commenced. There were no Imperial objects or purposes in view, or interests involved—it was simply a question of trade relations between us and the United States. It is now clear to us that our Government has been consulted at every step, and is responsible for everything. The haste and urgency with which the Government pressed for reciprocal free trade, is quite inconsistent with the universal and firmly-established belief of our people that they had weathered the trials of the “starvation policy” more successfully and with greater vigour and health than our great neighbors, and that any proposals in the future should emanate from those who abrogated the last treaty. Even had our country craved for greater treaty relations, which it did not, and does not, is it not surprising that the Government, well knowing that the national policy of the United States is *protection* in the last degree, with no promise of a change, but rather the reverse, should have ventured to make such humiliating overtures? But yet more surprising is it that the hon. mover of these resolutions, such a temple of political philosophy, could have been persuaded to embark on such a forlorn mission. And yet still more surprising now, after the explanations and the declaration made by that hon. gentleman yesterday, viz: “That, in the present state of the finances of the United States, it could hardly be expected that the draft treaty could be carried.” That honourable gentleman whose words of yesterday I have just now quoted, read some remarks made last session by the Right Hon. the leader of the Opposition in the Commons relative to this delegation. Those quotations fell upon my ears as the utterances of prophetic vision. What has occurred, if not prophesied by that right hon. gentleman, yet were the fears he then entertained that, in the haste and patriotic desires

of the mover of the resolutions to secure a treaty, the interests of this country might not be well and maturely considered. I have not read the printed speech of the hon. gentleman from Toronto, but in noting his utterances I understood him to say, that the money value to be estimated and paid by the Washington Government for the use of our fisheries was distasteful, whether he said or meant to the Government, himself, the country or the United States, I will not venture to assert. Certainly it is the first time that I heard any Canadian utter such a sentiment. It can quite well be understood that the United States would gladly rid themselves of such a large pecuniary obligation. The most cautious of their leading business journals admit we have a good claim to the extent of from two to three millions of dollars annually; whilst our country claims, on facts, figures and grounds, strong and unanswerable, a sum of money equal to double that amount. We may fairly infer that the Government at Washington, in view of this obligation, and in a desire to delay or get rid of it, may have been disposed to dally with our Government and the plenipotentiaries. Surely the Government cannot be commended for not seeing to it ere now, that the money value of our fisheries should have been fixed and determined. And before embarking on visionary treaties, with such a sum of money fixed and determined, we could have better met in treaty making at Washington. The Maritime Provinces naturally take a special interest in this question of compensation. By the laws of nations and treaties, in every sense they look upon the fisheries as an integral part of their territory—as much so as the fields, mines and forests—hoping to see a Government in power that will be alive to these maritime interests, and concede some equivalent for the rights surrendered—not attempting to barter them away—worse than that, cast them as a bait for a treaty, which in itself would give such one-sided concessions. I would ask the indulgence of honorable gentlemen for a short time to a few dry facts and figures, showing our commercial relations, with advantages and the disad-

vantages that have accrued to us before and since the Americans repealed the Treaty of 1854. By the Washington Treaty we leased our fisheries for twelve years on condition that their cash value over those given us by the United States during the twelve years should be determined by arbitrators, and paid over to us. Mr. Rothery, an English juris-consult, was sent by the British Government to the United States to make necessary arrangements for giving effect to this arbitration, and was busily engaged getting up facts and evidence when our present Government interfered and offered to merge our fisheries in a Treaty of Commercial Reciprocity. The value of our fisheries is so great that they can scarcely be valued in money. Three years ago over 210,000 tons of United States shipping and 30,000 seamen were engaged in our waters, the return of our fisheries to the United States being about the yearly value of \$15,000,000. They acknowledge their indebtedness to us in money for the fisheries, the amount only being undetermined. We say \$5,000,000 annually, the United States placing it at or under half that money. The official returns of the United States show that from 1820 to 1854, when no treaty existed, we bought merchandise from the United States to the value of \$170,000,000, whilst they purchased from us less than \$70,000. Our accounts show that during the treaty from 1854 to 1866 the gross trade between the two countries was about \$630,000,000, with a balance in favour of the United States about the same as it was during the same period preceding the treaty, viz., about \$100,000,000. Added to this, the United States had the free use of our inshore fisheries, worth to them millions of dollars annually, the free use of the St. Lawrence, and also the use of our canals at nominal tolls. Thus it cannot be doubted that the treaty of 1854 gave an enormous preponderance of advantages to the United States. The annual average of our foreign commerce outward and inward, including that with the United States, was, during the Reciprocity Treaty, \$115,631,324, whilst from the time of its repeal we had to look for new markets for our surplus products, which brought to us a large

carrying trade with foreign countries' previously in the hands of our American neighbours. This foreign trade built up our merchant marine, giving us high rank and position with other nations and advancing our foreign trade in 1873 to \$240,000,000. During the treaty more than half of our foreign trade was done with the United States, since then less than one-third; whilst from the United States Treasury reports it is shown that from time immemorial up to the repeal of the treaty in 1866, there was a large cash balance of trade in favour of the United States—whilst the same report show that yearly and every year since the repeal that balance is largely in our favour—amounting in seven years (up to 1873) to the large cash balance in our favour of \$51,870,000. With regard to cattle, the average value annually exported by us to the United States during the treaty, even with war prices, was only \$2,200,000, whilst since the repeal the animals sent by us to the United States averages the yearly value of \$3,500,000. Our lumber trade, although under present depression, is most encouraging; in 1873 the home valuation of exported lumber was for that year \$25,586,816, whilst it must have reached double that value at ports of sale. This is quite independent of the incalculable amount of the lumber used in our own home manufacturing, agricultural and building industries. During the treaty the annual value in U.S. of lumber imported from us was \$3,000,000, whilst since then it has averaged \$8,000,000 yearly. During the whole thirteen years of the treaty the aggregate value of all our lumber in the U.S. was only \$39,000,000, whilst for the first seven years since its repeal its value has been \$57,000,000. And the prices of lumber have been so far in excess of what they were, or are, on this side of the line, that the only deduction there can be is that the consumers, not we, pay the duty. And so it is with many other articles that the U.S. must have and cannot conveniently or profitably get elsewhere. Of the articles of which both countries have a surplus we now have a large amount of the shipping and sea-going trade. The customs duties now imposed by the U.S. not

only make us the manufacturers and shippers of our own surplus products of wheat, flour and other articles heretofore bought by the U. S. and manufactured and shipped by them to market, but we are large shippers of their own surplus products of the west. It is shown by U.S. official returns that in the year ending June, 1873, we purchased from them, for shipment to other countries, \$2,500,000 of pork, 7,600,000 bushels of Indian corn, 6,300,000 bushels of wheat, 435,000 barrels of flour, and 210,000 barrels of corn meal. We, in 1873, added to our merchant marine 152,226 tons. The people of our Maritime Provinces have been and yet are largely investing their earnings in building and sailing ocean clipper ships, notwithstanding the unwise policy of this Government in taxing that most important industry. Our ships are found in every part of the world, and at present doing a large part of the foreign trade of the United States. Although we are numerically a small people compared with the United States, yet their trade with us is the best they possess, if we exclude Great Britain and her other colonies. Of the total export trade of the United States in the fiscal year 1871 to 1872, including foreign goods in transition to foreign countries, we took nearly \$60,000,000, being about the tenth part of the United States traffic with the whole world. I will now further crave the indulgence and permission to read a paragraph clipped from the *Boston Post* newspaper, which to my mind largely expresses the views of the New England States, not to lose the chance, which the draft treaty offered, to build up and enlarge their possessions and trade at our expense.

"To allow so favorable an opportunity for extending the manufacturing and commercial power of New England to pass unimproved from sheer indifference to its splendid promises, would argue a neglect so culpable as almost to throw the professions of the representative system into permanent popular disfavor. It may not occur again in our history. *Let Canada knit the fibres of her independence still more firmly and she will become less disposed to make mutual*

terms with us than now. Her natural products will find other outlets for the world's consumption. Her manufacturing system will extend rapidly. She will sail with her cargoes directly past our doors to supply West Indian and South American markets, which ought to be entirely our own. Boston will not, then, become the distributing centre for the Maritime Provinces, and less and less for New England. Our proposed railway and canal connection with the Lakes and the great grain region of the North-West will be shorn of a large portion of the positive advantages. And instead of New England's practically doubling her population, and more than doubling her industrial and trade prosperity, she will exist with a powerful rival on the north and east, and another rival on the west of the Hudson. What we need in these six small States now is expansion; to throw out our hooks for grappling objects: to form fresh alliances; and to conquer the East in order to strengthen our necessity to the West. We are persuaded that the proposed treaty would secure the object in full, and therefore every representative of New England at the seat of Government should manifest such an interest personally in the reciprocity proposal as would create a permanent impression of its commanding importance as a legislative measure."

We ought to translate this article thus: "This reciprocity will prevent the fibres of Canadian *self-reliance, independence and unity* from being knit together. It will prevent Canadians from continuing to seek independent markets, and will make them hewers of wood, drawers of water, and carriers of their raw materials to us for 21 years. It will make the Maritime Provinces yet more subservient to us; spoiling them of their great fisheries without compensation, and denying them our coasting trade. We will grant them the privilege of building up our merchant marine, thus relieving them of our carrying trade in their own vessels to and from foreign markets, which they have so largely enjoyed since the repeal of the treaty. It will prevent Canadian manufactures from expanding. We will throw our hooks for grappling objects, conquer and

compel them to make their abode with us. We will break up their Union, and prevent their trade from growing in the north and west. We will have all the advantage. If we failed to injure them without a treaty, we must injure them with a treaty. When these British colonies were "*plantations*;" when their then inhabitants were confined to planting and sowing; when they were prohibited from spinning their flax and weaving at their family hearths; when they were simply intended to be producers of raw materials to be manufactured outside their borders, I say then, and under such circumstances, this proposed treaty would have been a boon to us. But we have burst the cords of monopoly and centralization, have achieved our commercial independence, and stand preparing ourselves for high rank in the manufacturing progress of the world. The honorable Secretary of State seemed to complain that partizan feeling in this country had been busily at work to defeat the proposed treaty. I have looked in vain, in this, the other branch of Parliament, and in this country, for feelings or expressions so sordid. The universal wish was that the honorable gentleman from Toronto would be successful. When I met that honorable gentleman in June last at Washington, closing up his mission, I expressed my opinion that the Maritime Provinces, at least, would not be favorable to the terms spoken of. After the draft treaty was sent broadcast over the country there was no outburst of condemnation. It was considered calmly and without prejudice, and little by little the public mind was formed against it, and leading men of all political parties, business men and capitalists everywhere, the Boards of Trade and other commercial associations, all rejected it. Even some of the staunchest men in the reform ranks declared, and yet declare, it criminal to the best interests of the country. This shows a deep seated patriotism in our country, and that sectional and party feeling will be laid aside when the interests and honor of this Dominion are endangered. The honorable the Secretary of State drew our attention to the large population of the United States—"the forty

millions of consumers of our surplus products"—but he at the same time failed to tell us that in proportion to its population there was a corresponding number of producers, with old and extensive establishments in every branch of industry, not only able to supply their own home market, but having a surplus ready to cast, and which they would be able to cast, if this draft treaty was confirmed, against our infant manufacturing industries, crushing them out of existence. As I before said—we were not desirous of going back to the days of our ancestors, not fully satisfied with farming, lumbering, fishing and digging up coal and carrying it to our neighbors. True it is, and we are thankful, we have plenty of these and to spare, and would be pleased to give our over-abundance to our neighbors, and ready to treat with them in reciprocal trade. But good as their markets would be for us in those products, it is in the interest of each of those industries for us to build up a home market—the best and safest market in the world for the farmer, and one that, if cultivated, would not only enrich us, but expand the growth and vigour of the country, and diffuse life and energy in every branch of industry. The home manufacturer is the best friend of the farmer. The farming interest must ever be our first care. We exist only through that industry, and it is to be hoped that the time will never arrive when, through rash and non-reciprocal treaties such as this we squander everything in useless projects, and for revenue look to the farm and the forest, by direct taxation or imposts. To provide against such a state of things, and in order to be a rich country (the only way to be such) we must build up and encourage our manufactures. We have coal, iron and water power in abundance for them, and a natural highway by lakes, rivers and the ocean for carrying our surplus wares and merchandise. We are not in want of ships to do the carrying. Our Maritime Provinces build them in size and beauty to suit all trades, and to be the pride of the ocean. Why, then, should we despair, why go grovelling to Washington, when we have everything around us in abundance. We need but help our-

selves, and aid and support each feeble industry that can reasonably (in time) be able to support itself and return with profit the aid it has received. The hon. gentleman from New Brunswick who preceded me showed most conclusively the great value of the farm products of the Dominion, and the advantage to the farmers the home market must be. It is to be hoped that our other branches of industry will so expand and our population increase that our Dominion will not have a barrel of flour to export. I shall say nothing about dairy farming, as I believe there are gentlemen here who can show clearly the injury the defunct treaty would have had on that largely developing industry. The argument that we could sell our ships to the Americans is that we could sell our carrying trade to them also. A poor business for us to allow Americans to build vessels here to compete with us when competition is so close. Our ship-building material is getting scarce; little profit is made on building vessels. It is the sailing of them that enriches our country. We hear a great deal about free trade and protectionist theories, but in practice they often have to be modified. We must have revenue, and if in raising it we can help on and protect our infant manufacturing industries from being sacrificed by cheap goods from our neighbors, or else when should we do it. With our country just starting into life it cannot be supposed that we can at once compete with the manufactures of the old wealthy countries. We should learn wisdom. Germany guarded and fostered well her manufactures, and is now able to compete with England in the English markets. The treaty would have deprived us of four millions of dollars annually of our revenue; the annual value of our fisheries to the Americans, say four millions more; then under it we would have had to build and enlarge our canals for the Americans by the end of 1879, at a cost to us of say, ten millions of dollars more. The coasting trade of the St. Lawrence and lakes, all this for nothing, as a sop to induce them to exchange certain commodities with us. How could we possibly make this up. This Government last year

raised the taxes on us to the tune of four millions of dollars. Nothing more can well be borne by the country. We are even borrowing money—and must continue to do so for our public works, and to meet our binding obligations. We must build the railway to the Pacific—and there were other large demands on us. We have enough burdens, and ought not to sacrifice our country to any extreme free trade theories. If this proposed treaty had been forced on us, nothing but direct taxation could have followed; we could not have discriminated against Great Britain. How absurd to call this reciprocity when such a heavy bonus was to be paid. To give up the free navigation and coasting trade of our inland waters was certainly enough, without offering to divert the natural trade of those waters from Montreal and the Province of Quebec and the Lower Provinces, by cutting and making the St. Lawrence tributary to the American system of internal navigation. A canal to Lake Champlain, giving the Americans the carrying trade to our great lakes and the products of our country to be handled by them, and re-shipped from their ports to the market of the world. I would for a moment turn the attention of hon. gentlemen to the second paragraph of the fourth article of the proposed treaty, which reads thus: "For the term mentioned in Article XIII, no other or higher duty shall be imposed in the United States upon other articles not enumerated in said schedules, the growth, produce or manufacture of Canada, or in Canada, upon such articles the growth, the produce, or manufacture of the United States, than are respectively imposed upon like articles the growth, produce or manufacture of Great Britain or of any other country." This seems to be very unfair—as the average duty levied by the United States on British goods is higher than the duty on such goods in Canada. For instance, British manufactures are admitted here at a much lower duty than is imposed on some articles going into the United States. If we undertook to manufacture here and sell in the United States any portion of the wares she imports from Great Britain we would find ourselves in this position; that although

we admitted the wares from Great Britain at a small duty, we would have to pay duties in the United States on the like wares manufactured by us, say, to double the amount. Our infant manufactures having thereby to contend here with cheap goods, and low tariff, and in the United States with a high tariff, excluding them from their market to the advantage of their own manufactures. Then the free list B. of agricultural implements would shut up many of the agricultural machine shops here. And I would further remark as to that list, and the following one, C., that many of the articles enumerated are covered by American patents of invention, so that we could not find a market at all for such in the United States, so that so far it is a delusion and a snare. The more we study this draft of a treaty, the more we must come to the conclusion that the Americans would again have the best of it; it is full of profits to them, but barren to us,—more than that, injurious to our best interests, materially and commercially. Capital, we all admit, is the fruits of labor, whilst labor is the creation of capital, so it is with the manufacturer and consumer, and with all the various great branches of our trade and business, they cannot be hostile to each other, they do not run in parallel lines independent of each other, but all tend and converge to one great object, the prosperity and advancement of our Dominion. One cannot be sacrificed without injuring the other, one great industry cannot prosper at the expense of the rest. It is our duty, then, that we should legislate, so that not one of our infant industries suffer. (Hear! hear!)

HON. MR. BROWN said that he had been very much astonished at his hon. friend (Mr. Wilmot) having quoted some remarks as having emanated from him. Had he looked a little further he would have found that he (Mr. Brown) never made the remarks. In fact he never spoke upon the subject. The volume from which the hon. gentleman had quoted was by Col. Hamilton Grey, who had been concerned in a little personal affair along with him (Mr. Brown), and to show the animus of the author against him he read an extract from the book in which he was

characterised as a public man in no very flattering terms. Mr. Brown then proceeded to read from the book itself at great length, for the purpose of showing that his views at the time referred to were not what the hon. gentleman had attributed to him.

HON. MR. REESOR thought the discussion of this question was very similar to a *post mortem* examination on a dead infant. He considered it was very fortunate for the people of Canada that this proposed treaty had failed. There was of course a difference of opinion relative to this question. There were a large number of people in favour of incidental protection for our manufactures, who were opposed to this treaty. By incidental protection was meant simply that no heavier duties should be placed upon the goods manufactured in Canada, than upon those manufactured out of it; that if an import duty of 17½ per cent. was put upon goods that we did not use, the same should be levied upon those that we did use. The money that was raised by duties on imports might as well be levied upon such articles as we did manufacture as upon those which we did not. The tax upon the people of the country was not increased by this means, and hence it was called incidental protection. Those who were in favor of the trade in theory had hitherto sustained the principle of this incidental protection. There were some who thought that a heavier duty should be put on articles which were manufactured in the country in order that those manufactures might be nursed and stimulated. He thought this was a great mistake. For the last twenty years there had been a protective policy, a policy sustained by Sir Alexander Galt, and advocated by the then Government, although he believed one of its members was in principle a free trader. That policy had also been sustained by the Coalition Government of which his hon. friend was a member, and for whose action he supposed he was responsible. At any rate that government had raised no objection to a protective policy. Since then there had been two governments formed; they had been in power for a long time; and not only had they sustained the same policy, but the

Premier of the present Government, who had declared themselves in favor of the treaty, had advocated the same policy. His hon. friend himself had pointed that out.

HON. MR. BROWN—I did not know it.

HON. MR. REESOR remembered the right Honorable Premier's making a speech at Hamilton to his constituents, in which he declared himself in favor of the policy which had been pursued by the Government for a number of years, and further remarked that there was no party in Canada that took a different course, that no party, as a party, in Canada advocated free trade, but that they were in favour of incidental protection, and then, that he was in favour of that policy. In the draft of the treaty before them, there were no less than forty articles manufactured here proposed to be admitted free of exchange between Canada and the States, and consequently there would be no duty upon similar articles from Great Britain. Now the effect of that was to place them on a new footing with Great Britain, so far as their manufactures were concerned, for their means and capacity of manufacture were by no means equal to hers. It was said that the people of Canada were just as enterprising and could manufacture just as cheaply as the people of Great Britain. But was that the case? When they took into consideration the fact that money in Canada was worth eight per cent., and was as difficult to obtain at that interest as in Great Britain at four per cent. and when they also took into consideration that labor was twice as high as in the old country, how was it possible that they could manufacture the great majority of articles that would be brought into competition as cheaply as the Mother Country. It seemed to him utterly absurd, and he thought that the manufacturers of Canada who looked into that matter were of the same opinion, and were fully convinced that they were unable to compete with Great Britain with a policy of free trade. This was a serious matter. When they considered that the growth and wealth of Canada had been extraordinary during the last twenty years, since their manufactures had

arisen; when they remembered how those manufactures had been fostered and encouraged during that period, he thought they were in a position to cease from being hewers of wood and drawers of water for their American cousins. Every nation that looked simply to its own natural productions for its sustenance must be in considerable danger at every failure of crops, but when commerce grew up by the side of agriculture that country would become wealthy, and would be in a position to bear a failure of crops or any reverse without suffering seriously, or being at the mercy of any neighboring country. Canada was in this position, and might safely trust to her commercial industries to help her in time of need. Then again, with regard to the experience of the past they found that since the abrogation of the treaty their manufactures had grown up far more rapidly than before, while the increase and consuming power of the population had more than corresponded. Since 1866 other trades and other industries had sprung up, and we were not suffering in any way from the cessation of our former relations with the States. Indeed, so far was this from being the case, our markets for breadstuffs, pork, beef, mutton, corn, &c., was fully equal, if not superior, to that of our American neighbors, and not only that, but we have imported largely during the last eight years these very stuffs from the Americans themselves, besides various other articles which we had used in packing, manufacturing, or in re-shaping from the raw state. Had they not been able to make a profit from this, our merchants would not have done, nor continue to do this. The quantity of corn, pork, and similar articles imported in this way, had quadrupled during the last eight years. Then again we had the carrying business, and not only our merchants, but our railways and our ships had been fully employed. All had made something by these operations. We had not put a duty on American raw productions, and when the canal was enlarged and we obtained a still larger amount of their trade, it was proposed to continue the same policy. By the abrogation of the treaty the Americans

had lost the transshipment and carrying trade, besides other business, which had been transferred to the hands of our people. The effect of our not being obliged to depend upon American enterprise, for our market had followed that abrogation, and in consequence we had attained a position such as we had never enjoyed before. The country had never been in so prosperous a condition as during the last eight years. In only five years out of the fifty that preceded the abrogation, had the balance of trade been in our favor; while since then the balance had been repeatedly on our side. Under these circumstances they had nothing to fear. Why should they be under any apprehension as to the American markets, when they had not only a market elsewhere, but they could afford to buy even from the markets of America, and actually sell at a profit? He did not think there was much to complain of from an agricultural point of view. There were certain articles on which the Americans had not so large a market as ourselves, and on which they, the Americans, imposed a duty. For example, they impose 15 per cent. on barley, and for a short time the price of barley was lowered, but the effect was that our farmers would not go on producing at a price which did not pay them as well as their other crops. There was a slight falling off in the production for a year or two, and the Americans found they were obliged to have our market and so built up the price. They had taken a large quantity since then, and during the present year the prices ruled higher than during the Reciprocity Treaty. In the neighbourhood of West New York, not far from Niagara Falls, a district famous for raising barley, the prices obtained were about the same, at any rate no higher than those realized by the Canadians. We had the name for producing a superior article, and the American buyer in coming to our market knew he could get a large quantity and superior quality, and paid a good price in order to secure it. Canada was suffering nothing, and was in need of nothing. Why should we disturb this state of things, run the risk of changing this prosperity by compelling the manu-

facturers of Canada to bear the importation of British manufactures without any duty at all. The only protection they asked, and they only asked it incidentally, they did not demand it for their own especial benefit, was that the duty should extend over articles manufactured by the Dominion, rather than over those that she did not manufacture. The lucrative manufactures in our midst, which were adding vastly to our importance, would feel the benefit of such a policy. To show the general affluence, he would point to the extent in which the capital in our moneyed institutions had increased, a capital to which the farmers contribute no small amount. In the Eastern Province since Confederation, and since a higher duty had been placed on foreign manufactured articles, they had commenced to manufacture themselves. Large manufactures had also sprung up in New Brunswick. As to the hon. gentleman who had conducted the negotiations, he thought that no one could have been selected more worthy of the position, but after finding out that he had consented to a draft treaty, which vastly extended beyond our old treaty, he thought the hon. gentleman was in danger of leading us to very disastrous results, and he was quite glad, therefore, that he had failed. He only hoped that as the Americans would soon find out what a loss they had suffered in not accepting the treaty, and as there was a possibility of negotiations being again revived, he only hoped that the Government would give that serious consideration to any future proposals which the importance of the question deserved. Trade relations of so important a character should not be entered into hastily. If we had entered into the present treaty we should destroy four-fifths of manufacturing interests of the country, our trade would be forced into different channels, and by the end of twenty years we should have to accept such new terms as our American neighbours would propose for annexation, or start entirely anew and hunt out fresh markets. The disasters in trade from the change which would have been forced upon us would have been most serious. A large portion of our manufacturing establishments would have been

thrown over, and he apprehended that the time was very far distant when a policy like the one proposed would be agreed upon. The policy of admitting the raw products of the States free of duty was a wise one, and he hoped it would not be long before their neighbours adopted the same plan with regard to the raw articles of the Dominion. We should, as far as possible, encourage the carrying trade with South America and the West Indies, which we had taken away from the States, as it would add to and develop our resources. At the present moment our internal prosperity was great. Our manufacturers and agriculturists enjoyed and promoted the general prosperity, and were working hand in hand to make this a great country. Why should they disturb this happy state of things by forcing a policy upon the country the final result of which no man could foretell.

Hon. Mr. McLELAN—I agree with all that has just been said by the hon. gentleman from Markham, except in his opening remark that the discussion is a post mortem examination. It is true that the text of this treaty cannot be treated as a living question, but the hon. member from Toronto, who has been the chief actor in this matter today, read to us long extracts from the history of reciprocity, all showing plainly that for a long period it has been his chief theme. He has also informed us in his reading that he is "a man of indomitable perseverance," and having that characteristic, it should not be assumed that he will let the question rest. Under those circumstances I deem it of the utmost importance that the general question should be discussed, that opinions from all sections of the country may be elicited. The hon. member from Toronto, in speaking to his motion, frequently referred to a pamphlet which I find in the hands of a few favored members, and which, I a sume, is official, and contains the terms assented to and approved by the hon. member and the Government. Having, then, before us a treaty to which the honorable gentleman would bind us for twenty-one years, it is, in view of the fact that they may at any time renew negotiations, our duty—the duty of the whole

country—to discuss these terms and give to the hon. gentleman our approval or disapproval. Were the question here for definite action, were we called upon at once to vote yea or nay, the responsibility of our position would be more directly felt, and I, for one, should regret the want of that intellectual strength and breadth of view which the hon. gentleman says is necessary to its proper consideration. This proper consideration, I suppose he means, is to a conclusion agreeing with himself. I do not complain that the hon. gentleman has told in what way only this question can be viewed, but I do complain that in the outset he should have attempted to coerce our opinions by proposing to bring back from the grave the old statesman of our country to express astonishment and amazement if any one in this House should be found expressing hostility to this treaty. When he threatened us with the displeasure of those great men who have passed away, I confess to a feeling of anxiety for a moment. It occurred to me that the hon. gentleman, whilst acting as the medium of the Government, chasing this treaty phantom over in that land of spiritualism, had become another medium, and that we should have here a seance. But, hon. gentlemen, I remembered the precedent and was calmed. I remembered that in the only case we have authority to accept as precedent, the spirit of that great and good man Samuel, when called up, did not give that pleasant and comforting message hoped for. And had the hon. Senator become a medium, with power to call back the spirits of the great men gone, I am satisfied he would not get from them an argument in favor of the conditions of this treaty. They would be much more likely to say to us, "It is true, under the old reciprocity, your trade was large, but the Americans, by their own act, repealed it, and you have not suffered. Your trade with the outside world has already doubled; you export now more than twice as much per head of population as the United States; putting aside the article of cotton, which you do not grow; your exports are four times as much, man for man, as your neighbors across the lines; you are

planting manufactories all over the Dominion : laying the foundations of that unlimited power for the creation of wealth. You are building and owning the finest merchant navy in the world, according to your population, and in every respect prospering beyond any other people. You have united these British American Provinces under one Federal Government, requiring now in the outset all the skill and care of your statesmen to facilitate and encourage intercourse and interchange amongst yourselves that the agricultural, manufacturing and commercial interests may be blended into one harmonious whole, and the union of these Provinces made a grand success instead of a mere name and an Act of Parliament. The hon. gentleman from Toronto and the Government thought differently, and they again, without seeing any change in the general policy of the United States Government, sought a renewal of reciprocity. And here I desire to say to the member for Kingston that it was unkind to charge the Government with having sent the member for Toronto down to Washington, cap in hand, begging for a treaty. I say it was unkind to remind us of that weakness which is somewhere found in all great men, of that folly which all wise men occasionally manifest. We shall be taunted with this no doubt by our neighbours, and we must all feel grateful for the strong assurances given by the hon. gentleman and repeated by the hon. Secretary of State, that the action of our Government throughout has been extremely dignified. What a satisfaction it must be to us all. What a comfort it must be to the country to be assured on such good authority that our weakness and our folly is at least highly dignified. But there is often a wide difference of opinion on points of dignity. The hon. mover of this resolution has declared that it would have been un-dignified and beneath us to have accepted the money consideration named in the Washington Treaty, for the right to fish in our waters. I have had the honour of a seat in this House a few years, and I have never yet seen the time and the occasion when it was undignified to obey the instructions of Parliament. The Washington Treaty

was almost unanimously adopted by this Parliament and approved by the country. One of the clauses of that treaty provides for a money consideration for the fisheries, the amount to be determined by arbitration, and instead of being a loss of dignity, it was clearly the duty of the Government to follow the provisions of that clause to a conclusion. The hon. gentleman has described the immense value of the fishery rights we surrendered under that treaty, and it was not only a duty under the action of Parliament to obtain and determine this value, but also as a matter of policy, he should have had it in hand before approaching the Americans for another treaty. The hon. gentleman went on his mission practically empty-handed. He had before voluntarily surrendered everything that would aid in such a negotiation, and this unsettled value—this unknown quantity, did I venture to say—give no aid in the attempt to solve the problem. But apart from that, experience every day teaches us the danger in delays; that in cases of this nature, whether with individuals or companies or Governments, the longer a matter is left unsettled the greater the loss. And whilst it would perhaps be going too far to say, that the only reason why the Americans listened at all to our Government was to postpone indefinitely the settlement of this indemnity, I think we can safely assert, that it is now quite improbable that we shall ever get a dollar in return for the surrender of that immense wealth described by the hon. gentleman. The result of the hon. gentleman's mission is before us in this pamphlet, in this dead treaty—dead because it attempts to embrace so much, it necessarily failed; so many interests are involved, so many are affected, as to create on both sides general alarm, leading to powerful combinations for its defeat. In this case we have only cause for congratulation, and should we ever obtain admission for our raw materials into the United States on anything like fair terms, it will be when the strong feeling of that Government for home protection has abated, and then only step by step. We have unquestionably a surplus of a few articles it is desirable to send them, but

we may in the export of raw material exceed profitable limits. It is not possible to be a thriving country, to ever attain a great position and continue more exporters of the raw material; and perhaps purchasing back the same material at enormously increased cost when manufactured. Our aim should be to discourage this, and promote in all reasonable ways the working up of our own material; to give employment to our people, to provide a labor market that will attract population, and add to our wealth. The history of all ages since the decree was given that man should earn his living by the sweat of his brow, shows that industrial labor forms the foundation on which rests the happiness of the individual, the prosperity of the community, and the greatness of the empire. The position of England has been cited in this debate. That position she owes to the employment of her people in factories. An illustration of the enormous increase in value given to raw material is found in her cotton trade. All her raw cotton is of course imported. In 1870 the value of imported was £53,469,753 whilst the value of manufactured cotton goods exported was £72,821,411, giving a profit of about £18,000,000, besides having for home use 1,101,675,008 pounds weight. In 1871 there was a profit of nearly £17,000,000, and 1,409,905,616 pounds left to clothe her own people. In 1872 there was a profit of over £26,000,000 and the home supply. This shows how enormously the employment of labor and machinery multiplies the values of raw material, and our attention should be given to see that we are not impoverishing our country in the export of that which may be profitably manufactured, and have additional labor and increased value given to it. Parliament recognizes to a small extent the importance of adding by labor to the value of raw material, and imposes an export duty on saw logs, shingles and stave bolts. Agricultural produce does not admit of much, if any, increase in value, and must at once find a market, but it has been clearly demonstrated in this discussion that the proposed treaty does not provide such market for our surplus; the Americans themselves pro-

ducing and exporting an enormous surplus. The returns for 1870, 1871 and 1872 show an average value on export to Great Britain, of about two hundred and forty millions, in articles mainly under the head of agricultural, so that that important interest cannot under this treaty be benefitted. It is difficult, indeed, to find where the benefits to us be. The hon. gentleman tells us of the inland coasting trade, and in almost the same breath in which he held it up as a boon he declared that the Americans have nothing to fear as they have the lakes and inland waters covered with a fleet of 5,276 vessels of 788,000 tons, which will enable them effectually to keep the trade in their own hands. There is then practically no advantage to our shipping interest in this, and I very much fear that interest does not receive at the hands of the Government that consideration which its importance demands. A cause for this has been assigned in the fact that it is supposed to have but few votes in the country at elections; that the men who navigate and sail our ships are at sea, and cannot cast their votes for or against a Government; however this may be, the time is coming when this interest will be a power to demand consideration and any treaty for reciprocal dealings between ourselves and the Americans should give us the seaboard as well as the lake coasting trade.

HON. MR. BROWN—I quite agree with that, but the difficulty is in getting it.

HON. MR. McLELAN—Well, then, I hope the next treaty the hon. gentleman assents to will give to the ships of both countries free coasting, inland and seaboard. In the terms of the treaty under consideration, it is provided that the American ports shall be open to us for registry, or in other words, that we may become ship-builders for the Americans.

HON. MR. REESOR—"Hewers of wood" for them.

HON. MR. McLELAN—Yes, but we have had enough experience as "hewers of wood" for others. The practice in the Maritime Provinces formerly was to build ships for sale, and I scarcely knew a man who followed that business but was ruined.

HON. MR. BROWN—Where did the money come from?

HON. MR. McLELAN—No matter where, the fact is the same, that the builder had a life of anxiety and toil, and generally died in the bankrupt court.

HON. MR. BROWN—That was too often the case; but it should be remembered that merchants in England supplied the money and materials to build the ship, which was sent home, forced on the market, and sold for whatever she would bring. All this has now happily passed away.

HON. MR. McLELAN—Yes, and we should thank God that it has passed away, and take care that we do not find some of our people lacking in experience, meeting with like disastrous results in building for the American market. Experience has shown that our true policy is to build for ourselves, to build and sail our own ships, and take as large a share as possible of that hundred millions the hon. gentleman informed us the Americans pay to foreign ships for the carrying of their goods. Did the hon. gentleman think to move our sympathies by reading that portion of President Grant's message, and telling us that American tonnage has greatly declined, and that they want our ships. I hope we shall not be so moved. We have no ships to spare and no timber to build for them; we require it for our own use. It is not in the United States alone that enormous sums are paid for shipments. The products of every clime have to be carried and distributed, and the people who own ships and are the distributors will gather taxes from all nations. The hon. gentleman, in describing the great decline of American shipping, did not refer to any of the causes. Will honorable gentlemen permit me to remind the members of the Government of the main cause. In a time of political blindness, in an hour of financial madness, the Americans imposed heavy taxes on everything entering into the construction and equipment of vessels, going, I believe, so far as to make the repairs which their ships received in a foreign port pay duty on entering an American port. The result was that American shipping so declined that in 1872 only 24 per cent. of their own goods were

carried in American vessels. Remonstrances were made by boards of trade and State Legislatures, and in 1872 everything required in the construction, equipment, and sailing of ships was made entirely free. In all other respects the protective policy of the nation remained intact, but this was declared an exception which the public welfare demanded should be made. And yet, honorable gentlemen, we saw last year our Government, with this example before them, and with the light of the commercial policy of all ages, impose taxes upon our shipping. Surely this must have been a touch of that financial insanity which affected the Americans. It is true they subsequently yielded to public opinion and modified considerably the rates on some of the articles they at first taxed; but it must have strengthened somewhat the hands of the hon. member for Toronto, then at Washington, to have our Government adopting the policy of taxing this interest, showing the Americans that we were disposed rather to discourage the increase of our own tonnage that we might aid them. We shall not require to go very far in taxing materials for the equipment of ships to have it result in the hulls being sold to Americans, towed to their nearest port, and fitted out duty free. The hon. member for Toronto, in his opening remarks, referred to the old statesmen who have passed away. I should like to have him convey to the Government their views of this policy. I should abide by the decision of the men of any enlightened nation, and on that decision demand that all taxation be removed, and every legitimate encouragement be given to an industry so conducive to the public welfare, and in which so large a portion of our population has a direct personal interest. I should say the whole population; for its operations tell on all industries throughout the Dominion. I wish hon. gentlemen could sometimes see in Nova Scotia the army of commercial travellers coming down from Ontario and Quebec,

“ Like a wolf on the fold,
Hungry and hunting for ‘gold.’ ”

(Cries of oh! oh!)

Hon. MR. SIMPSON—Its poor pickings they find.

Hon. MR. McLELAN—Poor pickings indeed. Does the hon. gentleman know anything of the result? Has he ever seen that stream of agricultural produce and manufactured goods that all summer long pours down by steamer and sail on the Gulf and by Grand Trunk *via* Portland to Halifax and St. John, and distributed all over the Provinces; and all paid for mainly by the expenditure in our ship yards and from the earnings of our ships. Will my hon. friend consider for a moment that the annual gross earnings of the ships in the Dominion amounts to at least \$40,000,000 a year. Out of this we get the disbursements when in our own ports, the wages of our captains and seamen and the net earnings of the ships, all of which may be safely estimated at from twenty to twenty-five million dollars, so that in the employment given in the construction and the values affected yearly by building and sailing our vessels we have one of our most important interests. In Nova Scotia it may be said to directly affect all classes and both sexes. We own more tonnage, proportioned to population, than any other people in the world; men and women, families, whole communities holding shares more or less in ships. And let me say to the honorable the ministers present, that whilst I desire to see them enjoy a fair share of the Government of their country, and that their administration should be satisfactory to the people of Nova Scotia, they must not suppose that they can stand well with them if they impose taxation on that industry. On the changes wrought in our constitution lately there were in Nova Scotia strong differences. I had occasion to watch closely the phases of public opinion, and I am convinced that the removal by the late Government of all duties from ship material helped wonderfully to change more favourably to those upper provinces the current of public opinion. The hon. gentleman on the Treasury benches should never forget that when they touch that interest they move all classes in that Province. I hardly ever see a ship spreading her sails to the breeze and leaving our shores, but I feel that she

carries with her the resources and the hopes of a number of families. It brings to mind Longfellow's lines :

" A ship sailed from New Haven,
And for her, the chill November airs
That filled her sails, were heavy
With good men's prayers."

I do not, honourable gentlemen, mean to say that our ship-owners are all good men, or that they are specially given to prayer, but this I must say, that whilst they pay their full share of duties, independent of ship's materials (as they are paying) that if the Government pursues the policy of taxation on that industry, the November airs, and the summer breezes will both come heavy with the prayers of the people of the Maritime Provinces for their downfall. This matter specially concerns the people of the Maritime Provinces, but the interests of the Dominion at large demanded that that industry be not only kept free and unfettered, but in every reasonable way encouraged and sustained, so that competing, as it necessarily must, with all the Maritime nations in the world, it may win for us a fair measure of success. The proposition contained in the text of the treaty, to enable the Americans to take our vessels and build up their merchant navy, can surely be of no advantage to us, but may, on the contrary, prove an injury. But whatever difference of opinion there may be on this point, I fancy there will be none, and there can be no other view than that it would be most disastrous to our manufacturers to throw open our markets to American manufactured goods. The hon. gentleman who acted in this matter as the agent of the Government, admits this when he asks us to sympathize with the manufacturers, but he tells us that other interests will be benefitted by their loss. Surely there are no possible benefits that can compensate for the injury in paralyzing and striking down the infant manufactories of this country. The hon. gentleman can have no proper estimate of their importance when he speaks of them as "a mere drop in the ocean." He told us that he had before him the returns of the establishments to be affected, and he finds them only numbering 15,708, and employing only 68,013

men. I assume his returns are taken from the census of 1870, since which time our manufactories have nearly doubled, and it is safe to put the numbers at 20,000 factories, employing 100,000 men." It should also be considered that most of the men employed are heads of families, or have others supported by them, which will give a population of say three to 400,000 dependent upon the factories that would suffer were this treaty to become operative—one-tenth of our whole population; but "a mere drop in the ocean," according to the views of the hon. gentleman, to be struck down, that the agricultural interests and the wool interest may be benefited. In this discussion it has been clearly established that no benefits will accrue to the agriculturist, and are we to be told that our manufacturers are to be passed aside to serve the wool interest. When the hon. gentleman was uttering these sentiments, I could not help thinking of the ejections that were made from Scottish estates a few years ago in the wool interest. Whole districts swept of their population that the lands might be converted into sheep pastures, that the wool interest might be served. I admit this is not a case exactly in point, because our manufacturers are an industrious, active and intelligent portion of our population; by their skill and industry, adding to the wealth of our country, and it is not possible to benefit any interest to a degree that will compensate for their injury in the admission of American manufactures free. Honourable gentlemen, I see it is the hour for adjournment, and I must close my remarks, but I have been reminded just now that the coal interest would be benefited. I do not deny but there are several articles in the list, and amongst them coal, which it would be advantageous to us to have admitted free into the United States. But my position is this, that we do not by any means receive a fair return for what we yield to the Americans; that, indeed, it is not possible to give an equivalent for the destruction of our infant factories. I am therefore glad that this proposed treaty has become a dead issue, and the

progress which the honorable gentleman speaks of having made, is, I trust, a progress to the end; that the men of enterprise in this country may consider there is safety in continuing and extending their operations. We shall never obtain from the Americans any reciprocal trade on fair and just terms until there is a change of public sentiment in that country—until their cast-iron protection policy has been changed. And until that time comes, as come it may, we must seek elsewhere the best markets, and devote our energies to the improvement of our common country; in the means and facilities for intercourse and exchange of our productions, that we may come to feel a common interest, which alone can make union a reality. A few years ago I saw a young man in the West sowing wheat. As I watched him, I said to myself perhaps when God has given to that seed rain and dew and sunshine, and when it shall be gathered in the harvest, and converted into flour, it may go down to my own province to sustain the miner who will dig the ore that may be converted into some articles of use or ornament to come back to this man; or perchance it may form the food of a man who will build a ship to carry the harvests of these fields in succeeding years across the ocean, and bring back the products of other climes. My thought then was, as it now is—that it is needed to have this intercourse and exchange—this formation of a mutual interest, to make this Dominion a grand success. The hon. gentleman closed his remarks with an expression of faith in our northern blood. I, too, have faith and hope of it, and all hon. gentlemen around me share in that faith and hope, but I cannot refrain from telling him that when he proposes to place it in competition with our neighbours, he forgets the difference in age—he forgets that northern blood flows in our veins—that this confederacy has been but a few years in existence—and however good the blood, time and care must be given it to build up the tissues, to develop the muscle, and harden the system. What a painful picture to see a youth of high promise in an unequal contest, or by accident so crippled that his life become such a struggle for existence that even his best friends feel a

relief when he is laid beneath the sod. The proposition of the honorable member was to place this young country, a mere stripling youth, in the ring with one of the commercial and manufacturing giants of the world, and to throw away the sponge for twenty-one years. Can we doubt the result of such an unequal contest? can we doubt that our existence would be so crippled and blighted, that it would be a relief when we found our national grave beneath the stars and stripes. How much better the picture of a youth gradually developing his powers under wise care, and at length in the full strength of intellectual and physical manhood, meeting the just expectations of those who had faith in him. Let it be our aim to avoid unequal contests, to carefully develop our powers and train our energies to reach a manhood of which we shall all be proud; one worthy the two great nations from which we are descended, and worthy of this great country teeming with resources of field and forest, of mine and sea; this great country committed to our care and keeping.

Thursday, February 25, 1875.

After routine the following bills were read a first time,

An Act to amend the Act incorporating the Western Assurance Company, and other Acts affecting the same, and to extend the powers of the said Company. (Hon. Mr. Allan.)

An Act to amend the Act incorporating the Canada Car and Manufacturing Company. (Hon. Mr. Campbell.)

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law. (Hon. Mr. Scott.)

An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with felonies and misdemeanours. (Hon. Mr. Scott.)

An Act to make further provisions respecting the Central Prison for Ontario. (Hon. Mr. Scott.)

LANDS IN MANITOBA.

Hon. Mr. GIRARD said that the other day he had received an explanation from the hon. Secretary of State, and he did think that he could have no

more chance of complaining. He did not wish to be an obstruction to the hon. members of the Government in any way. That was one reason why he had addressed himself to the hon. Minister of the Interior, thinking that justice would be immediately rendered, but understanding that no steps had since been taken, he would expose the matter to the House and at the same time hoped to obtain an expression of opinion from the Government. He would refer hon. members to a question which ought to have been settled last session, but which was still in the same state as before. In the 32nd clause of the Manitoba Act it was arranged that all who were in possession of a tract of land at the time of the transfer to Canada, on which the Indian title had not been extinguished, should have the right of pre-emption on such terms and conditions as should be determined by the Governor. The speaker read a letter from one of the delegates of the people of Manitoba, who had been a witness before a committee, at the last session, appointed to enquire into the troubles in that Province in 1869. Under the then arrangements, read the letter, these lands were to be left free of charge to those in possession. The measure was characterized as of the greatest importance. A great step had been made to have that question settled since the last session. A law had been introduced and passed in the House of Commons meeting the views of the people of Manitoba. That bill only appeared before the Senate the day before prorogation; it had been amended by the House, the time being limited to the 8th of March, 1869, when the time of transfer had been the 15th July, 1870. They were therefore exactly in the same position as they were before, and he could not but characterize the amendment as unjust, and he thought illegal—unjust, because it was absolutely contrary to the disposition of the Manitoba Act; and illegal, because the right of appropriating public lands and public money rested with the Commons of Canada. The law had passed through that body, and land had been appropriated, and the Senate had no right; it was not in the power of this honorable House to amend the bill in such a way.

With this explanation he hoped the question would be perfectly clear. In asking, he was fulfilling a duty which his position imposed upon him. If this law were allowed a great number of people would suffer. For his own part, he had never been able to understand by what invisible hands such injustice had been committed. The remedy could be found in maintaining the un-amended bill, and he hoped hon. members of the Government, in their disposition to render justice to his province, would be actuated by that feeling, for what he asked was not as a favor, but in justice to Manitoba. He would therefore enquire whether, under the fourth sub-section of the thirty-second section of the Manitoba Act, all persons who took possession of lands in the said province on which the Indian title had not been extinguished, between the 8th March, 1869, and the time of the transfer to Canada, and who, at the time of the said transfer, were in possession of the said lands in good faith, would obtain the benefit of the Act passed last session for the relief of those who found themselves in a similar position on the 8th of March, 1869, by means of an Act putting on the same footing these last those who in good faith, and according to the usages of the country, took possession between the 8th of March, 1869, and the 15th of July, 1870, the day of the transfer.

HON. MR. SCOTF said the hon. gentleman had asked this question over and over again. He had commented on what he had considered ought to have been the course of the Government. If, however, he would refer to the bill of last session, he would remember that this House, more particularly the Government, desired to meet every possible contingency. In order to do that, and settle once and forever any grievance of which the people of Manitoba might complain, they had stepped over the constitutional boundary, and if March 1869, instead of June 1870, was mentioned as a limit, it was an oversight which ought to have been corrected by the hon. gentleman himself. He had been met by the Government in every manner possible, and he did not think him justified in accusing the hon. Minister of the Interior. If the Act were not wide

enough it should be made so this session.

HON. MR. GIRARD thanked the hon. gentleman for his explanation. With regard to the hon. Minister of the Interior, the speaker said that he had rendered justice to his Province on so many occasions that he hardly thought he would have been opposed to this, but that he had told him plainly that there would be no difficulty for those in possession, but that the others would be treated as provided by the Manitoba Act. He therefore thought it was his duty to speak about the matter. He was, however, perfectly satisfied with the views of the Government and accepted the explanation with thanks and gratification.

PROHIBITORY LIQUOR LAW.

HON. MR. AIKINS moved that the Hon. Messrs. Ferrier, Alexander, Armand, Benson, Bureau, Vidal, Flint, Girard, McClelan (Hopewell), McDonald (Toronto), Macdonald (Victoria), McLelan (Londonderry), Montgomery, Wark, and the mover, be a Select Committee to consider and report upon the several petitions relating to legislative prohibition of the traffic in intoxicating liquors; and also the report made by the Government Commissioners on the results of such legislation in the United States, and that six members of the said Committee shall constitute a quorum. The motion differed somewhat from the motion on the paper. There were two or three names added, and by the motion itself, the quorum was proposed to be reduced to six. He would remind the House that last year an Address on the subject had been adopted by the House. This subject attracted very little attention at the hands of the Government, although it would be remembered that at the last session of the Legislature, very numerous signed petitions on the subject had been presented. He believed there were more than 400,000 signatures to those petitions. They were referred to a Select Committee, who reported to the House, and the resolution was adopted, and a commission was appointed to take evidence in the United States where in some of the States a liquor law prevailed. So far as he could learn that information was not officially in

possession of the House. It appeared to him that these statistics were extremely valuable. They substantiated the view that wherever prohibition prevails, crime had decreased, the social condition and material interest of the people had improved, and inasmuch as this was a subject of very great importance, it was only right that this Address should have come down to the House in the usual and proper way. The motion, as adopted by the House, directed how that information should be brought down, and he did not think it complimentary to the House to treat its expressed wishes in such a manner. The members of the Government should at least correct, as far as possible, what had been done, by bringing down that Address in the way that the importance of the subject demanded.

HON. MR. SCOTT said that although the motion to which the hon. gentleman had alluded entailed a great expense on the finances of the Province, and was not such a measure as would ordinarily be granted, yet the Government desired to give every information to members of the House. There was one objection as to the form of naming the Commissioners, which he remarked. The ordinary way was for the Secretary of State to appoint them, whereas these had been named under the Seal. However, so far as the information was concerned, it made not the slightest difference. The hon. gentleman had simply criticised the form and shape in which the papers came down.

HON. MR. AIKINS—The papers are not in the possession of the House at all.

HON. MR. SCOTT believed the hon. gentleman was in possession of a blue book which contained the information. In order that the House should have the papers before them at the earliest moment, he had given directions that they should be printed three months in advance. They were being printed as rapidly as possible. He hardly thought it was in good taste to quarrel with what had been done. The usual course had been followed. The Commissioners had been allowed good salaries to enable them to make all the enquiries they could, in order, as far as possible, to lay before the House the desired information. Every possi-

ble facility was given, and every desire and wish on the part of the Government was that they should have the matter fully discussed.

HON. MR. AIKINS said that what he objected to was that they were not in possession of the papers at all. In deference to the orders and wishes of the House, the papers should have been laid officially on the table. The printed copies could have followed.

HON. MR. SCOTT—I believe each member of the House has a printed copy.

HON. MR. AIKINS replied that these copies had been distributed by the Joint Committee on Printing, whereas they should have been put in possession of them as ordered by the House.

HON. MR. SCOTT—I understand that when a report comes down to a Department, the head of that Department presents the blue book to the House. If the hon. gentleman desires it I will present it to the House in due form.

HON. MR. BUREAU stated, in regard to the motion itself, that according to practice in the House of Lords the quorum of a Select Committee might be stated in the motion appointing such Committee; also that the Select Committee must ask power to report from time to time if different reports were to be made.

The motion was then carried.

RETURN AND PAPERS.

HON. MR. MILLER moved for a return showing the number of appeals yearly to the Judicial Committee of the Privy Council from the Superior Courts of the several Provinces of this Dominion during the past five years.

The hon. gentleman said that this return was desirable in view of a discussion which would take place shortly. The motion was carried.

HON. MR. CARRALL said that before the discussion on Mr. Brown's motion was resumed, he would like to ask the Honorable Secretary of State when he thought it would be in his power to lay upon the table the printed papers in connection with the Dominion and British Columbia.

HON. MR. SCOTT said when he had promised that the papers should be

laid on the table to-day, he had faith in the promise of the printer that he would have them ready. If his hon. friend was on the Printing Committee, he had better take a note of it. (A laugh.) However, he believed they would be ready that evening.

RECIPROCITY NEGOTIATIONS.

Pursuant to the Orders of the Day, the debate on the Hon. Mr. Brown's motion was then resumed.

HON. MR. REESOR said he had stated yesterday that notwithstanding the abrogation of the treaty, Canadian merchants had been able to go into the markets of the west, and in competition with the United States purchase their breadstuffs and bring them to Canada. He had been informed by an hon. member of the House that this was certainly a misapprehension or a miscalculation, and that in fact he (Mr. Reesor) had stated what was not correct. He begged to submit to the House a report made by the Commissioners which was perfectly reliable. It said that in the year 1871-72 no less than \$12,493,082 worth of western products was imported into Canada, consisting of meats, swine, flour, Indian corn, and wheat, the latter being the largest import. The following year the same articles brought here reached \$16,224,365. The trade of that description had been increasing for a number of years. He (Mr. Reesor) went on to say in his speech, and he now repeated the statement, that the merchants of Canada would not have purchased these Western products unless they could make a profit. The ship-owners and others interested in the manufacture of these articles would never have made such a market for themselves unless it paid them well. If they had a market for American produce, surely then they must have one for their own. All this had been done without the benefit of free trade with the United States. Our duties had been taken off Western products in order to allow our people to avail themselves of this market. They evidently were not taken off to benefit the American. He was perfectly satisfied that we reaped a large profit from this trade. If the Americans wanted to act in like manner with our trade

let them do so. For his own part he thought we were in a prosperous condition, and that there was no need at all of the proposed treaty. The speaker then referred to the trade in barley that had sprung up with renewed vigor since the abrogation, and pointed to the profitable sales made out of this malt in England as one of the means that had tended to raise the price of it here since the treaty. In regard to manufactures, it was questioned whether it was in the interest of the farmer that he should have to pay a duty on imported manufactured goods. But so long as the Finance Minister had to raise a revenue of \$16,000,000, taxes must be placed somewhere, and if an import duty extended principally over articles of home manufacture, we should not have to pay any more taxes, and incidentally we should get what is called incidental protection, and this he thought we were entitled to. He was not a Protectionist himself, but he did claim incidental protection. He would not detain the House for a moment longer, but he had a little book in his hand—(the hon. member here produced a "little" book, one and one-half foot long, which was greeted with peals of laughter.)

HON. MR. BOURINOT—I rise to a question of order. The hon. gentleman has occupied the floor for an explanation, but he is making a new speech.

HON. MR. REESOR said he would only read an extract, and proceeded to quote the utterance of Sir Francis Hincks in the House of Commons in favor of incidental protection, in which he alluded to Hon. George Brown as being even more strongly in favor of that policy than himself. When they considered the policy proposed and accepted by his hon. friend on his right (Mr. Brown) in negotiating the treaty, when they saw him agreeing to the admission of forty-five articles free of duty from the States and from England, the greatest manufacturing country in the world, he thought that this was going a little farther than incidental protection. He made this explanation with the view of justifying the position of incidental protection, as advocated by the Premier, and by the majority of the people of Canada. The country

was not in favor of free trade, for they were well aware that it was impossible to contend with the wealth, experience and power in manufactures of Great Britain.

HON. MR. READ said in entering upon the discussion of the proposed treaty with the United States, he would do so upon its merits, as it affected the whole and no particular portion of the people. By the Treaty of Washington, lately entered into, it was arranged that for the use of the fisheries of this Dominion, in common with our people, the Americans were to pay whatever annual value might be arrived at by arbitration over the value of the fisheries used by our people in the waters of the United States. The time having arrived when it was incumbent upon us to enter upon the arbitration, it was thought by the Government a fitting opportunity to see if more liberal trade relations could not be entered into with our neighbours; a consummation exceedingly desirable if we could do so upon terms of equality and reciprocity. Acting upon this idea the Government instructed the Hon. George Brown to undertake the task, which he entered upon with great vigour, and, continued the hon. gentleman, I am one who think the selection a very unwise one, not on account of his lack of ability or want of knowledge of the subject under consideration, but from his well known opinions, dogmatically expressed, as to what the true policy of the country should be. The first question to be asked is, are the opinions held by the hon. gentleman in accord with the well understood opinions as expressed by the Parliament of Canada? I say, emphatically, no. The well known opinions as heretofore expressed by Parliament are, incidental protection, meaning the taxing of such manufactures as come into competition with those which are natural to this country to produce, leaving those that we are not likely to manufacture, to come into the country free, thereby raising a revenue, principally by placing the taxes upon such articles as are not profitably manufactured in Canada. Now, I contend, if this treaty is carried out it will place a large number of manufacturers at a great disadvantage, as they will have to compete

with England and all the rest of the world; a position they are not at present prepared to take. Another question to be considered is, whether the country is in a position to demand such a sacrifice from so large a proportion of our people? What is the position of Canada? Let us look at its state at the time of Confederation, and since; at the period of the repeal of the Reciprocity Treaty, and now. The first year of Confederation, our whole trade amounted to \$130,000,000. The trade of last year amounted to \$217,000,000, being an increase in five years of \$87,000,000. Our revenue in 1868 was \$13,468,000, and for the six months ending the 31st December, 1874, \$13,943,949, being nearly half a million more than the whole revenue six years ago. In further considering our prosperity, we find in the deposits made in the banks of the country ample evidence that at least the Dominion is in the most prosperous condition it ever was, and, consequently, contentment reigns everywhere in our midst. If this state of things can be improved, I will aid in any way in my power, but I am not prepared to make changes for the sake of changes. I must see first that our position is to be bettered. What are we asked to give our neighbours for reciprocal trade relations with them in the natural products of both countries? We are to give them the use of our invaluable fisheries, build canals and materially injure our manufactures. Let us look at the value of our fisheries, the best in the world. What has been the pride and glory of England but her strength on the ocean? How is that kept up but by her merchant marine? It is well known that the man does not take to the sea; it is the boy. Look to the British Navy for an illustration, and there you will find that there is not in the whole British Navy an officer who entered the service after thirteen years of age; and I believe the regulations are that they enter at an earlier age; even the Queen's son, the Duke of Edinburgh, had to go through the same ordeal, their education being finished on board a man of war, the chaplain generally acting as schoolmaster. Look at France and see what efforts she makes to train seamen for her service; at

the present time she is giving bounties to the fishermen at the rate of one dollar and eight cents per cwt. on all the fish caught on this continent by the fishermen, and every year about twelve thousand fishermen visit Newfoundland during the fishing season. France, by treaty, holds the small Islands, St. Pierre and Miquelon, and have the right to land and erect fishing stations on the eastern coast of Newfoundland. So important have these been considered by that country that every year they send out men-of-war to look after and protect as well as adjudicate upon all matters in dispute that arise. The rights to fish in our waters have been coveted by the Americans ever since the Revolution, but after the war of 1812, and at the treaty made in 1818, their rights to fish in our waters were clearly defined, and whatever they may say to the contrary, and although they have at times been allowed to encroach, Great Britain has always and still asserts her rights to exclude them altogether from fishing closer than three miles from headland to headland, whereas the best fishing is inside that line. So important did the United States consider the rights to fish in British American waters, that when Prince Edward Island was delaying entering into Confederation in 1868, Congress passed a resolution directing commissioners to be sent down to the Island, and moreover authorized a man-of-war to be placed at their service to carry out the resolution which was to offer them free trade for their commodities in exchange for the rights of fishing in common with their people. Let us see what was said in Congress on the debate. Mr. Schenck said the object was to get round Nova Scotia and obtain good relations with this little island, one hundred and forty-five miles long inside. This may be all very well if it can be done, and we make a good bargain. General Butler and Hugh McCulloch, with others, went there in the United States steamer, but their mission was not successful. We have also to build the Caughnawaga Canal, a very expensive work, and almost entirely in their interest. Now, let us look at our position before reciprocity, during its continuation, and now.

Before reciprocity we were struggling as almost new beginners with a small capital, but with great energy; our neighbors having the start of us were richer, and we found a ready market for those articles we had to spare, and they sent them where they were wanted if not consumed by themselves. During reciprocity we advanced in productions, and still had that market more free. Now what was the result as regards the profits, and I will take their own books and prove that during the continuation of the treaty they received about \$90,000,000 in money more than we received from them, so that, if it were dollars they expected to get by the treaty they had them; but I am one who believe it was not dollars they wanted from us but territory, and I think I can prove it to the satisfaction of any one. Every man who was at the Detroit Convention in 1864, and I was one, know that it was there publicly stated that the United States Government did not wish resolutions passed in favor of reciprocity, as they believed by withholding it Canada would very soon ask for annexation. In corroboration of this, the American consul from Montreal went there and publicly stated at the Convention that he had good reason to believe that if reciprocity was withheld for two years, we would ask for annexation. That this was the sentiment expressed by the press of the United States generally, we have only to refer to the files to prove, and moreover this was not confined to the press. The statesmen in high positions took the same view of affairs when our Commissioners in 1865 met them at Washington, and then and there so expressed themselves to our Commissioners.

HON. MR. BROWN—No, no.

HON. MR. READ—Does the hon. gentleman say no? Let us see what was said. I hold in my hands the reports of the Commissions sent to Washington in 1865, composed of Sir A. T. Galt and Mr. Howland on our part; Attorney-General Henry from Nova Scotia, and Mr. Smith from New Brunswick, who were met on the part of the United States, by Morrill, Vermont; Hooper, Massachusetts; Brooks, Maine; Garland, Ohio; Wentworth, Illinois; Conckling, New York; Moorhead, Pennsyl-

vania; Allison, Iowa; Hogan, Missouri; and Mr. McCulloch for the Treasury Department. This is a verbatim report of this Conference from which I quote. Mr. Morrill (who was Chairman of the United States Commissions) asked: "Will you have to pay the Hudson Bay Company a large amount for their territory?"

To which Mr. Galt replied: "We must pay them for their property, but the amount will not be very large."

Mr. Morrill then remarked: "You see we are somewhat interested, for we look upon it as if we might have to pay your debts some day." To show further that this was their view, I will turn to another portion of the same report, where they were trying to arrange about the use of the canals in common, when

Mr. Galt said: "We would not build these canals for our own trade alone. I think it might well be considered whether it would not suit both parties to put this trade on a better footing. I am not authorized to make any proposition looking to this end, but my idea is that these waters might be utilized with advantage to both."

To which Mr. Morrill replied: "That, gentlemen, will have to be postponed until you assume your seats here." If any further evidence is required, I would be prepared to show it, but to my mind what I have produced is sufficient, and I do not look forward with any hope for reciprocal trade relations with the United States until they have dispelled from their minds the idea that we will join with them if we cannot obtain it otherwise, hence I say it is folly to approach them, especially when we are in a prosperous condition. We are not prepared to sell our birthright for a mess of pottage. I think I cannot better illustrate our folly than to quote from Washington's farewell address to his countrymen. "Keep constantly in view," said that statesman, "that it is folly in one nation to look for disinterested favors from another, that it must pay with a portion of its independence for whatever it may accept under that character, that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giv-

ing more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard." This is precisely our experience with our neighbors. We gave them more than we got, and because we did not *en masse* agree with them in their troubles with the South, they undertook to punish us by withholding trade relations upon any equitable basis. The loss has been theirs not ours. Since Confederation our progress has been marvellous and our prosperity great. Our trade has increased from \$115,000,000 to \$217,000,000; our revenue from \$13,486,002 in 1868 to \$23,046,384 in 1874, and the last half year of 1874 produced a revenue of half a million dollars over the whole year 1868; these evidences of our prosperity are sufficient to show we are suffering very much by the repeal of the treaty. We have sought new channels of trade, have entered upon new enterprises which possibly we would not have undertaken had we had a ready market in the United States. The repeal of the treaty taught us self reliance; and, on the whole, we have not been injured. While I desire intimate trade relations with our neighbors upon equality, I do not wish to purchase it by a loss of self-respect, and whenever a new treaty is to be entered upon, I for one will not consent to it if I am not treated as an equal. I want nothing but what I have an equivalent to give in return. It was supposed when the Reciprocity Treaty was repealed, our farmers would suffer materially in the article of barley, which formed half of our trade in agricultural products. Let us see how we stand. I have taken the market reports for nineteen years, and made a calculation therefrom: for the eleven years of reciprocity the average price of barley was 67 cents per bushel; for the eight years since, the average price was 90½¢ per bushel. To arrive at this conclusion, I took the *Globe* market reports of the Saturday market as near the middle of October as that day came, and the highest price paid. Then take the lumber trade, has that branch of industry suffered? On the whole, I say no, they put on the duties and they have

paid them generally. There are some few things we are the losers by. In cows, how is it with them; during reciprocity we sold cows at one-third what they are now worth, and bought cheese, not a very profitable operation. The Americans could buy our cows in the spring of the year, at from \$12 to \$20 each, and we were glad to sell them. Is it so now? No, we use them ourselves to more profit. Let us look at this branch of industry, one I am proud to say, I took no little part in establishing, and see how it stands. I see by the United States report we purchased from them £118,322 in 1865, and I see by our returns that we exported in

Year.	Quantity, lbs.	Value.
1869	4,559,370	\$ 549,572
1870	5,824,782	674,486
1871	8,271,439	1,109,906
1872	16,424,025	1,840,284
1873	19,483,211	2,280,412
1874	24,059,982	3,523,201

By comparison I see that we exported in 1874 in value nearly as much as the United States did in 1863; the difference being only \$133,000. I might go on and cite many other articles in which we have not suffered. All the arguments in the introduction by the Hon. George Brown went to prove that in the late treaty the Americans had the advantage in money, and I believe he is right; but he went on to say that all treaties that threw down barriers are beneficial to both. To that I entirely dissent when both countries do not stand upon an equality. He further stated that we must shut our eyes that if our manufacturers suffer. Now I am not, in the interests of the whole, prepared to shut my eyes or my ears, because I believe if agriculturists flourish it is when they have in their midst consumers of those products that are not exportable. A purely agricultural country must of necessity be a poor country. Look at Poland, they raise the finest of wheat, but they are so poor that they cannot afford to consume it, and eat rye because it is cheaper. Then look at Ireland; the complaint with them is that they have not manufactories in great quantities, and other countries similarly situated adopt the scheme propounded by Mr. Brown, and extend it, and we would soon follow in their wake. I hold now,

and have always done so, that whatever was very good for our neighbors across the line commercially, was not very bad for us. What have they been doing in this direction? Take their history and study it, and what do we find? In the years from 1830 to 1837 they had a free trade policy, and it resulted in national bankruptcy. In 1836 they imported goods to the value of \$189,980,035, and exported then products to the amount of \$123,663,040, being \$61,000,000 imported over their exports, and their population was 15,388,079. By referring to the year 1850, fourteen years after, when they had a protective policy, we find they imported \$178,138,318, and exported the same year \$151,898,720, their population being at the time 23,266,301. This is sufficient to my mind to prove that an incidental protective policy is the proper one for us. We must have revenue, and if we adopt free trade we must resort to direct taxation. Free traders point us to England. Let us look there, and we find they protected their manufacturers until they were able to compete with the world, and then to protect them still, they passed that Free Trade Act of 1846, which meant protection to the people of England, as it allowed all the raw products to come in free for the use of their manufacturers. In looking over the returns we find we have in the Dominion 15,017 manufactories employing 68,118 men—quite a small army, and I for one am not prepared to shut my eyes if they are to suffer, as my hon. friend from Toronto suggests, but will do what I think necessary to foster and encourage the establishment of more, believing, as I do, that if we are ever to become great and powerful, we must have a mining and manufacturing population in the Dominion, and we have only to look to our neighbors for an example, not following them to the full extent they have gone in this direction, but keeping these principles of political economy in view, looking to the interests of Canada first, and our neighbors afterwards, and whenever our neighbors wish other trade relations with us, they can signify their intention; but for me, as a public man, I have made all the overtures in that direction I intend to make, or to consent to have made. (Loud cheers.)

HON. MR. ALLAN said he did not propose to take up the time of the House by many remarks upon a subject which had been up for discussion so long, but he thought the proposed treaty had been brought before them in such a way as to render it almost incumbent on them to express their opinions, and those of the country which they might be supposed in some degree to represent. He assumed that there was no hon. gentleman in this House who did not desire to see our commercial relations with the States placed upon a more extended and liberal basis, provided that in order to obtain such a treaty, neither the rights nor interests, and if he might be permitted the word, neither the dignity nor the self-respect of the country were sacrificed. None would desire to utter a single sentence which would excite any ill-feeling, or tend to embarrass any future negotiations on this most important subject, but he could not see any possible objection in stating an opinion on some of the causes which led to the failure of the present negotiations, or the feelings of the people of Canada in respect to the question. First, he desired to say that he differed from the views which had been expressed by some hon. gentlemen in reference to one of the most important subjects included in the negotiation. He referred to the overtures made to us for the use of our fisheries. He was by no means disposed to underrate their value. He agreed with everything that had been said in reference to them by the hon. gentleman who had just sat down, but he considered the suggestion made by the hon. gentleman who initiated, or at all events conducted these negotiations, was a wise one, and that instead of a direct money payment for the use of those fisheries, they should make some fair and liberal concession, an equivalent for the great value of the privilege accorded. As to the course which the hon. gentleman, the negotiator of the treaty, had assumed in conducting the negotiation, he ventured to think, and to express his conviction, that the one great mistake which he had made throughout, and he believed he spoke the opinions of a very large majority of the people of Canada, had been an over-eagerness to attain the object

which he had in view, and which placed the country in a disadvantageous, or rather, he ventured to say, in a false position. He would also venture to affirm that there had been a universal feeling of relief when it was found that these negotiations had come to an end. He would be sorry to use unfriendly language, but they must all admit that the Americans were a very shrewd, far-seeing people, and he was afraid that in all the negotiations and treaties which had been entered into, so far as this Dominion was concerned, they had had very much the best of it. He did not desire to impute to them any desire to over-reach or force a treaty by compelling our negotiators almost to sue for what they wanted; but still it must be admitted that their language has been very much like what had been described by the hon. member for Kingston as one of cold indifference, and holding back instead of in any way meeting the advances of our negotiators in a cordial and friendly spirit. Under these circumstances it seemed to him, and he was sure it would be so felt by the people of the country generally, that most of the arguments used by the hon. gentleman, and set forth in the pamphlet before the House, are not such as should have been addressed to their American neighbors. They proved a great deal too much. The sagacious statesmen and public men with whom the hon. gentleman had to deal, making all due allowance for the great ignorance which the hon. gentleman stated as prevailing among them upon many topics, yet, he ventured to affirm that they were not so blind to the interests of their own country as to require to have their treaty almost forced upon them, with all the earnestness and impetuosity of the hon. gentleman, as a treaty which was entirely in their favor. The gist of the figures used by the hon. gentleman went to establish that position. Any one would rise from the perusal of this memorandum and of the argument of the hon. gentleman, with the conviction that the proposed treaty would be a great advantage to the United States, but would be of very little benefit to us. He did not think that was placing the negotiation upon that lofty platform or restoring it to

that proper level which he had complimented himself upon having done. It appeared to him that the only way to do this was, that in the event of any future arrangement being made to enter into negotiation, while they were ready to take it into consideration, they had no idea of knocking in any way as supplicants at the door of Congress. This, he thought, was due to a people who continued to enjoy, if not that "marked degree of prosperity," at any rate that young, healthy, and vigorous existence, which he thought the abrogation of the Treaty of 1854 in no small degree helped to foster. (Cheers.) He would not take up the time of the House by any comments on the measure, because he felt that it had been so fully and extensively entered into by hon. gentlemen all around him; but he could not refrain from alluding to the statement made by the hon. gentleman as to the numbers of our population likely to be affected by the change that would have been produced in our business arrangements had this treaty come into operation. The numbers given by the hon. gentleman might be multiplied four or five fold, and therefore it seemed to him of greater moment that a treaty of such weighty consideration should have been considered a little more carefully than this had been. The same remark might apply to what he ventured to think the almost undue haste in which the country was permitted to bind itself to construct works of such great importance in so short a time. This was one point which caused the people of the country to experience a feeling of relief when the treaty broke through. Before sitting down he must express his conviction that this debate, so far from in any way prejudicing future negotiations, would be found to a very great extent to have cleared the way for them. It had placed the question on a fair and satisfactory platform, and we were far more likely to obtain a treaty which should be advantageous to both countries by letting it be understood that, though we are in no haste nor over-anxious to make any change in our commercial system, yet at the same time we are prepared to consider any overtures made to us in a fair way for the extension of our trade with the

United States. He would only express his opinion that although the present negotiations had miscarried, and he was heartily glad they had, yet they all felt that the hon. gentleman who had conducted the negotiations had gone about it with an earnest desire for the public good, and he knew no one in that House, or in the country, who, throughout his career, however much they differed on political principles, had such an earnest desire to do his best for the country, and at some future time, if that hon. gentleman was successful in obtaining a beneficial treaty, he was sure he would not grudge him the thanks of the people of the country. (Cheers.)

HON. MR. MACDONALD (Victoria).—After the numerous arguments brought forward against the treaty, it requires some amount of courage to say anything in its favor, and especially by the representative of one of the youngest Provinces. Although I do not agree with the text of the treaty as it now stands, there is little doubt but that it would be of great value to us. It is to be regretted that the papers relating to the subject were not down before this discussion took place, for if the opinions expressed in this House are any indication of the feeling of the country, the treaty was not wanted. Yet I am bound to believe that the Government had good reasons for the steps taken. Surely there must have been a strong desire on the part of the country generally for a reciprocal treaty of this kind. Unless there was such strong desire it does seem strange that plenipotentiaries should be duly accredited to Washington to negotiate a commercial treaty, and strange that we should find representatives from the different Provinces (excepting Prince Edward Island and Manitoba, who have not yet expressed any opinion) condemn this work so far as it has gone, and strange that British Columbia should be the only Province to come to the rescue. This treaty is said to be dead. Certainly it has received a good many kicks, but I think it is only in a comatose state, and that it will rise from its ashes one of these days, to be hailed as a boon by all sections of this great Dominion—with, of course, modifications. I suppose the negotia-

tion of a treaty of this kind comes within the scope of what is called diplomacy, and diplomats, I believe, try to conceal their thoughts. I don't know whether hon. gentlemen who have spoken against the treaty are concealing their thoughts, and consider it their duty to show that the balance of trade would be against this country. Whether or not there may be some wisdom in treating the question in this way—for I think the less anxious we appear for reciprocal relations, the more likely will the United States be to come to terms and make concessions—I am satisfied that the whole country desires closer trade relations with the United States, and has just been remarked by the hon. gentleman from Toronto who spoke last. I do not propose to go into figures, or to touch the question as it bears on manufactures, internal navigation, or the general trade of the eastern section of the country, but I must say a few words on the shipping industry. I have been surprised to hear the opinions advanced by some hon. members with regard to ships and shipbuilding. Although I do not believe in building ships by the mile and forcing them on the market (such a business would not pay), I do believe in building ships to order, thereby giving a profit on the raw material, labour for our mechanics, and a profit on their labour, also a profit on the imported materials. Look at the way in which England follows this branch of industry; she builds ships of war and ships for commerce for the world, and uses her raw material without fear, and will continue to do so as long as the demand lasts. And surely this country has material enough to build ships to do her own carrying trade, and to build for sale also. Our Province of British Columbia occupies a different position from any of the other Provinces. We have a large extent of territory undeveloped, a sparse population, scarce and expensive labour, so much so as to prevent manufactures of any importance; we have abundance of raw material, minerals of all kinds, forests of the finest timber in the world, and inexhaustible fisheries; and the opening of a free market for these products would be of immense, if not incomprehensible, benefit. The only

industry in our Province requiring protection is the agricultural, and this being a smaller interest than the commercial, I believe the voice of the people would be to sacrifice the smaller and stimulate the larger interest. I hope some of these days to see a modified reciprocal treaty prevail between the United States and Canada, not only satisfactory to British Columbia, but to the whole of the Dominion.

HON. MR. BUREAU said that this was one of those questions which involved the future prosperity of these Provinces. The trade and commerce of the Dominion were deeply interested in this treaty, and for his own part he was quite disposed to see the new negotiations a success, because he believed it to be in the interest of the country as a whole. The whole country had been in favour of such a treaty in 1854, and at that time they must acknowledge (he was then a member of the Opposition), that they had not made it a political question; they did not try to oppose the action of the Government, and the House might remember that the bill was read a first, second and third time at the same sitting. If they were to judge of the probable advantages to be derived from the present treaty by the experience of the past, they might form some idea of the beneficial results likely to flow from the adoption of such a measure. Those engaged in trade in different parts of the country who oppose this treaty, ignored or seemed to ignore the great benefits that England had obtained from the removal of these commercial barriers which had allowed the introduction into the country of the different products of the world. He thought those most interested in obtaining reciprocity were, first, the agriculturists, and then the manufacturing interests. His hon. friend (Mr. Read) spoke of cheese. Well, for the sake of argument, he would acknowledge that we had exported cheese, but since what time had we commenced this exportation, and where did we export to? Was it not to England, and was it not because in England there was no duty on cheese? He hoped that his hon. friend had received the greatest profit from his manufacture of cheese. (Laughter.) What did they learn from the commer-

cial history of England, especially since 1848, when Cobden and his friends tried to induce England to pass a law to relieve the masses of the people from paying duties on the necessaries of life? They had seen the successful results of such a policy. In the commencement of the present century the foreign trade of England (imports and exports) was only to the value of £50,000,000 sterling; now it amounts to \$487,500,000, the average figures of the last three years. What a contrast are the imports of the United Kingdom, now of the value of £37,000,000 (1871), in comparison with those of the year 1354, when, with the customs dues thereon, they only amounted to £30,000! England obtains such a success mostly from the repeal of her navigation laws, the free trade policy adopted, and the removal of almost all duties, except on a few principal articles for revenue purposes. To arrive at the result it would be necessary to take into consideration the trade of this country and of the United States, and compare both, and he thought it would prove that we had nothing to fear as to the result of reciprocity. He would show the Senate statistics of the exports and imports of the two countries, what was the relative position of the different interests, and it would be easy to establish that the first interest of this country was its agriculture, that the next was our woods and forests and minerals, and that our manufactures as they are now would not figure for a very large amount in the different interests of this Dominion, and that although the manufacturing interest had succeeded in a very large degree, yet it could bear no comparison with the interests of agriculture, &c.

It being then six o'clock, the Speaker left the chair.

After recess,

HON. MR. BUREAU said that inasmuch as Mr. Brown was desirous of leaving, he would make way for that gentleman on the understanding that his speech would close the debate; and that if any other gentleman desired to address the House on the treaty, they would do so hereafter, when all the papers came down.

This being agreed to,

HON. MR. BROWN addressed the House, and expressed his gratification at the mode in which Mr. Campbell had treated this matter. There was, of course, objection on some sides with the treaty, but generally that came from those who were really Protectionists, like the hon. member from North York, though that gentleman still appeared to believe that he was a free trader. Others objected that the Ministry ought to have gone to Washington to endeavor to procure a renewal of the treaty, but he felt that this came with very bad taste from gentlemen whose friends, when they were in the Ministry, had sent negotiator after negotiator to the United States to ask for a restoration of reciprocity. Then it was said that it was no use to go to the United States to ask for this treaty, because the very papers which he had submitted to the American Government showed that Canada had benefitted by the abrogation of the treaty. That was not so. It was true that the country had been prosperous to an extraordinary degree; its prosperity had been greater than it had ever been before; but the cause of this was to be found first in confederation, which by uniting and strengthening the Provinces, had greatly increased their trade, and secondly in the enhanced prices of American commodities and labor, which gave us an opportunity of getting into the American market with almost all the advantages which could arise from free trade itself. This state of things had forced them to buy our grains, lumber and animals, and to pay the duty on it. But that was not the case now. Then things were in a changing state, now they were all on a good basis in the United States. He would put to his hon. friend from York if there was one educated farmer who would get up and say that it was not an enormous gain to have the duty taken off his wheat, barley, &c. If there was no other advantage which would ensue, it would be this, that we should have both the United States and Great Britain competing for our produce, and in this way we should obtain the highest possible market prices. The hon. member for Kingston had remarked upon the fact that we should be bound to build the

Caughnawaga Canal as the price of reciprocity. The hon. gentleman had been most unfortunate in his allusion. His friends had agreed to construct three thousand miles of railway within ten years, at a cost of a hundred and twenty millions; and yet he would not allow the present Government to construct a trumpery canal, which would cost six millions, within six years. The undertaking of the late Government was twenty-five times more onerous than this canal, and yet the hon. gentleman turned up the whites of his eyes, because the Government had committed itself to the work in question. Then he had said that the Dominion should not commence the canal until the United States had constructed the New York Canal. He dwelt upon this point at some length, holding that the canal would be advantageous, not only to the United States, but to ourselves. There were two parties to every bargain, and each party made certain stipulations on his or its own behalf. It would have been no use to stipulate for the United States coasting trade, as whenever negotiations were had with the United States, they had always said that this was a point which they could not concede. He proceeded to refute the arguments of the hon. gentlemen who had said that the policy of reciprocity was opposed to the policy of the preceding Government, viz., incidental protection. He went on to show the effects of protection carried to its legitimate sequence, viz., to increase the price of articles all round, and in consequence no one was the better off. His hon. friend from Toronto was kind enough not to talk too hardly of the treaty, but he must see that he was narrow in his ideas in wanting to have everything on our side. He had been treated at Washington most courteously, and had been asked to state exactly what he wanted. His hon. friend had said that the treaty would do a great deal for the United States, but only moderately well for us. As to the selling of our ships to the Americans, he had a higher idea of the sagacity of the Maritime Provinces than to think that Brother Jonathan would induce them to sell their ships unless they saw it was more profitable than to keep them. He reviewed other

articles of Canadian manufacture, making in regard to them an argument similar to that which he had last advanced. His hon. friend from Toronto made a very strong statement when he said that the great mass of our people were glad that the treaty had been broken up. When the last treaty was negotiated not one word from the liberal party came against it, although it was not near as advantageous as this. He had not found one individual who could really prove that he would have been injured by the treaty. Although the treaty had not been concluded he was glad that these negotiations taught hon. gentlemen to have a higher appreciation of their country than they had before. For his own part he had never cared who had brought about measures for the benefit of the country, and if only convinced that such was the case he had heartily supported them. It was not a question with us of what benefit the treaty would be to the United States, but what benefit it would be to us. He thanked his hon. friends for the generous manner in which they had listened to him, concluding by bearing testimony to the dignity with which the debate had been carried on.

The motion was then carried.

INTERPRETATION ACT AMENDMENT BILL.

HON. MR. SCOTT moved the second reading of the Interpretation Act Amendment Bill.

Under this Act it was proposed to publish separately, at the end of each session, two volumes containing the public Acts, interesting to the Dominion, and the other private Acts, affecting only those who came before this Legislature to serve their own private interests, with a view of hastening the publication of the Statutes. It was intended by this means to obviate the serious delays which generally occurred at the end of each session by the printing of the Statutes.

HON. MR. CAMPBELL said that the practice hitherto had been to publish those which were essential in the *Gazette*. It would be better, he thought, to keep the first volume unbound, and then to bind them together, in order that anyone seeking an Act might be able to find it.

HON. MR. SCOTT objected to the expense of binding the private Acts with the others, as it was not necessary that the magistrates should be in possession of them. It would entail a vast expense to send them all over the country with the public Acts.

HON. MR. MILLER said it was a matter of great complaint all over the country that the laws were not distributed till six or eight months after the Parliament had risen. It was a serious inconvenience to persons connected with the courts especially not to be in possession of the laws. Local Statutes were distributed within a month after the rising of the Local Legislatures, and he did not see why the Dominion Parliament should not be able to do the same. This had always been a subject of complaint since Confederation, especially in the Maritime Provinces. Nova Scotia was generally behind hand in getting the Statutes, and he thought that anything at all that would enable the Government to distribute the Statutes earlier, and remedy this very serious inconvenience, would be a great boon. In his own Province every second man was a magistrate (laughter), and the expense of distributing the public and private Acts to two hundred magistrates was something enormous, not to mention that some of them were not distributed at all.

HON. MR. HAVILAND supported the second reading. There was no necessity for messing up the private with the public Acts of the Dominion. He considered it would be quite sufficient if the table contained a list of them, indicating where they might be found.

HON. MR. MILLER—Yes, that might be done.

HON. MR. HAVILAND—As to sending the private Acts to all the magistrates in the Dominion, it entails a great expense, and is no use whatever.

HON. MR. MILLER did not see any necessity in distributing the private Acts, as magistrates were only called upon to act under criminal enactments, and had nothing to do with the civil enactments of the Federal Parliament. Nearly all our criminal laws were contained in the Statutes of 1869, and he did not see why it should not be sufficient to keep the magistrates

au fait with the alterations in the criminal order and no more. He suggested that the *Gazette* should be distributed as early as possible with all the alterations made. This would save an enormous expense to the country, and be a kindness to the magistrates, for the alterations would then be in a convenient shape.

HON. MR. KAULBACH considered it would be more expensive and more difficult to post them up in the alterations than to send them the Statutes themselves.

HON. MR. PENNY remarked that there was a great deal of reason in what the hon. Secretary of State had said, and that he would have said nothing on the subject were it not that he remembered to have had some experience in trying to find private bills. By going to the library they would find that there were some years in which the private bills were not bound with the public bills, and this had been proved to be a very great inconvenience. It was all very well to say that the private bills were of no consequence, but some of them were of very great importance, and affected as many interests as did the public bills. What had been said sounded reasonable enough, but experience had proved that when these private bills were wanted they could not be procured, and a great deal of inconvenience was the result. He referred more particularly to the year 1859, when this system was tried, but, after two years, had been abandoned by universal desire. He thought there should be some little consideration before rushing back into a system which had been found so inconvenient.

HON. MR. SKEAD suggested that the laws passed by the Legislature should not go into force until two or three months after enactment, so as to give the Government an opportunity of distributing them in time. Some laws required to be enforced the moment they were sanctioned, but that could be provided for by a special clause. He thought it was a mistaken idea that private bills should not be put into the hands of magistrates, as they often contained penalties which had to be sued for before magistrates, and the amount of which it was therefore

important the magistrate should know. Public officers and the legal profession had to judge according to the laws, and he thought it would be only right that some alteration should be made providing that the alterations should not be enforced till the Government had had sufficient time to distribute the Statutes.

HON. MR. SCOTT said that taking into consideration the inconvenience that would result to the legal profession from having two volumes of bills, he thought it would be better to adopt the measure before them. Difficulties would, of course, be experienced, but he denied that Statutes of the same size could be got out quicker in Ontario than they were here.

HON. MR. ALLAN agreed with the hon. member for Montreal (Mr. Penny) that private bills were sometimes of equal importance to public ones, and he hoped the hon. gentleman would take it into further consideration before pressing the matter.

HON. MR. CAMPBELL referred to the difficulty there was in distinguishing some of the private Acts from the public ones, and said that this would render the matter very difficult.

HON. MR. SCOTT said that since the regulation of Acts in 1859 he thought the private Acts had really not been bound up and distributed. The proposal in this bill was that all those entitled to receive the Statutes, the members of Parliament, the judges and the various officers, should receive them, but that those containing the public Acts should be distributed first to the magistrates. This would save a great deal of time, besides about \$200. A large amount of the private legislation was mere legal rubbish, if he might use the term; people got incorporated and there was an end of them. He would read a few of the names of these private Acts: "Lamb's Waterproof and Blacking Company," "The Rouge Boom Company," and so on. If the bill were read it might be further discussed in a Committee of the Whole. Carried.

CANADIAN GAS LIGHTING BILL.

HON. MR. CAMPBELL moved the second reading of the Canadian Gas Lighting Incorporation Bill.

HON. MR. DICKEY said the question arose on this bill as to whether there was any necessity of bringing it before the Dominion Legislature. He had expressed an off-hand opinion on the first reading that it was unnecessary, inasmuch as all the benefits might be obtained by a local act of incorporation. In justice to his own view, he had been very much struck with the discussion just now going on about this enormous mass of local legislation which it was the object of the Act just now read to get rid of in some way. He considered that the present measure should be relegated to its proper tribunal. His hon. friend had properly characterized some of the private bills that came before them as legal rubbish. It had been decided in the Ontario courts that an Act of incorporation in one Province gave no facilities in another, but so far as the highest legal authority could have any weight with the House, his off-hand opinion was fully supported. A bank had been incorporated in Lower Canada but a short while ago, its jurisdiction being entirely confined to that Province, for issuing bank notes. He did not know why the Legislature thought proper to confine its operations to that Province, but it was so confined. It was a charter with powers expressly confined by its terms to the Province of Quebec. The bank, however, thought proper to go to an adjoining Province, establish an agency, issue and take notes in return, and it was in issuing one of these notes that the case came up, it being contended that as by their charter that they had no business to go out of the Province of Quebec, they could not recover the money. The court, however, decided that although in the strict sense they had been doing business illegally, yet they could recover the money as a corporation. It was admitted that a foreign corporation could sue in England, and not only could a foreign corporation sue in England or in the States, but *a fortiori*, a corporation in any State in the Union could sue in any other State. The same argument must be admitted here. These bills were defended on the ground that you could not go into any Province and sue unless you got a Dominion Act. The

principle, however, for which he was contending would be found laid down in Kent's Commentaries and Storey's Conflict of Laws. It was well understood in the States, where these principles were quoted, as applicable in England as well, and that foreign corporations could sue there if they were incorporated in any country. These, however, were not the only authorities, as Chitty, on Contracts, confirmed the statement with regard to England. He would ask them, therefore, whether they intended to pursue this system of legislation. The subject was worthy the consideration of the House and the Private Bills Committee, and after they had discussed the propriety of this private business coming before the House, let the Committee seriously consider the question.

HON. MR. MILLER said that so far as the Private Bills Committee was concerned, the desire had been to restrict the legislation in reference to private bills in this Parliament, and they had thrown out bills which had been subjected to their consideration by the House. The practice which had obtained of introducing this species of legislation was owing not to the Private Bills Committee. He had been but a short time Chairman of that Committee, but the feeling was not to extend the legislation in any way that would interfere with local legislation. Where any doubt was entertained as to the jurisdiction or conflicting jurisdiction of that Committee, a discussion took place on the second reading. Although they were careful not to conflict with Local Parliaments, yet they did not wish to drive away legislation from the House that they could reasonably attend to. He admitted, with the hon. member who had just sat down, that a foreign corporation could sue in this country, in the States, and in England as well; but although that was the case, there was a difference between a merely local and a general Act of Incorporation. He thought that the present measure was one of those which might fairly come before this Legislature. At the same time he would not deny that possibly in the present instance they might be able to get along with an Act from one of the Local Legislatures.

HON. MR. HAVILAND said the hon. gentleman had been raising up shadows for the purpose of knocking them down. None disputed that a foreign corporation could sue in any country. As regarded the expediency of passing so many private bills as they did, which might be passed by a Local Legislature, he thought this perhaps was due to the House being composed of two classes of legislators, one class composed of pure Federalists, the other anxious that we should become one Legislature. For his own part, as he was a pure Federalist, he would never willingly consent to pass an Act through the Parliament of the Dominion of Canada over which a Local Legislature had jurisdiction. (Mr. Dickey, Hear, hear.) Since 1867, hon. gentlemen had encouraged or winked at the practice of bringing bills in here to which they had no right, in order to run the Local Legislatures out of work, that they might be the sooner abolished. In the present case, however, he hardly considered that this was one of those bills which should go before a Local Legislature. It was a rather questionable method of procedure, he thought, for an association of gentlemen who had received a patent from the Dominion Parliament to go to a Local Legislature to extend their rights and privileges.

HON. MR. WILMOT did not oppose the bill, but as the question of vested rights often came up in the Local Legislatures, he thought they should be cautious in granting bills which might in any way interfere with municipal rights. If this bill was to override such rights, or grant privileges—(No, no)—or interfere with what might be called vested rights—

HON. MR. CAMPBELL—That would be examined by the Committee.

HON. MR. WILMOT did not like vested rights, which were sometimes vested wrongs, but if they had them he was prepared to protect them. In the last section he noticed a clause making this a public bill, and he supposed it was an endeavour to get back the \$200.

HON. MR. BELLEROSE read a letter in which attention was drawn to the fact that no notice had been given of the bill.

HON. MR. CAMPBELL—The objection was reported on.

HON. MR. DICKEY—From the Private Bill Committee.

HON. MR. CAMPBELL—I am told the hon. gentleman was present himself at the meeting of the Committee.

HON. MR. BELLEROSE had forgotten the fact. He believed, however, that they would be wrong in assuming the responsibility of passing every private bill that came before them. He admitted that he was not in a position by his legal status to give an opinion as to the proper course to be adopted for the passing of the bill before them, but looking at it from a common sense point of view, he thought that the result of passing such bills would be that great numbers of bills that ought to go before the Local Legislatures would appear before the Dominion Parliament.

HON. MR. KAULBACH—My opinion is that we ought not to interfere or legislate on matters pertaining to local interest, and strictly within the power of the Provincial or Local Legislatures. Local Legislatures are the best judges of matters of this kind, and know best if the legislation asked for is for the public interest. My remarks are not intended to affect the bill under discussion, as from explanations given. I believe this bill is a fit subject for our attention.

HON. MR. DICKEY would be sorry indeed to be wanting in respect to a body which had done so much hard work as the Private Bills Committee, and he had not intended to say anything in disparagement of that Committee. A great deal rested with them, however, and he thought they might stop some of this unnecessary legislation. He thought his friend, as a lawyer, would have endeavored to check this legislation, for he really considered that the power rested, in a great measure, with the Committee. He begged to assure his hon. friend from Toronto, who had charge of this bill, that he was not speaking against this particularly, but that he merely wished to draw attention to a practice of which he disapproved, and he hoped the bill might now be allowed to pass. Carried.

COPYRIGHTS BILL.

HON. MR. LETELLIER moved the second reading of the Copyrights bill. This bill was for the settlement of a long debated conflict between various interested parties—settlement in which the general public is also very much concerned. At the same time that the interests of the authors are recognized and respected by this measure, it also protects the interests of the public and provides for the encouragement of our printers and publishers. The subject was brought on a former occasion, (in 1872) to the notice of the Senate by the member for Montreal, who had taken a great deal of pains in trying to arrive at a satisfactory conclusion. The importance of the bill is such that a delegation of gentlemen had come to Ottawa to follow the proceedings in regard to this bill. It is intended to refer the measure to a Select Committee, and he hoped that when it is brought back to the House, with or without amendments, it will meet with general approbation. The general features of this bill are, while keeping the beneficial provisions of the Copyright Act of 1868, and of the application of the Imperial Legislation as regards the importation of reprints of books not patented in Canada, it does away with the difficulties and obscurities heretofore encountered in the practical working of the previous laws. The bill provides for the registration of Interim Copyrights, pending the preliminary proceedings for the publication in Canada of a reprint of English copyrighted books. That part of the measure which relates to what may be called the administrative or office provisions, will be found a marked progress, and a great improvement on what existed before. He intended as already expressed, to refer the bill to a Select Committee, and therefore would not speak any further on the subject.

HON. MR. RYAN had no doubt that the Committee would return the bill in a way that would meet the requirements of all. The bill itself was for the extension of the general Copyright Act of 1868, although it did not go into the reserved point of 1872. He thought, however, that the object of the present as well as of the former

Copyright bill, the protection of the interests of authors and owners of copyrights, might be very well achieved by judicious amendments in committee. The main point was to protect our own printers and publishers, and give them fair play; and he confidently expected that this would be the result of the present measure, if carried.

On motion of HON. MR. HAMILTON the House adjourned at half-past ten o'clock, P.M.

Friday, February 26, 1875.

SUBSIDIZING STEAMERS.

After routine,

HON. MR. BOURINOT enquired if it was the intention of the Government to subsidize the steamers plying between Halifax, Sydney, St. Johns, Newfoundland, and St. Pierre Miquelon, and if so, the amount for the service to be granted to the steamer "Virgo" and "George Shattuck" now performing the voyages, or other vessels which might replace them. The honorable gentleman said he would first refer to the "Virgo," which had been placed on the line last year for the purpose of keeping up a regular intercourse between Halifax, Sydney and St. Johns, Newfoundland, which was of great benefit to the merchants and others connected with our collieries. Before Confederation we had a steamer subsidized by the Provincial Government on the same route, and after the union it was fully expected the grant would have been continued. Also the honorable Senator represented how satisfactory the voyages of this steamer had been, on account of its efficient and admirable commander, and said he hoped his appeal would not be overlooked by the Government, for this steamer, as well as for the "George Shattuck," which was the connecting link between Halifax, Sydney and St. Pierre Miquelon. The latter boat would, as soon as the subsidy was granted, run to Arichat, through St. Peters Canal to Sydney, and to the French Islands of St. Pierre Miquelon, the population of which consumed so much of the productions of the Dominion, as well as of our own mines for themselves, and of

the several thousands engaged in their fisheries. He concluded by making a strong appeal on behalf of the above named steamers, both from a social and commercial point of view.

HON. MR. MILLER said that the question of connecting the remote parts of the country, and especially the eastern part of Nova Scotia, with the capital by steam, was very important. He was not so sure, however, that the enterprise on whose behalf this enquiry was made, was entitled to that consideration which the hon. gentleman would claim for it. The line from Halifax to Newfoundland was started on purely commercial principles, and touched only at Sydney, where it was obliged to stop for coal. It might be a great advantage to Sydney, but it was of no value to the island of Cape Breton generally. These people had already had more attention paid to them by the Government than any portion of the island of Cape Breton, and they seemed to have the only influence with regard to public favors. Nova Scotia depended upon her water communication. If, therefore, a line of steamers from Halifax, touching at several points before reaching Sydney, were subsidized, which would proceed to St. John, it would be a great boon to the country, and be deserving the consideration of the Government. A large portion of that part of the country was maritime, and contributed greatly to the finances of the Government. Such an enterprise as the one he had mentioned deserved, and should receive, favor from the Government, but he could not see why a company, started with the prospect of making money from Halifax to St. John, touching only at one port, and that necessarily for coal, should receive any consideration at the hands of the Government.

HON. MR. BOURINOT denied that Sydney was only called at for coal, and said it was most important from a trading point of view.

HON. MR. MILLER did not wish to underrate the importance of Sydney, and gave every credit to his hon. friend for advocating the interest of that portion of the island in which he lived.

HON. MR. BOURINOT — Is St. Peter's Canal that portion?

HON. MR. MILLER did not know that it was. He repeated his opinion that this company, unless it touched at intermediate points between Halifax and Sydney, had no claim for consideration. He would rather see the "Virgo" than a vessel in the interest of a foreign country receive favors from the Government; but he hoped that before any subsidy were granted, an inquiry should be made as to the services that were going to be performed.

HON. MR. ARCHIBALD—I am glad my hon. friend has placed his motion of enquiry in the minutes, so that the matter can come before this House and be brought to the notice of the hon. members of the Government occupying seats in this Chamber. If these steamers connecting Sydney with Halifax, Saint Pierre Miquelon, and St. Johns, Newfoundland, are liberally subsidized, so that they can be successfully run, it will be a great boon to the people of Cape Breton and the travelling public generally. The steamers running from Halifax and connecting the western ports to Yarmouth, in connection with the steamers from thence to St. John, receive a subsidy of \$10,000 from the Dominion Government. I think the steamers running on the eastern line are entitled to the same consideration, and I think to greater consideration, when we contrast the facilities east and west afforded by the railways for travelling. The Intercolonial, leaving Halifax, runs through the counties of Colchester and Cumberland and on to St. John. The Windsor and Annapolis Railroad passes through Hants, Kings and Annapolis, and on to Digby, where there is connection made by steamers to St. John, and, if I am rightly informed, in the course of the present year the line will be open to Yarmouth, the westernmost part of the Province. Now what have we got in the shape of railways east? The line from Halifax to New Glasgow, although 100 miles long, only extends 40 miles in an easterly direction. Passengers bound to Sydney are dropped off at New Glasgow, and have to find their way over 200 miles of road the best way they can. Fall and spring this road is almost impassable. I have travelled this road in all seasons of the year, and used every kind of vehicle to get over

it but a wheelbarrow. Now I want the hon. members of the Government opposite to understand why and on what grounds the people of Cape Breton demand a subsidy for their steamers. When the railways were commenced in Nova Scotia the people of Cape Breton, through their representatives, gave their undivided support to the public works and railways of Nova Scotia, and they knew they could not receive any direct benefit for many years. Still they were willing to submit to increased taxation, and wait for the time to come when they should be put in connection with the road. The Government of Nova Scotia had given them a pledge that so soon as the railway reached the tidal waters at Pictou a steamer should be provided to run to some central point in Cape Breton, and connecting us with the terminus at Pictou. Unfortunately the line was not completed to Pictou till 1867. Then came Confederation, and with Confederation the Nova Scotia railways were handed over to the Dominion Government. The Government of Nova Scotia could not fulfil their pledge, and consequently we were left out in the cold; but I contend the Dominion Government are bound to carry out the pledge given to Cape Breton by the Government of Nova Scotia. In 1868, when I first had the honor of a seat in this House, I waited upon the hon. the Leader of the Opposition, the then Postmaster General, and stated our grievances as forcibly as I could. After one or two deputations and several conversations, I will do my hon. friend the justice to say that he did recognize our claims, and did what he could and the only thing he could at the time. He gave a small subsidy to one of the Prince Edward Island steamers to carry the mails, and gave us one service a week from Pictou to Hawkesbury in the Straits of Canso. Subsequently, I think a year or two after, by giving a small additional subsidy we got two services a week. This was a great boon to Cape Breton. The route from Pictou to Hawkesbury is pleasant enough in summer, were it not for thirteen miles of break-neck road to be travelled by night from Hawkesbury to West Bay, at the head of the Bras d'Or Lake, to make the

connection with the steamers running down the lakes to Sydney. The island steamers do not commence their trips till the 15th or 20th May, on account of the ice, and they are withdrawn about the middle of November, so that the very time our merchants and traders want to get to Halifax, fall and spring, they are compelled to take the land journey of 200 miles when the roads are almost impassable. These steamers running on the outside route supply the link we have required so long; they will leave Halifax, calling at Sydney, so soon as the ice is off the coast in the spring, and they will continue to call at Sydney up to January, thus affording passengers a safe and speedy connection with Nova Scotia, fall and spring, after the summer route *via* Hawkesbury is closed. I therefore hope the Government will see the necessity for liberally subsidizing this line. If Cape Breton had stood at the time of Confederation as she did in 1820, "and I wish to God she had been in the same position," when we had our own Government and the control of our own revenues, we should have had offers of railroads and steam communications to induce us to come into confederation, and I should not be standing here to-day asking for simple justice to be done her. But unfortunately for Cape Breton a colonial secretary in Downing street, one fair day, without consulting the wishes of the people of Cape Breton, with the dash of his pen squelched us out of existence as a separate government, and tacked us on to Nova Scotia, as a gentleman in the Legislature of Nova Scotia said, in trying to be severe on the member from Cape Breton, "like a tin kettle tied to a dog's tail." Our member, the Hon. J. B. Uniacke, replied that Cape Breton was more like a "jewel in a pig's snout." And now, if hon. members of the Government will allow me, I should like to throw out a suggestion. I understand a company is formed and ready to build the line of railway from New Glasgow to the Straits of Canso, provided the Government will hand over to them the entire route from Truro to Pictou, and the Government of Nova Scotia will give \$5,000 per mile additional. We want the line to run to Louisburg, but

if it cannot be carried beyond the Straits of Canso for the present, I think the company receiving the transfer of the line from Truro to Pictou ought to be compelled to put a good and sufficient steamer on the Strait for crossing, summer and winter, and to build a horse railway from Hawkesbury to West Bay, so that passengers may have some comfortable way of getting over this neck of land. The transfer of the line from Truro, and the subsidy offered by the Government of Nova Scotia, is more than sufficient to build the line to the Straits. Put on a good steam ferry boat, and construct the horse railroad to West Bay, and I trust the Government will not hand the road over to any company who are not willing to carry out my suggestions, if they meet with the approval of my friends the hon. members of the Government.

HON. MR. MILLER said that from the hon. gentlemen's remarks one would think that they were talking of steam communication between Pictou and the St. Lawrence, whereas the enquiry had reference simply to a line between Halifax and St. John. Consistently with the interests of the other part of the country, he had no objection to this line, if it would only call at intermediate ports, but he did not like to see one spot more favoured than another.

HON. MR. NORTHUP said this was a matter which deserved the serious consideration of the Government. For some years past their merchants had thought of forming a company for the purpose of touching the eastern shores from Halifax, but it was not expected to pay, and nothing had as yet been done. He believed, however, that if these lines were fostered they would do a large trade, not only for the Maritime Provinces but for that of Quebec as well, because a large portion of their produce went down on these boats. To subsidize such a line would therefore be advantageous to the whole Dominion. As for the St. Peter's Canal, he believed the "George Shattuck" had been and would be able to make the passage hereafter through the canal and Bras d'Or Lake.

HON. MR. SCOTT said he was informed by the Postmaster-General that

his Department was paying the "Virgo" \$1,000 a year for carrying the mails, and that it was proposed to continue it.

HON. MR. ARCHIBALD said nothing had been paid last year.

HON. MR. SCOTT—It might be prospective.

HON. MR. BOURINOT supposed they must be satisfied with the explanation, although it was rather discouraging.

MANUSCRIPT RETURNS.

HON. MR. BOURINOT then drew the attention of the House to the unsatisfactory state of the returns and reports of Committees to Parliament; many of these important documents were in manuscript, and quite inaccessible to members, because the Printing Committee had refused to have them printed. He read a letter from Mr. Todd, Chief Librarian, as follows:—

Library, 20th February, 1875.

DEAR SIR,—I may state that I have repeatedly been embarrassed in the search for important returns to Parliament, for members of either House, by finding these particular documents had been directed by the Joint Committee on Printing not to be printed. About two years ago I wrote officially to the Clerk of the Printing Committee offering to take charge of all such papers if he would have them uniformly bound with proper labels of contents in reference to the printed journals. If deposited in the library they would be generally accessible to members and others desirous of consulting them, and so to a great extent obviate the disappointment so often experienced at not finding them in print; but I received no reply to the communication.

(Signed,) ALPHEUS TODD.

HON. J. BOURINOT further said that he hoped his hon. friend, the Chairman of the Printing Committee, whom he saw in his place, would turn his attention to this and meet the views of Mr. Todd.

HON. MR. SIMPSON, as Chairman of the Printing Committee, did not see the necessity of printing all the documents, as it would be a great expense to the country. Not one of these documents was destroyed, and he could see

no difficulty in getting access to them, as they were under the guardianship of one of the best custodians in the House. Whether they should be kept by the Librarian or by the Printing Committee was a matter of opinion; at any rate the matter should be fully discussed at the next meeting of the Committee.

HON. MR. BOURINOT said that in justice to Mr. Hartney, the present custodian, he would say that he had always met with the greatest courtesy at his hands, and that he meant no reflection upon him at all.

HON. MR. SIMPSON then presented the second, third and fourth reports of the Printing Committee which were severally adopted.

On the motion of HON. MR. SCOTT, the House adjourned at half-past ten o'clock, P. M., till Monday evening at half-past seven o'clock, P. M.

Monday, March 1, 1875.

After routine,

HON. MR. MILLER presented the seventh report of the Committee on Standing Orders and Private Bills, recommending that the quorum be reduced to seven. Carried.

NOTICES OF MOTION.

On giving a notice of motion,

HON. MR. BELLEROSE enquired whether, by the rules of the House, members had to read the notices of motion before they were handed to the Clerk of the House, or whether it was only optional.

The SPEAKER believed there was no expressed rule on the subject. The practice in the old Legislative Council and the Senate had been for the members to read the notices of motion. The practice in the Commons was for an hon. member to state his motion, without reading it.

The hon. gentleman then read his notice of motion.

STEAM COMMUNICATION FOR P. E. I.

HON. MR. HOWLAN moved for a copy of the advertisement calling for a winter steamer at Prince Edward Island, and also for a copy of the contract entered into for the performance of said service. Last year he had

spoken about a winter steamer, but his only object at that time had been to put the Government on its guard against buying a boat from Dominion waters for such a service, as from the knowledge he possessed of that service he knew there was none capable of performing the duty required. He thought that if the Government had timely warning they might have been able to get a boat outside the Dominion for such a service. This winter line had been one of the terms agreed upon for Confederation. He himself had been one of the delegates who came to Ottawa at that time to arrange the conditions, and he could assure the House that all the people of Prince Edward Island, whatever their politics, felt satisfied that this service would be performed. He was not aware on whose shoulders the blame rested, but he spoke from practical observation, and he could assure the Government that a more inefficient boat for winter service it would be impossible to select. The boat was not fit for the gulf service even in the fine weather. It was the only course left for the people of Prince Edward Island to bring the matter before the notice of the Senate, and he adopted that course. Each Government was bound by the arrangements of their predecessors, and on all the negotiations for Confederation, efficient steam communication in the winter season was guaranteed to Prince Edward Island. It was not merely the whim or caprice of the day which must be had in lieu of Acts of Parliament. Where was the protection of the smaller provinces unless they had the Senate to shield them? Prince Edward Island would not have entered Confederation had she expected such neglect as this, and he questioned very much if the Maritime Provinces would either. He could not, therefore, help expressing his sorrow at seeing a measure in the other House—(the hon. member alluded to Mr. Mills' motion for a reconstruction of the Senate)—receive the quiet assent of gentlemen who certainly should be the first in the land to defend their position. If the Senate had any right in the Confederation it had a right to their respect, and he was not aware that there was any Act of the Senate to warrant that un-

generous, he was going to say cowardly, attack—(hear, hear)—which had been made upon it from time to time in another place. The constitution of Prince Edward Island was guaranteed, it came in under the Act of Confederation, yet last year it was swept away by one Act of Parliament, and had it not been for the protection of the Senate would have been totally lost. He would mention another specimen of the legislation of a gentleman who was known as a philosopher in this Dominion, but whose bill was one of the most disgraceful that ever disgraced any legislature. He referred to the "Bill No. 28, for the removal of "obstructions from navigable rivers," which amounted to nothing less than legalising stealing. There were thousands of tons of timber sunk in the rivers of the Maritime Provinces, and those largely engaged in lumbering operations never thought of raising it till the market was ready. This bill came up from the other end of Parliament, was discussed upon its merits, and the wisdom of the Senate threw it out. Then there was another instance of the wise legislation of the Senate. An iniquitous bill was passed in the other chamber to take away a portion of the Tuckersmith division in which an hon. member had been elected, in order, by dismembering his district, to ensure his re-election. This bill had also been thrown out. The Senate was now on its grand trial. It was to the Senate that these smaller provinces looked for protection. It would appear that the representatives of Prince Edward Island in the other House were quite satisfied with this candle-box of a steamer at Prince Edward Island, and if there were no other branch of the legislature to which they might appeal, he for one did not know what the people of that island would do. He hardly thought that the whole interests of the people were rightly represented, and he was very much of opinion that if some of those gentlemen who had been returned were to seek their verdict anew, they would find a very different result from their constituents, who would be slow to forgive the political tinkering of which they had been guilty. The only way the constitution of the Senate could be interfered

with was by a convention of the whole people. He hoped the Government of the day would not be so remiss as to shrink from the responsibility of their position by silently acquiescing in this kind of political tinkering, which it would be almost disgraceful in a Government to allow. He hoped his remarks would be placed side by side with that great statesman who was trying to break up their constitution. Such a question, if moved at all, ought to be moved by the Government, and not sprung upon the people in the underhand manner which the hon. member alluded to had adopted. As to his motion he assured the Government that the question was an important one, and that in requesting an efficient steamer the people of Prince Edward Island were only asking for what they were entitled to obtain, and he would not rest satisfied till a proper boat were put upon the line. He supposed that in selecting the present one the Government had been deceived, for all it seemed capable of doing was to get up steam. It was built a year and a half ago and was characterised in one of the Government papers as a first-class river boat in every respect, but a first-class boat for a river was not by any means a first-class boat for a gulf, and if the Government continued to allow it to run it would be a complete farce and a waste of money. If the Government had sent a competent agent to St. Johns, Newfoundland, they might have procured from amongst its fleet of sealers a competent boat to have performed this service until such time as a proper boat could have been built for the service, which in his opinion ought to be built specially for the service. He would suggest to the Government for the last time that they should procure a boat built expressly for this ice service of not less than 150 horse-power, of about 150 feet keel, not less than 300 tons or more than 600 tons, barque and ship rigged, which, if built of proper wood, judiciously selected, would be well able to perform the service required. When this was done, and the matter was put beyond any doubt, so far as the performance was concerned, he would rest satisfied, but not until then.

HON. MR. CARRALL said that some

four or five years ago he obtained some constitutional rights, and among others that of a seat in the Senate. It had been his lot, however, to hear re-echoed from the Opposition House on the other side (laughter) an annual belittlement of this Chamber, which was unmannerly, unjust and unjustifiable. Hon. members had a perfect right in a constitutional manner to ask for a constitutional change, but he objected to a lot of gentlemen in the Opposition Chamber getting up and stating what could not be verified by fact. He was assured that gentlemen had that very day got up in the House of Commons and made statements as to the insecurity of their seats in that House if they resorted to the popular will. What was the position of the body opposite? Was it not a fact that out of 80 members for Ontario, no less than 75 had been petitioned against for bribery and corruption. Many of its members held their seats by a majority of from two to four, and these were the gentlemen who charged them with not being the representatives of the popular will, but he for one stood in that Chamber in the solemn and steadfast conviction that the position he held there he could have obtained at the hands of his people any day or any night. He considered it a solemn outrage that the Senate should be held up to the scorn and ridicule of those financial gentlemen who got over to the other Chamber, and followed in the wake of the philosophers, because under the constitution the limit to their increase was simply six, and nobody, hostile or friendly, could so reconstitute them as to mould them to the popular will. A seat in that Chamber was not worth being purchased at the price of being ridiculous to those in the opposite branch. He would not enter into their position, however, that evening, as it involved a great deal of argument, analysis and investigation. He was not prepared to give his adhesion to their present mode of constitution as being the most proper and the best calculated to advance the best interests of the Dominion but he was prepared to question the right of the gentlemen in the other House to hold them up annually to the scorn of 4,000,000 of people. While the constitution remained intact, they pro-

posed to fling back to them with scorn such imputations. (Hear, hear.) He had a right in a constitutional manner to argue this question. He was willing that his political existence should be canvassed, but at the same time he must deprecate the unmanly attack that had been made upon his political life by a person who proposed, sword in hand, to march from the Opposition House, and, to use a Dufferinism, stab him under the belt. It was very easy to meet destructive geniuses, but very difficult to meet constructive ones, and he thought that the genius who was proposing to destroy the Senate should at any rate propose something in its stead. It was said that the Senate was of no great utility, because it rejected no bills, or at any rate very few, as if their utility was to be measured by the number of bills they rejected. He desired to say, however, that he thought that body to be eminently utilitarian. The hon. gentleman cited the Tucker-smith bill, which they had thrown out the previous session, as one instance of their utility, and was proceeding to administer a heavy censure on the "spirits" in the other Chamber, when he was called to order by Hon. Mr. Montgomery, who enquired of the Speaker what was the question before the House.

THE SPEAKER—The question before the Senate is the motion by Mr. Howlan, seconded by Mr. Montgomery. (Laughter.)

HON. MR. NORTHUP did not think they were there to speak about any report which might have been received from outside as to what was going on in the other branch of the Legislature. The hon. gentleman was not speaking to the question.

HON. MR. HAVILAND had been taken a little by surprise, for by the constitutional law he had been studying, a member could only speak to the motion before the chamber; but, like some parsons, the sermon did not appear to apply to the text. At a proper time, and with a proper resolution, they would be enabled to take up that question which hon. members had insinuated as now being discussed in another branch of the Legislature, relative to the Senate remaining any longer as a branch of the Legislature

of this Dominion, but it was not raising their dignity to bring it up like this. With regard to the question before the House, he had much pleasure in supporting it. He did not do this in any factious spirit, or for the purpose of embarrassing the Government, but he thought the people of Prince Edward Island should be acquainted with the condition of that contract, as various remarks had been circulated relative to it. One thing was evident, that the people of that Island were neither satisfied nor content with the manner in which the Confederation article had been carried out for obtaining suitable winter communication, and for carrying the mail. The present boat was about equal to an old washing tub with a couple of side wheels, for all the advantage they had received from it. In the calmest weather, before the storms of winter, she could only run between Pictou and Georgetown on a calm day, and rolled to that frightful extent the passengers had to be put on starvation allowance the whole way. She was a complete fraud as a boat, and yet it was rumoured that she had obtained from \$10,000 to \$17,000 for winter service, when she wasn't worth half the amount herself. As regarded the mode in which the advertisement was issued in the first instance for the contract, and the way in which it had been accepted by the Government, he had been instructed to the effect that advertisements were issued for a boat of particular dimensions and size, to be built of iron, and furnished with a screw, and that the vessel was to be ready for the winter route in a few months, and that in consequence of the shortness of the time and the difficulty of entering into a contract for such an important service, a certain company of shipowners in Prince Edward Island entered into a correspondence with some celebrated shipowners of the Clyde, but they received an answer that it would be impossible to get a proper boat here in the time specified. They consequently did not send in a tender, nor did they state that they would be prepared to put an interim boat there till a proper one could be constructed. The present contract was a hocus-pocus one, and had been entered into without fair compe-

tion, and not only had the contractor—who, he believed, was not even a native of the island—not only had he received the contract for one year, but for a large number of years. It was also rumoured, for he only said what he had himself been told, that there was not that fair competition for this boat to which the ship builders of the island had a right. This was why he supported the motion for the advertisement of the tenders, in order to see whether the Government were right, and the ship-owners of Prince Edward Island wrong. He would not prejudge the case. As to the question which had arisen incidentally, and on which the member for British Columbia had spoken so earnestly and with so much power and vim, whether it was a proper time to take up that question, or whether it had been treated in the way it should be, consistently with their dignity as Senators, and whether, at the same time, the debate had been conducted in a constitutional and in a philosophical manner, the public would judge when the speeches should appear in print. He, however, would not find fault with the hon. gentlemen in the other House for bringing forward their opinions in reference to this subject. They were not like a Geni's constitution, never to be altered. God forbid that if this body were useless, it should be a dead weight on the constitution, but for his own part, he was convinced that it was a valuable branch of the legislature.

HON. MR. BOURINOT sympathized with the hon. gentleman who had moved the address, as well as with those who had spoken on its behalf, as, judging from his own experience, he feared they had little to expect from the present Government. The cool manner in which he had been answered the other day by the Secretary of State, showed the House that there was no desire to do them justice, and that the Government were not willing to keep that faith with the island which he had the honour to represent, to which they had pledged themselves on entering confederation. But their doom was not far distant; it was coming, and he would tell them that justice would be done. Examples were not wanting, and those examples came

home to them. The hon. Secretary of State might smile, but they must judge of the future by the past, and he would say again that the contemptuous, the cool-manner in which he referred to the question which he (Mr. Bourinot) had put to him would never be forgotten.

HON. MR. SKEAD said the question might appear of little importance, but this was not the case. Although he sympathized with the hon. member who had made the motion, yet he could not agree with him in coming to the conclusion at once that the blame must rest with the Government. It might possibly appear, when the contract which had been entered into was laid before the House, that the Government had acted with due discretion, and no fault could fairly be imputed to them. He had had an opportunity of cruising this winter on the steamer, and he admitted that she was unfit for the service, but he believed it was the intention of the Government to give them next winter as good and powerful a steamer as could be had for money. If that was so they had no cause to complain so far as that branch of the service was concerned. He thought that their winter traffic should be carried on by means of some more complete arrangement than was the case now, and he hoped the Government would take the matter into consideration.

HON. MR. WARK said it was to be regretted that such great anxiety should have been manifested in order to induce the smaller Provinces to enter the Dominion. Time should have been taken to ascertain whether some of the undertakings to which the Government had pledged itself were possible. In order to induce British Columbia to enter the Dominion, the Government actually undertook to build a railway from Lake Nipissing to the Pacific in ten years. That was an impossibility. (Mr. Carrall: No, no.) He would repeat, it was an impossibility to have completed it in the time specified, and most people were of the same opinion. The same remark would apply to the subject before the House.

HON. MR. CARRALL—May I correct him?

HON. MR. WARK was in no need of

correction from the hon. gentleman, as he was as well acquainted with the subject as the hon. member opposite. He knew the difference between a possibility and an impossibility, and to run a steamer between Pietou and the mainland with any degree of regularity was an impossibility. There might be a month in the winter when the steamer might run regularly. He had lived in the straits for forty years, and from what he knew he believed it would never be possible to run a steamer regularly between the points specified. No steamer could run through the Gut of Canso in the month of May. It was a frequent occurrence for ships to be completely blocked up in the ice. What he complained of was, that the Government should enter into such arrangements without first ascertaining whether the undertaking was possible.

HON. MR. HOWLAN—The hon. gentleman is speaking of his experience on the Straits, and he is right, but this is not on the Straits.

HON. MR. WARK—Is it not on the Straits? Where is it then?

HON. MR. HOWLAN said that vessels sailing out of Georgetown harbor had been frozen out for weeks, but this was not the same. The present undertaking was quite possible; it was not even a question of doubt, as it had been proved.

HON. MR. SCOTT had no objection to the address passing, as when the papers came down it would be found that the Government ought not to have been censured, as they had taken the ordinary course. Tenders were called for after the advertisement, and about \$12,000 had been paid to the contractor. The time had been too short, and a proper boat could not be obtained for the present winter. Government had only had a short time to consider the question. The present boat was merely an experiment. He scarcely thought it becoming and proper that gentlemen should make innuendoes against the Government, who only had one motive, which was to get the best possible service that could be obtained. They took the only possible measure, and called for tenders. They gave quite enough subsidy. The severity of the winter had been quite unprecedented; and it had been impossible to anticipate the

icebergs and storms in that country. He had been rather pained at the remarks made by the hon. gentleman opposite (Mr. Bourinot), in alluding to an answer to a question made the other day. He was not aware that the Government, of which the hon. gentleman was so fond an admirer, had promised a subsidy, and when he (Mr. Scott) stated that the Government would give, at all events, \$1,000, the hon. gentleman had taken occasion to make some very improper comments. The Government of this Dominion could not subsidize every vessel; it was utterly impossible. If the hon. gentleman would just look into the matter he would find that a very much more liberal sum had been contributed to that part of Canada—(Mr. Bourinot: I deny it)—than we had received from it; he would find, perhaps, that they got a much larger share than perhaps they were entitled to. (Mr. Bourinot: I again deny it.) He thought that such comments came with very bad grace from gentlemen who were answered as he (Mr. Scott) had answered the hon. gentleman, that the Government were prepared to grant a subsidy.

HON. MR. BOURINOT said it ill-became the Honorable Secretary of State to pass such remarks on him, considering that he only spoke on behalf of the interests of Cape Breton. What he (Mr. Bourinot) said on a former occasion he repeated now. He had said openly, within hearing of all, that justice had not been done to Cape Breton, and that it had received only a small share of the consideration to which the Government had pledged itself before Confederation. He said at once that the Secretary of State did not reply to him in that courteous manner which he thought gentlemen ought to. The hon. gentleman's language had been cool, almost contemptuous, and he would repeat it again; and if he intended to assert to the House that even common justice had been done to Cape Breton, he (Mr. Bourinot) denied it, and he would appeal to the proofs that were on record.

HON. MR. MONTGOMERY had no intention of censuring the Government, as he believed they had been grossly imposed upon by the contractor. He believed it to be quite possible

for powerful steamers to pass through the Gut of Canso, as the steamer from Liverpool had worked its way through the ice. This had certainly been a very severe winter, but the boat was not fit for any winter at all. The Government, however, had given a large subsidy, and had done all in their power to procure an efficient service, and were hardly deserving of the censure that had been so liberally passed upon them.

HON. MR. MILLER said that with regard to observations from the Honorable Secretary of State, he, for one, would not sit there and hear from any quarter that they got their portion of the public expenditure. If that question were raised regularly, he would be prepared to discuss it with the Honorable Secretary of State, and he should not be doing his duty to his Province if he allowed any such remark to pass as that they were getting anything like their share of that expenditure. It might perhaps be said with regard to his Province, that they were getting more than they contributed. That was quite possible, but what portion of the Dominion was not getting more than they contributed, considering that they were running into a debt of several millions of dollars? But in proportion to the rest of the Dominion, to say that they were getting more than they contributed, was an assertion that was not justified by facts.

The motion was then carried.

DESTITUTE EMIGRANTS.

HON. MR. PENNY moved for any papers showing the number and condition of emigrants now in the city of Montreal without employment. It was quite possible, said the hon. gentleman, that the Government did not possess these papers; he only moved on speculation, but he wished to bring under the notice of the Government a matter of very great importance. He believed a large number of emigrants, chiefly from France and Italy, had been sent out, not by the agents of the Government at Ottawa, but by the Government at Quebec. It was very unfortunate that people should be brought out here and be in difficulty and great hardship and suffering. The particular occasion of his bringing this motion

before the notice of the House was a letter which he had just received, in which the writer described a visit he had paid to the Quebec Gate Barracks, every hole and corner of which was filled with men, women, and children, all of whom were waiting for employment. They were provided with fuel by the Government, but food was given to none. The writer said that the afternoon he visited the place the cold was 13 below zero. He further remarked on the impropriety of tempting people of this class to come out here. They were mostly artisans from Paris, pastry-cooks, &c., and not such as were likely to obtain employment here. There were a considerable number of them. He (Mr. Penny) did not blame this Government, for they were not responsible for what had happened, but he hoped steps would be taken to relieve these emigrants from their distress.

HON. MR. SCOTT said it was very deplorable that people should be there in that condition. He would see that the member for Montreal was in possession of the information he desired as soon as possible.

STANDING COMMITTEE ON PRIVATE BILLS.

HON. MR. BELLEROSE enquired whether the Government intended to adopt the suggestion already made to them in this House, and appoint a Standing Committee to examine every private bill before the second reading, and report whether or not it was one of those that should go before Parliament instead of before a Local Legislature?

HON. MR. SCOTT replied that the Government had not intended to take any such action. It was hardly proper for the Government to decide what was, and what was beyond, their jurisdiction. It was not proper to control the Committees of this House, nor did they intend to do. They should endeavor to obtain a more uniform practice, but it was the place of hon. members themselves to relieve them from the embarrassment.

FIRST READINGS.

Act to amend the Dominion Militia and Defence Acts (Cameron). Carried; an Act to amend the Acts for the better preservation of the the Peace in

vicinity of Public Works (Cameron).
Carried.

NIAGARA AND IMPERIAL BANKS AMAL-
GAMATION ACT.

HON. MR. BENSON then moved the second reading of an Act to provide for the amalgamation of the Niagara District Bank with the Imperial Bank of Canada.

HON. MR. SCOTT—What is the proportion of shareholders giving their assent on each side?

HON. MR. BENSON—A majority.

HON. MR. SCOTT—Is it not usual to require a two-third vote?

HON. MR. BENSON—It is precisely the same as the Lower Canada Bank and the Canadian Bank of Commerce.

HON. MR. SCOTT—It struck me that a majority was rather too small. However, it will be for the Committee to decide. Carried, and referred to Committee on Banking, Commerce and Railways.

FIFTH REPORT OF PRINTING COMMITTEE.

In moving the adoption of the fifth report of the Joint Committee on Printing,

HON. MR. SIMPSON said it had been suggested that the number of copies of the Votes and Proceedings should be increased. Last year the number distributed to the House of Commons had been reduced.

HON. MR. MILLER asked what the regulations were with respect to the distribution of public documents to the Local Legislatures. He thought these documents should only be distributed where this attention on their part was reciprocated. He believed the Legislature of Nova Scotia did not send them their Statutes, and he would suggest that they should be notified that unless they did they would not get any more public documents from us.

HON. MR. SIMPSON replied that the different Legislatures had been notified to that effect, and that the Province of Ontario were in the habit of sending in their Statutes, &c. As for the other Legislatures, he believed they did not send any, but he advised that the Dominion Parliament should set them an example of generosity. They sent a copy of every document to every member of the different Local Legislatures, and he thought they should reci-

procate it. He would be very glad if his hon. friend would advise him how to bring about a better state of things.

HON. MR. MILLER—Oh, it's not worth while.

HON. MR. DICKEY—Reciprocity! (Laughter.)

The report was then adopted, and on motion of the HON. MR. SCOTT, the House adjourned at twenty minutes past ten o'clock, P.M.

Tuesday, March 2, 1875.

The House met at three o'clock, the Speaker afterwards leaving the chair and resuming it at five o'clock, P.M.

THE PRINCE EDWARD ISLAND RAILWAY.

HON. MR. HOWLAN, on rising to propose the motion in his name said, that the railway was one of the terms of the union of that island with Canada—it was to become one of the public works of Canada. It was then under contract, and was to be completed at the expense of Canada; it was also to be worked by the Dominion Government for the benefit of the island to facilitate the progress of the country. This railway could have rendered great service at any time, but more particularly during the past season, when the island had one of the largest crops ever gathered in. The exports of oats from the island were very large, and necessarily would have given much work to the railway. Previous to handing it over to the Government, the contractor ran the road under some arrangement with the Government of the island, and the people of the island had the use of it which was very useful to them; the shipment of oats amounted to \$1,600,000. The crops being much larger than usual, and the season a short one, shippers found it necessary to employ the railway to the fullest extent, and consequently sent their ships to the deep water harbors so that the largest amount of oats, &c., might be carried thereto. All went well until the railway was handed over to the Dominion Government, when it was allowed to freeze up, and be torn up, so that whilst other parts of the Dominion have enjoyed their railways, no railway communication is open on that island, which has a new

road 200 miles long, provided with new railway stock and all necessary materials for running. As a consequence there was a loss to those interested in the shipment of large quantities of agricultural produce. Again, it was well understood that a railway, like any other property, allowed to remain unused for a number of months, must necessarily incur injury from accidents, neglect, &c., partially by rains and snow; large losses must therefore have accrued; they were told by the Secretary of State last night, in reference to a grant for Cape Breton, that we received more than we have paid into the Dominion. He (Mr. Howlan) was at a loss to understand that sort of doctrine, and was surprised that a Cabinet Minister would allow such a statement to proceed from his lips. He (Mr. Howlan) presumed that the terms of the B. N. A. Act must be carried out. Necessarily the islanders paid a portion of the expense of the running of the roads in the other Provinces. He thought that the Government should have some good reason for refusing the same facilities to the island. It might be the Government had papers showing good reason for closing the road. Be that as it may, he wished to ascertain where the wrong lay—whether it was inherent in the railway itself, or in the mismanagement of gentlemen sent there to manage it. At all events the railway was a sealed book for six months of the year, producing a serious loss to trade. He desired any telegrams and reports with regard to this subject, to know the legal state of the affair, the causes producing this crisis. He should like to know whether the staff was organized. So far as he was aware, there were no station-masters, nor any persons of that kind, and time tables and other announcements of the working of the railway were given to the people, and merchants and ship-masters had produce carried to the different stations, and yet the road was allowed to be snowed up helplessly, and vessels to be frozen in, to the great loss of the trade. He would have more to say on this question when the papers were tabled, and for the present therefore moved,—That an humble Address be presented to His Excellency the Governor General, praying that His

Excellency will be pleased to cause to be laid before this House all correspondence, telegrams and reports relating to the Prince Edward Island Railway.

HON. MR. SCOTT said the Government had no objection to the papers coming down. He regretted, however, the hon. gentleman should have abused the opportunity of his motion for another fling at the Government. He knew very well the greater part of his remarks were disingenuous. The contract for this railway was given by the Local Government, of which the hon. gentleman was a member, and the road was to be completed for running in September last. Owing to difficulties, such as all railway contractors were exposed to, the present were not in a position to hand over the railway at the time fixed. The Minister of Public Works, whom all admitted to be a most energetic officer, made every possible effort to have the road in running order last fall. For that purpose Mr. Swinyard, an experienced Canadian railway manager, was sent to the island, he did his utmost to push on the completion of the work. He declined, however, and very properly, on the part of the Dominion Government, to take it out of the contractor's hands till it was built. It was some time in September before it was in a condition to be transferred to the Government, after which they made every effort to have it worked properly. But, unfortunately, a snow-storm came on, and we were informed that it was impossible to move the trains. Orders were sent down to put all laborers procurable on the line, to have it cleared at once. With this object some hundreds of men were set to work, but before they had quite succeeded, in a few days another snow-storm set in, aggravating the difficulty. Now, in such a case, Government don't feel able to compete with the elements. Thus, every possible effort was made by the Government, honestly and honorably, to meet the wishes of the Islanders, and every effort within the capacity of skill and energy to complete the road and work it. The road was made in a very peculiar course, being longer than necessary, running a mile to get rid of a hill with only a few yards to cut through. This was the case throughout the whole line. Every-

body knew these long circuitous routes were easily blocked up with snow. Similarly one of the most important roads in New York—from Rome to Cape Vincent—had been snowed up this winter for two or three weeks. The papers to be brought down would convince the House that the Government were not to blame in the slightest degree.

HON. MR. HOWLAN rose to make some remarks in reply, but amidst cries of "Carried," resumed his seat.

CRIMINAL PROCEDURE AMENDMENT BILL.

HON. MR. SCOTT explained that this bill proposed the addition of a proviso to the Criminal Procedure Act 32 and 33 Vict., in relation to the time of minors under sixteen years of age serving in the reformatory. It provided that they should not be sent for a less term than two years or a longer term than five years, and if their sentence reached a longer term than five years they should be sent to the penitentiary. The addition of this proviso to the clause relating to the term of imprisonment was the only change proposed.

HON. MR. DICKEY remarked that his hon. friend had not given any reason for the proposed change. As he (Mr. Dickey) understood it, this was an amendment to the law of 1869, which limited the time of committal to a reformatory to two years instead of six months. Under the old Act any juvenile offender could be sent to the reformatory for six months, but this bill extended the period to two years, so that no offender who was committed for an offence that required imprisonment for less than two years could be sent to the juvenile reformatory. He would like his hon. friend to state his reasons for proposing a change in the law, so that a juvenile offender who was committed for eighteen months' imprisonment, for instance, could not be sent to a reformatory, as under the existing Act.

HON. MR. SCOTT said the reason for the proposed change was that, in order to accomplish the object of sending juvenile offenders to the reformatory, it was necessary to make arrangements for a longer term. It had been found that it was of very little use to send offenders to the reformatory, where the punishment was much lighter than in the penitentiary, for a less term than two years. Punishment in the refor-

matories was so light that very little good could be accomplished in a less time than two years, for six months in a reformatory was no punishment at all.

HON. MR. DICKEY thought the substitution of the reformatory for the jail or the penitentiary was not so much the punishment of young offenders as their reformation. Therefore, it would seem that unless there was some good reason for starting it at two years, the primary object of committal to the reformatory would not be attained unless they were committed for two years; in other words, a party who had committed a lesser offence would have just as good a right to be sent to the reformatory for the purpose of reformation and amendment as a person who had been guilty of a more heinous offence.

The bill was then read a second time.

FELONIES AND MISDEMEANORS SPEEDY TRIAL BILL.

HON. MR. SCOTT said this bill was meant to apply only to Ontario, and provided that in certain cases offenders might, if they so choose, be tried before a police magistrate or a stipendiary magistrate instead of at the General Sessions where, under ordinary circumstances, the prisoner would have been tried. One effect of the bill would be to reduce the time which the prisoner would have to lie in jail before being tried.

HON. MR. MILLER asked at whose instance this bill was introduced.

HON. MR. SCOTT—At the instance of the Attorney-General for Ontario.

HON. MR. MILLER—It should be applied to all the Provinces.

HON. MR. DICKEY observed that the principle of the bill had long been adopted in England.

The bill was then read a second time.

THE ONTARIO CENTRAL PRISON.

HON. MR. SCOTT said this bill was also promoted at the instance of the Attorney-General for Ontario. In case of a prisoner who had been convicted and sentenced to the Central Prison, it authorized the Sheriff to detain him in the common jail until

the Central Prison was ready to take charge of him.

HON. MR. MILLER—It merely relates to the discipline of that jail?

HON. MR. SCOTT—That is all.

The bill was read a second time.

INTERPRETATION ACT AMENDMENT BILL.

On motion of HON. MR. SCOTT, the House went into Committee of the Whole on the Interpretation Act Amendment Bill. Hon. Mr. Hamilton in the chair.

HON. MR. SCOTT explained that the object of this bill was to give a larger circulation to Acts of a general and public nature, while those of a merely local or private nature would have but a very limited circulation. The object of the bill had been already generally approved by the House on its second reading, except that some reference had been made to embarrassments that had arisen in putting into operation a previous Act somewhat analogous to this. They would, no doubt, all admit that if the embarrassments which followed the adoption of the change in 1849 were likewise to attach to the present legislation, it would be much better not to attempt it, but he was glad to be able to say that no such difficulties could be apprehended. Those Acts known as personal were divided into three classes: General Public Acts, Local Acts, and Private Acts. Of the latter class, only one hundred and fifty copies were furnished, and they were only printed in one language, a circumstance which naturally caused much inconvenience. Hon. gentlemen would see that this bill not only embraced Public Acts, but also other Acts that were, in their general nature, of interest throughout the whole country, such, for instance, as Acts relating to public companies, and organizations that were not, strictly speaking, local in their character. But those purely personal and purely local could not be regarded as of general interest.

The hon. Chairman having read the bill, some verbal amendments were made in it at the suggestion of the Hon. Mr. Aikins, who said that in reference to the principle of the bill, he thought it was a mistake. No doubt the Hon. Secretary of State thought it

was in the public interest, but when it came practically to work itself out that hon. gentleman would come to the conclusion that it would have been much better to let the matter remain as it is. It would also cause unnecessary expense in printing and binding.

The bill was then reported as amended, and, on motion of the Hon. Mr. Scott, it was read a third time.

SECRETARY OF STATE'S AMENDMENT BILL.

The Senate again went into Committee of the Whole on the Secretary of State's Department Organization Amendment Bill. Hon. Mr. Montgomery in the chair.

HON. MR. SCOTT explained that this bill gave the Deputy-Registrar authority to sign certain documents which could now only be signed by the Head of the Department, and which sometimes involved considerable delay.

The bill was amended so as to allow existing records to be signed by the Deputy-Registrar, there being a large accumulation of such. It was then reported as amended, and read a third time.

On motion of Hon. Mr. HAMILTON, the House then adjourned.

RECIPROCITY NEGOTIATIONS.

On motion for the resumption of the debate being carried,

HON. MR. CAMPBELL rose to express how very desirable it would be if the House were informed how the Government stood in reference to the treaty. In the debate immediately after the Speech from the Throne, language was used by the Premier indicating that the negotiations for a treaty were in such a state as would make it extremely inconvenient if the House were to press for any remarks in reference to it, and he hoped they would not do so. Language, though not precisely so distinct, was held in this House by the Hon. Minister of Agriculture. All of a sudden his hon. friend arrives on the scene—the difficulties vanished and appeared indeed to have been only imaginary. The position of the hon. gentleman who made the explanations was rather a peculiar one. He was immediately responsible to the Queen and Her Majesty's Government for what had happened at Washington,

yet the explanations he had given to the House, for which they were extremely indebted to him, were as from a private member of Parliament. Involving such large interests as did this treaty, it should be treated as it was treated by the hon. gentleman yesterday, with great gravity; they ought to understand the position of the Government in this matter, what instructions they had given, and what were their plans.

HON. MR. LETELLIER said that the reason why he had called upon them to speak to the question was that at the commencement of Parliament no decision had been come to by the Senate in reference to the proposal which had been made by the commission, and it was only after that decision that the hon. member had moved for the papers. He moved as a member of that House, and he had every right to bring before the House and the country his views on the question. If they had not been precluded by the fact that at that time the proposal was being submitted to the Senate of the United States, this question would have been discussed before. The situation was now changed. Then the negotiations were open, now they were not. He had just received the decision of the Senate, who declined to form the treaty with Canada. The hon. gentleman was now, therefore, at perfect liberty to express his views on the question.

HON. MR. CAMPBELL did not think that these reasons were sufficient. For his own part he did not know that any decision had been arrived at either before or since the opening of Parliament. The question, he believed, had been before a Committee, but what was done by that Committee was a matter of profound secrecy. He did not understand how he (Mr. Letellier) had been able to learn the decision of that Committee, nor why he should have given this as the reason for their departure from the original view held by the Government. He thought that the House was entitled to have some account of the origin of the embassy, and of the instructions which had been given. They were entitled to know from some one responsible to the country what had been done—they ought not to be put off by an explanation

given by a private member of that House. This was an important State matter, and it was not right that a discussion of this kind should go on without any authoritative information as to the position the Government had taken in the matter. Was the Government the instrument of his hon. friend, or what was their position? They were certainly entitled to know the instructions given, so that they might understand how the treaty originated, and what really was the position of the Government relative to this matter.

HON. MR. LETELLIER said that an hon. member of this side of the House had moved for these papers, and the Government did not intend to prevent the papers from being laid before this House. They readily agreed to put them in possession of the papers, and this would show that they were in possession of information; but they were not now compelled to give any verbal information to that House. If the Government had refused these papers then the hon. member for Kingston might complain with justice; but when the address was allowed, the Government could not be said to shirk from giving all the information in their power. He thought it would be better for the hon. gentleman to criticise the action of the Government when he had the papers in his possession. If the hon. gentleman thought fit to make such a motion he could not prevent him. If his hon. friend was not ready to answer the proposition made by the hon. member from Toronto, it was his own fault and not that of the Minister of Agriculture. If then, he (Mr. Campbell) was ready, they were; if he were not, they were not.

HON. MR. BUREAU did not understand how they could adjourn the debate and move the address.

HON. MR. CAMPBELL said that the inconvenience of going on was very great; (hear, hear, from the Government benches)—perhaps the hon. gentlemen would allow him to finish—the inconvenience of going on was very great, because there was no statement from the Government as to what had been done. The hon. gentleman who had made this explanation, and who was Plenipotentiary to Her Majesty, had no doubt done the duty entrusted

him by the Government. But they were placed in a peculiar position. What had the Government done? The hon. gentleman had doubtless made his report. Let the House be informed as to the particulars, or let them adjourn the debate.

HON. MR. BUREAU thought his hon. friend was in favor of an unusual course. The best plan would be, he thought, to follow the ordinary practice of Parliament and go on with the debate now. Let the address pass. The papers would come down, and then the hon. gentleman could bring up his debate in any way he chose. During the whole course of his Parliamentary experience he never knew of an address to the Crown, on which such large interest depended, being refused, and he apprehended his hon. friend would not insist on such a course as that.

HON. MR. CAMPBELL did not wish to oppose the address, but was anxious to see the papers. What he wanted to understand was, the position occupied by the Government and by the hon. gentleman. Something of that position might have been understood from the account which the hon. gentleman gave of the origin of this effort to procure reciprocity. So far one could judge from the narrative of the hon. gentleman, this did not so much result from the Government as from his (Mr. Brown's sudden inspiration in the course of his conversation with Mr. Rothery.

HON. MR. BROWN—The hon. gentleman is mistaken; I know nothing at all of the course taken previous to that time.

HON. MR. CAMPBELL—It only showed how right he was in asking information as to the course pursued by the Government; these explanations, if they were before them, would enable them to understand the position better than they now did. If the Government had taken the course which they ought to have taken, they would have explained to the House the instructions which the hon. gentleman had received. The account which had been given was that the hon. gentleman opposite and Mr. Rothery met at Toronto, and Mr. Rothery informing him what he was about to do, Mr. Brown remarked that the giving up

of the fisheries for a money consideration would be distasteful to the people of Canada, and suggested instead, that he should endeavour to obtain some reciprocal arrangement. Mr. Rothery went to Washington and adopted that idea. Mr. Brown himself was then asked to go down to Washington and ascertain what the prospects of negotiation were. Leaving that part of the subject, and the question of the origin of this negotiation, which he supposed was adopted by the Government on the suggestion of the hon. gentleman, the course which had been pursued throughout, both in this House and Washington, showed that the hon. gentleman was really the person who controlled the negotiations, and who, to some extent, he would not say instructed, but suggested, what should be done by the Government. (Hear, hear.)

HON. MR. SCOTT thought that it had been stated that authoritative information had been received that the Senate had decided that it was not expedient to adopt the treaty.

HON. MR. LETELLIER—I stated that the Committee of the Senate had reported to that effect, and that I understood the Senate had endorsed that report. He had learned this within forty-eight hours.

HON. MR. SCOTT—All these different statements may be harmonized, inasmuch as they occurred at different times. We have just been informed by official despatch, that the Committee has reported that it was not expedient to adopt the treaty.

HON. MR. CAMPBELL—It was difficult to proceed with so many interruptions. He was sure, apart from the origin of the negotiation, apart from the control which he had exercised, and which he still continued to exercise over the management of this treaty, it was impossible, he thought, to listen to the narrative of the hon. gentleman without considerable interest. He was anxious to say that he gave the hon. gentleman credit for the greatest anxiety to accomplish the object for which he was sent to Washington. He had no doubt that the efforts he made were persevering and such as he thought were likely to accomplish the object in view. Everyone who

knew the career of the hon. gentleman would give him credit for a very sincere love of country, and he was quite persuaded that anything he could do, in the light in which he had viewed this matter, would be done by him to bring about a result which he believed would be of essential service to the country. But the course pursued by the hon. gentleman, although characterized by great earnestness and perseverance, was lacking, he thought, in judgment. He hoped his hon. friend would allow him to use such an expression without offence. He quite recognized also the spirit in which the hon. gentleman had introduced the subject in this House, which was, he thought, one of anxiety to give, and not to reflect upon any person or party in this country, but simply to be able to place before the country a narrative of all that had occurred, in order that they might see how matters stood; and that if any negotiations were entered into in the future, they might be taken up at the stage where they were left off. But he must express his doubts as to the judgment exercised by the hon. gentleman in carrying on the negotiations in the manner in which they had been carried on. The hon. gentleman had observed in the course of his speech that the way to obtain the treaty was not to approach the United States cap in hand, but if they were to judge from his printed arguments, from the memorandums signed by Sir Edward Thornton and himself, from the proceedings at Washington, and from the calm sort of indifference and reticence with which the negotiation was met by the United States Government, they could not but come to the conclusion that the hon. gentleman had done just that very thing which he thought it was not necessary to do; that although he thought it so unbecoming to approach the American Government cap in hand, yet they would see that he did approach them in that manner. This was manifested by the argument used in the paper, by the fact, in the first place, of a paper being presented at all, and in the next by his visit to Washington. To have been successful they should have started on the true basis that each country

was interested in reciprocity. A suggestion to that effect might have been made to the American Government, and if satisfactorily answered, then some one might have been sent down to Washington. But when they found the hon. gentleman going down so promptly, and urging upon the Washington authorities the granting of this treaty—urging it and presenting reasons which, to his mind, rather indicated that his country did not want the treaty—and then, instead of being met by some advance on the part of the United States, finding a disposition not to make any step in the direction desired, he certainly thought that they had gone the wrong way to work, and that was not the spirit in which the people of the country would like the Americans to be approached. It would have been better to have approached the Americans on more equal terms than we had actually carried out and practiced. He admitted that the way in which he (Mr. Brown) had proposed to carry on the negotiation was the right way; but he contended at the same time that it was not the plan which he adopted. He thought that the general feeling of the country was that Canada had as much to give as America. And he thought when his hon. friend approached the Government at Washington as he did, and urged upon them in his vigorous and earnest manner, and with all the arguments in this book, that he showed his anxiety too much, that he fell into the error mentioned in the speech which he (Mr. Brown) had quoted made by the right hon. gentleman (the leader of the Opposition) as a not impossible event. He thought that what the Hon. Mr. Brown had said to the House, and what was said in this pamphlet, both combined to show that the hon. gentleman pursued at Washington a course which was too eager, and which did not truly and clearly reflect the disposition of the people of Canada, which was to approach the Government of the United States as on a matter of fair business, and on equal terms, and not in any way to beg a favor at their hand. When the hon. gentleman went beyond that, he went beyond what was the feeling of the people of this Dominion. The arguments, too, that had

been used by the hon. gentleman in order to induce their neighbors to look favorably on the treaty, were not, in his opinion, likely to succeed. In them he endeavored to show that the Americans would have by far the best of a new treaty, but he hardly thought that was the way to influence them in favor of the negotiation, for the Americans would certainly think that the advantages of the treaty to Canada must have been very great if they took so much trouble for its renewal. Since the abrogation of the Treaty of 1854, the trade returns, which a little before that time had fallen off, had increased to a large extent with other countries, and in the course of a few years Canada stood in a better position than ever. A large portion of the joint memorandum of Sir Edward Thornton and the hon. gentleman was devoted apparently to showing that Canada did not want the treaty at all, and how the hon. gentleman expected the Americans to swallow that line of argument and act upon it he was somewhat at a loss to conceive; but it hardly seemed to him to be an argument which should be addressed to a Government so intelligent and so keen as that of the Americans. Objections were taken to this treaty by many persons and many parties in Canada, notably by the Dominion Board of Trade, objections which the hon. gentleman had answered more or less. Those objections, however, seemed more grave to him (the Speaker) than they had appeared to the hon. mover of the Address. He thought, probably, that the answer which he gave to the first objection, as to the reduction of scale duties was, if his facts were correct, fairly sufficient, and rendered that objection of less importance. The average duty, he has said, on goods going from Canada to the United States was, he believed, 25 per cent., while the duty paid by products of the United States coming here was 17½ per cent. He did not think, on the whole, that the objection to the gradual reduction of these rates was so serious a one as had been supposed, but there was another objection of a more grave character, which did not seem to have been sufficiently understood, nor did it seem to have been sufficiently im-

pressed on the mind of the hon. gentleman; he referred to the construction of the Caughnawaga Canal. In the first place, it was very unwise to have been bound to have completed the canal in as short a time as possible. Grave objection had been taken to the fixing of the period of the Pacific Railway. It was argued at the time that it was a very unwise proceeding, but there, at all events, we were dealing with ourselves. It was one part of the country dealing with another, the representatives of that one Province in our Legislature would have been willing to have listened to any reasonable excuses that might be advanced; but in this case it was different. Here we were binding ourselves to do something in 1880, which we might find ourselves unable to perform within the time specified. If it were not done within the period specified, he supposed the treaty would have fallen to the ground. The fact of the possibility of the treaty being nullified by failure in the conditions was enough to deter manufacturers in Canada from speculating as they otherwise would. He did not think that this objection had been sufficiently answered by his hon. friend. He said it was necessary to fix some period, and therefore he fixed this; but even then it would have been wiser and safer not to have made that a condition of the treaty, to have named a longer period or the earliest possible day. The other objection was that it was not coupled with a stipulation on the part of the United States that they would continue it to the Hudson river. They promised to recommend it to the State of New York Legislature, which was a very uncertain method of procedure. A recommendation of a similar nature had been made to the same legislature on the occasion of a former treaty, which had never been carried out, and he did not see why in the present instance the hon. gentleman could have expected better success. As to the permission to go through the canal in that State, he believed they might have done that before, but that was a matter of much less importance than would be the continuation of this canal from Whitehall Fall to the waters of the Hudson,

It was quite equal in importance to the construction of that portion of it which lay in Canada, and why the hon. gentleman should have proposed to bind Canada to construct one portion of the canal in a certain period and not bound the Americans to construct theirs as well, he was at a loss to understand. The only explanation that he could see lay in assuming that he did display over-eagerness for the obtaining of the treaty. The suggestion of the Board of Trade seemed to him a good one, that the undertaking from the State of New York to construct their portion of the canal should have been made the condition of our constructing our portion. No obligation to commence our work should have been undertaken until this had been responded to. In answer to this objection, the hon. gentleman replied that the canal itself was a most important one, and irrespective of its being carried out as a part of the treaty, was of itself so valuable that we might venture to undertake its construction for ourselves. He apprehended, however, that this country would not undertake the construction of this canal simply as a local work, and certainly not on the scale mentioned, as a twelve feet canal. If the country undertook the construction of this canal at all, it would be with the intention of having a continuous communication with the Hudson River, and not for any local purposes alone. In answer to another question with reference to the coasting trade, the hon. gentleman had said very truly that we could not expect a treaty to be altogether such as we wanted. It was very easy to say we will have this and we will have that, and we might very easily make treaties to suit ourselves, but in reality we could only get what both parties agreed to. He agreed with the hon. gentleman's observations, but had he not displayed that eagerness about the matter, had he held himself a little more aloof, and taken, if not a high and mighty, at any rate a proper, fair, and independent attitude, willing to make a treaty, but not willing to go a-begging for it; and had he been a little more reticent, the authorities at Washington would probably have shown a far stronger disposition to ad-

vance. He hoped that some of the other objections taken by the Board of Trade would be cleared up. Some of them might easily be arranged with a little more time and attention, and a little less eagerness, such as discharging of cargoes on Lake Champlain, the bonding system, and a few other similar points. Then the hon. gentleman had said that the schedules had been somewhat hastily prepared and not put in clear phraseology. The eagerness and anxiety of the hon. gentleman to obtain the treaty was not in accordance with the feeling of the people of Canada, who were satisfied with their own business and prosperity, anxious to be good neighbors, and desirous of increasing their trade by any fair means—willing to make reciprocal terms with the United States, and believing that they could give as many advantages as they could hope to obtain. The hon. gentleman concluded by repeating that so far as they were able to judge, though the hon. member for Toronto held the language of independence—which was the language of the country—yet in his actual conduct he had gone beyond that, and shown an over eagerness and desire to obtain this treaty which tended to defeat its object, and which was not the reflex of the feeling or wishes of the people of the Dominion.

Wednesday, March 3, 1875.

The House met at three o'clock.

LOUISBURG:

THE SHORTEST ROUTE TO EUROPE.

The HON. MR. BOURINOT, on rising to put the question, in his name, to the Government, said it was one not devoid of interest to readers of Canadian history, relating as it did to the old City of Louisburg. It was a very important port a century and a half ago, being very flourishing. Whilst in the possession of the French, at that time, its fortifications had been erected at great cost, were, strange to say, ordered to be blown up, after the surrender, by the English Government, that had come into possession, which orders were carried out by General Byron, ancestor of the great poet, and the good inhabitants of that portion of

Cape Breton deserted it for a while, as was well known. He thought that its prosperity, though slow, could not be far distant. Its trade would revive again as in the old times on account of its great importance as the nearest port to Europe. He wished to refer to the enquiries of a Select Committee of the Commons, first called in 1873, which concluded its valuable labors in May, 1874. It reported in favor of Louisburg as the most advantageous Eastern port, shewing its superiority to Halifax and Paspébiac, being 196 miles nearer Europe. It was also reported very easy to connect Louisburg by railway with the Intercolonial; being only 160 miles from New Glasgow, it is accessible at all seasons, like Halifax. This report was exactly like one of those to which he referred a few days ago, when complaining that it was not printed in the journals but was buried in the archives of the House. It was not accessible, and could not meet the eyes of the general reader, as it would be if printed in the blue books. This Select Committee sat days and days, made report after report, and got a vast amount of information from all parts of the Dominion, with the result embodied in these statements:—

The Select Committee of the House of Commons, which met on the 24th May last, gave their first report, of which I give the following extracts:—

They state that owing to the brief time at their disposal, they had not been able to elicit all the necessary information, but had procured much valuable information of a nature sufficient to justify them in reporting as follows:—

“1st. That there are but three harbors possessing the qualities necessary to commend them to the attention of your honorable House—viz., Halifax, Louisburg, and Paspébiac.

“2nd. That from the evidence given before your Committee, it has been shown that Louisburg is a first-class harbor, having the geographical advantage of being the nearest available harbor of this Dominion to Europe.”

It is 230 miles nearer to Europe than Paspébiac, and 196 miles nearer to Europe than Halifax by the direct route.

It should be also observed that the approaches to Louisburg are very easy, and that the anchorage is good in the northeast portion of the harbor, which

is entirely sheltered from winds, and that the harbor is capable of floating vessels of any size.

Your Committee recommend that a survey be made between Louisburg and some point of the International Railway, to ascertain the practicability of building a railway between the most suitable point of said railroad and the harbor of Louisburg at the same time that a proper survey be made, and report be given upon the best made to be adopted for crossing the Gut at Canso.

“Egg Rock,” inside the harbor, is of a small extent, which can be easily removed by excavation at very little cost, and which can be easily avoided by adhering to the directions issued by the Admiralty.

HON. MR. BOURINOT, continuing, observed that this which he had just read was very important evidence, but it went further, recommending a survey between Louisburg and some point of the Intercolonial, to ascertain the practicability of building a railway. He was very sorry the Government had not acted upon the report. It was only a question of time. Certain individuals of influence might oppose making Louisburg the terminus of our great Intercolonial Railway; but nothing could prevent it, on account of the reasons he had already given. Its further importance was, that it had direct communication, by a small railway, with our large coal fields. Coal could be purchased there, and when the line was completed thither next April, vessels could coal at Louisburg at from two to three dollars per ton—advantages not to be had at other ports on this side of the water. This showed that Louisburg ought to be the terminus of the Intercolonial. There were parties in London quite willing to build a railway to connect them. He thought there was as strong a claim to this as to the projected Pacific Railway; also on account of the lines Government had promised to subsidize in other parts of the Dominion. Cape Breton had a very strong claim to the consideration of the Government. They had no railway, built at public expense, in whole or in part, while Ontario, Quebec, New Brunswick and Prince Edward Island were covered with them. Our few railways but connected the mines

with the harbors, for the shipment of coal, and were constructed at private expense. He repeated this was a subject of no small importance, when closely regarded. He would ask if any decision had been arrived at by the Government respecting the Eastern Extension of the Intercolonial Railway to Louisburg? and hoped for a favorable consideration of the claims of the important island of Cape Breton.

HON. MR. MILLER said there was no doubt that the matter brought before the House by the hon. member was a very important one, and if by an arrangement, or any assistance compatible with the requirements of the public service elsewhere, Government could obtain the construction of a line of railway to Louisburg, it would be a great benefit to the island of Cape Breton, and an act of justice to the people. The harbor of Louisburg was the most eastern harbor of the Dominion, and was admirably fitted for the Atlantic terminus of their system of railways. As he had occasion some time ago to speak very fully upon this point, he did not think it necessary to repeat what he then said, but he might state that the people of Cape Breton all desired the extension of their railway system to Louisburg if they could possibly get it. For himself, as he was unwilling to forego the great advantage of getting the road to the eastern section of Nova Scotia, he would like to see it extended to the Strait of Canso at once, if it could not be extended as far as Louisburg. He understood the position of the question to be this—that the Government had agreed to transfer the line from Truro to Pictou. In the first place they had a proposal to transfer it to a company that undertook to build the line from New Glasgow to the Strait of Canso, a distance of eighty miles.

HON. MR. SCOTT—No; the first plan was to build it to Louisburg.

HON. MR. MILLER understood that another company offered to build it to Louisburg, and that no arrangement was entered into to build it to the Strait of Canso, until it was found whether it would be practicable to build the whole line to Louisburg for the concession asked.

HON. MR. SCOTT said that under the

resolution passed last session in the Commons, an Order in Council was passed in June, providing that the Truro and Pictou Railway should be given to the Eastern Counties Railway Company on condition of building their railway to Louisburg. In September this company notified the Government that they could not comply with the condition, and offered to construct their line as far as the Gut of Canso. An informal offer was made by the Government to give them the branch on condition of so building the road, but that any company constructing a line from the Gut of Canso eastward, should, on such construction become *pro rata* with the Eastern Counties Company, proprietors of the Pictou branch. This was declined, and no further action has been taken.

HON. MR. MILLER said he was just as desirous as his hon. friend, or any other member from Cape Breton, to have the railway extended to Louisburg, but at the same time he was willing to take half a loaf instead of no bread. If the Government could do no better than to give the road to a company on condition of extending the road to the Strait of Canso, let them do so until they could do better. He was sorry that there should be any difference of opinion on this question, but he believed a large majority of the island were disposed to take the railway to the Strait of Canso, if they could not get it extended to Louisburg. By giving a portion of the line from Truro to New Glasgow, and a handsome subsidy, which the Local Government were prepared to give, they would in a short time have the road extended to the Strait of Canso, a distance of eighty miles. When they got it that far they would then be in a position to fight for the rest. (Hear, hear.) He had no doubt whatever that when they got the railway to the Strait of Canso, with the united action of Cape Breton, and the influence they could bring to bear in Parliament, they would be sure to get the road extended to Louisburg in some way. But in the meantime he for one would be satisfied to have the road for the present extended to the Strait of Canso, as he could not get it any further. He did not want to ask too much and get nothing. Therefore, he

thought the Government would act wisely to reconsider its decision, and to give the road from Truro to New Glasgow to a company that would extend it to the Strait of Canso for the present.

HON. MR. SCOTT—How much further would it be to Louisburg?

HON. MR. MILLER—It would be about eighty miles.

HON. MR. SCOTT—The grant for the road would be absolute until the line was continued further.

HON. MR. MILLER did not think the company would be induced to continue it to the Strait of Canso without an absolute transfer. Three-fourths of the people of Cape Breton would be satisfied at present with that. He hoped, however, to see it extended at no distant time to Louisburg.

HON. MR. BOURINOT said he had corresponded with gentlemen representing an influential house in London, who was quite ready to contract for the building of the road. He would rather see that great work in the hands of one company than to see it done piece by piece. They had already waited too long for it, and the sooner it was begun and completed the better.

ST. VINCENT DE PAUL PENITENTIARY.

HON. MR. BELLEROSE, with reference to the first motion on the paper in his name, touching the supply of the above institution with wood, said his intention was to ascertain the names of the parties tendering for the supply of wood, but the Minister of Agriculture having stated that he thought he had not the information, he (Mr. B.) would not proceed with the enquiry.

HON. MR. BELLEROSE moved:—That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House copies of such public notices as may have been given during the last months of 1873 or the first six months of 1874, asking for tenders for firewood for the use of the penitentiary of St. Vincent de Paul; also, copies of all tenders received in compliance with the said notices since the present Administration came into power up to the first day of July, 1874, together with the date on which the said tenders were

received; also, the name of the party whose tender was accepted, and a copy of the contract, or, if there be no contract, then the date of the convention or agreement and the several conditions thereof. Also, copies of all letters, correspondence, orders, complaints, &c., &c., relating thereto, which may have been sent or received by the Department of Justice, the Directors of Penitentiaries, the Warden of the said institution, or any other person.

HON. MR. BELLEROSE then moved the second motion on the paper, as follows:—

HON. MR. BELLEROSE proceeded to explain that a few months ago—he believed it was last winter—the Government asked for tenders for the supply of firewood to the Penitentiary of St. Vincent de Paul, and tenders for the same were sent in by parties from Montreal and elsewhere. These tenders having been opened by the proper authorities, it was found that the lowest one was made by a gentleman of Montreal, the next lowest by a gentleman from his (Mr. Bellerose's) own village, St. Vincent de Paul, while the third was made by a gentleman residing in one of the counties on the Island of Montreal, a resident of the Parish of St. Laurent. The Directors of the Penitentiary informed the then Minister of Justice that there was no reason why the lowest tender should not be accepted, and that in case it was not accepted, they recommended that the next lowest tender should be accepted, representing at the same time that both parties were responsible men. He was quite ready to admit that the Minister of Justice gave orders that the lowest tender should be accepted, and in case that was refused, that the next lowest should have the contract. The party making the lowest tender having declined the contract, the second party, a Mr. Paré, got some information to the effect that the first had declined, and that he would probably get it. After some time had elapsed, and seeing that the winter was advancing, and it would be late to have the wood ready at the time specified, Mr. Paré made enquiries of the proper authorities to know why it was that he did not get the contract. He was told that there was no diffi-

culty, and that he would doubtless get the contract, since the lowest had refused it, and he was the next lowest. He (Mr. Bellerose) might here mention that the gentleman, Mr. Paré, making the tender and residing at St. Vincent de Paul, was not a friend of the present Government, though he was a friend of the present speaker, and a friend of the late Government, and that the gentleman residing at St. Laurent and having the highest tender, was a man of large influence in that place. He might state furthermore that the gentleman now representing that county in the House of Commons, although he had tried many times to secure a seat, finally succeeded at the last election, and it was in view of future elections that the Government wished to secure the favour of the gentleman from St. Laurent so that he might throw his large influence in favour of the present representative of that county. He (Mr. Bellerose) learned from rumors in Montreal that strong efforts were being made to have the contract given to this gentlemen from St. Laurent, instead of to the *bleu* of St. Vincent de Paul. He immediately telegraphed to the Minister of Justice complaining of the conduct of the Government in the matter. He did this because he thought it was his duty, and because he thought the gentlemen on the Treasury Benches ought to do the best they could for the country by accepting the lowest available tender. In his despatch to the Minister of Justice he warned him to be cautious as to how he acted in the matter. The Minister of Justice in his answer, asked for a statement of the facts, and he immediately replied that he had no intention at present to accuse any one, and that he could get all the information wished from the Board of Directors sitting in Ottawa in the next room to this. Well, the matter remained in this position for a certain time, until finally he learned that the next to the lowest tender had been refused, and that the Government had awarded the contract to the gentleman making the highest tender, that is, to Mr. St. Jean, of St. Laurent, provided he would reduce his tender to that of the next lowest tender, the Government probably think-

ing that one good turn deserved another, and that they would get something from a gentleman possessing so great an influence in his county. He was quite willing to admit, however, that Mr. St. Jean had since then done his duty very well in fulfilling the terms of the contract. Still, from all the circumstances of the case, it was impossible to avoid the conclusion that the Minister of Justice had acted unwisely and unjustly in giving the contract to the highest tender, and the condition set forth showed he knew that he was doing wrong. Still, he would add, in order to do justice to the Hon. Mr. Dorion, that he (Mr. Dorion) in consenting to give the contract to Mr. St. Jean, would only pay him the price offered the second lowest tender. From the independent course of the directors in the matter, the Ministers saw at once that they could not make a political machine out of the Penitentiary so long as the present incumbents occupied their position on the Board of Directors. The Government then sought a pretext for finding fault with them, and very soon an occasion presented itself in the purchase by the directors of a large quantity of saw wood, and they determined to institute an enquiry to see if they could find sufficient reason to turn the directors out. That enquiry was finished three months ago, and the directors still held their office, and he drew therefrom the inference that they were not guilty. And what was the next step. The Government having failed to turn out the directors on the pretext of misconduct, they now resorted to other means, and a bill was now before the House of Commons, proposing to do away altogether with the Board of Directors of the Penitentiary, and to leave the whole management of the institution in the hands of the Minister of Justice. While this enquiry was going on, the friends of the present Administration in Montreal and elsewhere were repeating far and wide that the directors had acted very badly, and been guilty of great imprudence in the administration of the affairs of the Penitentiary, and that in consequence they would at once be turned out. And when the enquiry seemed to have failed to establish a sufficient reason to turn them

out, the same rumours were current, and it was said that though this enquiry had failed, Government would soon find other means to get rid of them, and it was added: Wait till next session. He went on to say that he would not accuse or excuse any one of fault about the contract for the saw wood. He did not say whether it was right or wrong, but if it was wrong, Government ought to have turned them out therefor, and not proceed in this round-about way, by changing the law on this point for the whole Dominion.

HON. MR. DEVER asked if the hon. gentleman would be kind enough to state which Minister of Justice he meant in the charges he had just made, as there had been two Ministers of Justice since the elections.

HON. MR. BELLEROSE replied that he referred to the Hon. Mr. Dorion. Still, he held that the present Government were responsible for all the acts of the former Minister. There was another aspect of the case which he would like to touch upon. In this country we have a written constitution. But there are some precedents which would be looked at as our unwritten constitution. Hon. gentlemen knew that when, in 1867, the great men of our country, the framers of our present constitution, the delegates came back from England, they met together in Ottawa to consider what were the best means of carrying out this great scheme of Confederation. They studied the best mean of organizing such a constitution as would secure the peace, tranquillity, and harmony of all people in this Dominion. They decided that one of the first things to be done was to have all the different interests of the various parts of the Confederation represented in the Cabinet, so that there should be five ministers from the western portion, four from the central, and four from the eastern portion, or the Maritime Provinces. They kept in view the fact that the people of this Dominion were made up of different origins, nationalities, and creeds, and consequently they decided that the Penitentiaries, being filled with persons of different races and religions, should be governed by a Board consisting of both Catholics and Protestants. This system had so far

worked well, and there had been no complaints made against it. Now, was all this to be upset on such flimsy pretexts as the gentlemen on the Treasury Benches brought forward, such, for instance, as the saving of a few hundred dollars? And yet these gentlemen seemed to forget the great expense the Dominion could be put in, for such changes would, by-the-by, create bad feeling, troubles, and difficulties. If this Board, which was the creation of the framers of the constitution, had worked well, it was not for those gentlemen, who were only a few days on the Treasury Benches, to say that they would sweep them away, and thus expose the Dominion to trouble and difficulty. He would mention that in the Province of Quebec, in the Legislative Assembly of which he had the honor to have a seat, there was at first an intention of having only one Inspector of Prisons, but as the Catholic majority was liberal, and as it was shown that the English speaking population and the Protestants of that Province would like to have an inspector of their own, one was granted them, and much satisfaction was felt thereat. In the Province of Quebec they looked after economy, but they still thought it wise to give satisfaction to the minority. The Board of Directors of the Penitentiary worked together in complete harmony. If in the Province of Quebec this system had given such general satisfaction, should it be said that the plan framed by the great men of the country, thinking it wise and good, was now to be set aside by the gentlemen newly arrived in the Government, as proposed by the bill which had been put forward by the Minister of Justice? Although the bill was not yet before the Senate, he thought himself justified in making these remarks, and he would conclude by moving for the papers relating to the matter.

HON. MR. LETELLIER said he would not follow the hon. gentleman over all the ground chosen for his excursion, because he thought that most of the time that hon. gentleman had been outside the question, speaking of matters quite foreign to the motion. From his speech we would have thought that the reply to the address at the opening of the House was the

subject of discussion, because he had been talking of matters and questions and accusations which might have been *apropos* in the attack on an Administration; and while he had not professed to oppose the men in power, he had ill-treated them. But such little efforts were of no effect against the Government of the day, who could disregard them. However, to come to the facts: We were asked to place before the House all the papers connected with the great affair of the St. Vincent de Paul institution—a matter of some few dollars, made a subject of grave complaint and a ground of accusation before the submission of the papers. He (Mr. Letellier) told the hon. gentleman that the Government had no objection to their production, and had he waited for them, he would have found his case baseless; that, instead of acting harshly towards the directors of the Penitentiary, the Government had acted very leniently, and that if we were to be searching in this enquiry, we might, perhaps, have to go further than he pretended. The hon. gentleman accused the Government of being base enough, because of no investigation succeeding in reaching those men, to pass a law which would have the effect of dismissing them. That was a petty imputation of motives, certainly! When the Ministers produced their measure it would be time to discuss it, but not before. The contract for which they were then censured was a penny piece affair. When the papers came down the House would see if it was correct to accuse them of unfair action. In fact the contract entered into by the directors with the Ottawa House of Dufresne and McGarity was a singular one. While the hon. gentleman had been striving to show that this Government tried to prevent the lowest tenders receiving the contracts because they were political opponents, it appeared those parties made a contract at something like \$20,000 above the proper figure for the current year. The charge of trying to get rid of public officers by false motives and injustice, when otherwise irremovable, should never have been made without the facts. As to Sir John Macdonald's Government being all right in penitentiary matters, as asserted, he (Mr. Le-

tellier) recollected on a certain election all the vehicles of the Kingston Penitentiary were put at the service of men working and voting against the present Government. (Hear, hear.) The hon. gentleman (Mr. Bellerose) might think that all right, but we did not think so. (Hear, and a laugh.) As to the position of the late Minister of Justice (Mr. Dorion), it was one which for honesty of purpose was unassailable. He was always ready to act fairly, his character repelling any doubt before proof of wrong doing. (Hear, hear.) They had had a species of extraordinary lecture on the constitution. They were told a part of their constitution was unwritten, and that, inasmuch as by the constitution a certain number of members in the Cabinet were assigned the different Provinces, by the same rule, after great deliberation, it was agreed by all the wise men that the penitentiaries were to be under the control of three men—a Catholic Irishman, for example, a Catholic Frenchman, and a Protestant—and they were to be the defenders of accused or aggrieved parties in such a big case as the St. Vincent de Paul. Government was quite willing to bring down all the papers asked for, which would show the House the paltriness of this case and the correct attitude of the Government.

HON. MR. PENNY said that, as a young member of this House, he felt unwilling to interfere in this discussion. He must say, however, that this mode of justice—trying a case first and examining the evidence afterwards—was a little too Scotch. (Laughter.) His hon. friend (Mr. Bellerose) had already pronounced sentence in a case in which he was but asking evidence. He had also given a lecture on the constitution, saying that its framers put in several clauses which, however, nobody could find. Those unwritten clauses he (Mr. Penny) did not know. He thought the rest of the hon. gentleman's facts would turn out like those clauses. (Hear, hear.) As so much had been said about those Penitentiary directors, without himself making any charges, he might say there were rumors of a very extraordinary nature with regard to their doings, and these matters were being examined at this moment by the

Committee of Public Accounts. When the evidence was all before us, it would be time enough, perhaps, to talk about what was going to take place. Meantime, it was evident from what the hon. gentleman himself (Mr. Bellerose) had said, that serious charges had been made against the new directors, and if he (Mr. Penny) was not mistaken, he heard him state that one of the transactions investigating was an exceedingly dirty one.

HON. MR. BELLEROSE said he stated and would state again that he believed the transaction was not guilty clear, but he did not say that the directors was guilty; he accused the party placed over them. It was because honorable ministers wished to throw the blame of their own action on the directors that he spoke as he did. It was very well to belittle and ridicule this case, but it was more important than ministers pretended; he was sure the director had nothing to do with the offence. As to his remarks on the constitution, it was very well for an honorable gentleman wishing to take advantage of another's difficulty in speaking English to misrepresent his meaning. He had never said there were unwritten clauses in the constitution, but that besides the existing Union Act, its framers, who set the machinery at work, thought it advisable, for peace and harmony, to secure in the Cabinet a representation of the different sections of the Dominion, East, Centre and West; also that for the same reason we should have three directors—not, as the Minister of Agriculture said in a jocular manner, to have a Scotchman, an Irishman, and a Frenchman on the board—but to imitate the Quebec system. Why is it that the people of Quebec agreed so well, and were without religious dissensions? Because the majority had been liberal, and given full satisfaction to the minority in the matter of ample security and representation on prison boards, school rights, and so forth. The Minister of Agriculture might laugh and speak in a theatrical manner and say this was a ridiculous view, but when ministers were not prudent, just and equitable enough to act right in small things, they could not be trusted in great.

HON. MR. WILSON raised the point of order, objecting that the hon. gentleman was repeating what he had already said, instead of merely replying to the Hon. Mr. Penny.

HON. MR. BELLEROSE was sorry if he had given offence to the House, but he knew great latitude was allowed in its discussions, some members speaking as often as four or six times on one question. He hoped no exception would be made as against him. (Cries of "Go on.") He denied the statement of the Minister of Agriculture that the Government had acted well with the directors, and if a proper enquiry was instituted into all the matters connected with the Penitentiaries, and especially that of St. Vincent de Paul, he would be satisfied. If they did not, he would say ministers were culpable. It was a shame to see the authorities using their inferiors so badly. As to the expenditure of twenty-five thousand dollars by the directors, it was the fault of ministers if this sum was not in the estimates for the year. They ordered what was done.

HON. MR. LETELLIER stated positively no such order was given, the directors taking upon themselves to act thus without the knowledge of the Government.

HON. MR. BELLEROSE said he stated again, though had made no enquiry on the subject, that the directors received orders to buy that wood, and to ask the Government architect what would be necessary, and that they acted upon his answer. If that was not true, let the Ministers enquire. He attributed honesty of statement to the Minister of Agriculture, but the matter came not within his department, but in that of the then Minister of Justice, for whose acts the Government were responsible. What was it to the purpose to attack Sir John Macdonald, as had been done? If he had not acted wisely he received his reward—his misconduct did not excuse that of others. How did that meet the allegation of an injustice in his particular case? We were told Mr. Dorion had a good character. That he had admitted. He had had, and hoped he should long have confidence in that character. He had acted as an honest man, at first saying he ought to give the contract to the lowest tender; but

when his friends pressed him, Mr. Dorion thought he was bound to submit and did, and this is where he acted wrong. It was all very well for the Government to pooh-pooh and sneer at matters like this as petty, involving only a few hundred dollars. He remembered when they took a different view, however, refusing to pay these four or five months, a petty account of forty-two dollars to a gentleman named Senator Bellerose. (Hear, hear, and laughter.) Selling his house and furniture, to take board, and it being likely he would only have two or three apartments, he thought he would not have room for papers, having been in the habit of preserving blue-books and papers for use in time of elections. If they didn't wish to pay, they could keep it. He mentioned this to show how ridiculous it was to call a sum of \$400 or \$500 petty, when \$40 was too serious an amount to be disbursed, though honestly due.

MILITIA AND DEFENCE BILL.

On motion for the second reading of the Bill,

HON. MR. SCOTT said the object of the bill was to provide that the command of the Militia should be given to an officer in Her Majesty's regular service. They were all aware that the Government had appointed a distinguished officer, Major-General Smythe, to that command, and this change in the Militia Act was necessitated by that appointment.

The bill was read a second time.

PRESERVATION OF THE PEACE BILL.

On the second reading of the bill from the House of Commons, amending the Act to provide for the preservation of the peace at and near public works.

HON. MR. SCOTT said the object of the bill was to enable the Governor in Council to put in operation the Act known as the one for the better preservation of peace in the vicinity of public works, and it also provided that it should apply to works that were not strictly public works, such as railways, canals, bridges and works of a similar character.

After some conversation, the bill was read a second time.

BRITISH COPYRIGHT WORKS.

On consideration of the Copyrights bill, as amended by the Select Committee,

HON. MR. LETELLIER DE ST. JUST said this bill had been amended in Committee in a manner to conform to necessary circumstances. He was greatly indebted, in the preparation of the bill, to his hon. friend from Montreal, who had given the benefit of his large experience, and he was also indebted to the Hon. Mr. Campbell for much valuable assistance. The changes were of a character to protect, as much as possible, the introduction of cheap literature for our population. This was one of the first objects of the bill. They had also to protect authors in their rights, and no Act could be passed by this House which did not give a certain protection to English authors. They had tried to shape this bill in such a way as to make it acceptable to English authors. In the next place, they had endeavoured to protect the printers of this country, and they gave to Canadian publishers the right of reprinting foreign works upon which no copyright had been taken out by the author himself. With these explanations, he moved the second reading of the bill.

HON. MR. RYAN said he had no hesitation in saying that this bill had undergone at the hands of the Committee a great deal of very close scrutiny, and they had been assisted in that Committee, as had been stated by the Hon. Minister of Agriculture, with the views of those gentlemen most interested in the bill in this country. The printing and publishing industries of the country had been well represented before the Committee, and had favored them with a vast deal of information. He was happy to say that in everything they had regarded, and were anxious to regard in the fullest way and the strongest manner, the rights of the English author and the English publishers, and he thought it would be found when the bill came before the Committee of the Whole House and was thoroughly investigated, as he hoped it would be, that it was of such a character as would make it very acceptable to publishers as well as authors

on the other side. He thought it would also be found that they had achieved in this bill the great objects which they had always in view—that of protecting Canadian industry, and at the same time that of giving a fair compensation to the English and foreign authors for any of their works which we claimed to republish here. This bill protected the English author: if he wished to come and take out a copyright in this country and to register his copyright within one month from publication on the other side he was quite at liberty to do so, to make his own arrangements, and to choose his own publisher here; but as a condition of obtaining copyright in Canada, his work must be printed and published here. It had justly been considered a hardship to an author to re-publish his work here without any compensation, and he thought it was Lord Lytton who very strongly put it in a letter which he wrote to the English Copyright Association, stating that it was not fair to an author to allow any one to publish his works, because in doing so, unless he could select the publisher himself, a very inferior edition of his works might be published, and a great many errors creep in, over which he would have no supervision. The bill provides that the author, if he wishes to publish in this country, and does so within the time prescribed in this law, shall have an opportunity of doing so through any publisher that he thinks fit to choose in the Dominion. On the other hand, the bill provides that if, through neglect of the author to take out his copyright here, or if he is unwilling to do so, then individuals in this country may take out a copyright for such works. Failing, however, the taking out of copyright in any work in Canada, the bill does not prohibit the importation of the cheap editions which we now receive from the United States. This is done in justice to the general reader, who might not otherwise have an opportunity of receiving the cheap literature which we have been so long accustomed to in this country. There was no doubt but that with the right to publish copyright works under certain restrictions, we in this country would ere long be able to furnish as cheap or

cheaper literature than we received from the United States. That result they—the printers and publishers of Canada—were sure of accomplishing. To-day there had been put into their hands a Return to an Address he moved for a few days ago, and he found thereon an answer to an application sent from both Houses of Parliament at the last session, urging that the bill of 1872 should be assented to by Her Majesty. This return gave the opinion of the law officers of the Crown, and of other gentlemen learned in the law, showing that the Canadian Act of 1872 would have been an infringement of the Imperial Act of 1842. He thought himself it would have been so, and consequently the Imperial Ministry very properly declined to obtain Her Majesty's sanction to that bill, but in the present bill he thought they had accomplished what would be considered satisfactory on the other side, and in no way conflicting with Imperial legislation. Not to detain the House too long, he would read the 9th paragraph of Lord Carnarvon's despatch to His Excellency the Governor General, which was in the hands of the gentlemen of the House, and they could also read the previous paragraphs. His Lordship said: "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 connection with your own and your Ministers, to arrive at a settlement of this difficult and most important question. I am glad now to express my readiness to co-operate, and my confident hope that we may without difficulty be able to agree on the propositions of this 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." Now, he believed that the bill which was now before them as amended by the Special Committee would accomplish that very desirable object. He would not now detain the House by going over the history of copyright before this Legislature, but he would beg the hon. gentleman to bear in mind how long this question had been before them, and how numer-

ous, yet hitherto ineffectual, had been their efforts to arrange it. The House was under a great obligation to the Minister of Agriculture who had brought this bill to what he confidently hoped they might consider a successful issue. He might mention *en passant* that this was a bill upon which the Senate had been at work for the last seven years, and for which the country would be indebted to the Senate if it became law, for it is one of general interest to the community at large, and would result in great benefit to our printers and publishers. And he hoped that in another place, where their attempts to do good and to legislate for the advantage of the country seemed to be depreciated and to be held to be of very little use, this bill might be taken as an example of what the Senate sometimes did for the good of the country, and as showing that they were not altogether a useless body (hear, hear), and that they could originate measures which it had not even occurred to the House of Commons to undertake. Perhaps he ought not to make this remark, but he trusted hon. gentlemen would excuse him for doing so. (Hear, hear.) In looking back at the history of this copyright question, there was one thing which he regretted, and which he was sure the House would also regret, and that is, that one of the strongest adherents of this measure, Mr. Lovell, of Montreal, who was from the first very earnest in this matter, and mainly through whose efforts in pressing the matter upon the attention of the House the bill had been originated—it was greatly to be regretted, he repeated, that Mr. Lovell in despair of seeing the measure accomplished after the many disappointments he had met with, had finally determined to remove a large portion of his establishment out of the Province to Rouse's Point, in the State of New York, where he had recently erected a large establishment which would employ about 500 printers and bookbinders. This was a serious loss to the country; however, his Montreal establishment was still conducted by his sons, and he (Mr. Ryan) hoped that under the provisions of this bill the activity and prosperity of that establishment would be renewed and foster-

ed, and that our printers would be again back to this country, and would find that they could get quite as much pay, and, perhaps, more than they obtained in the United States. He had mentioned that the Special Committee had been greatly assisted in the preparation of this bill by gentlemen having an intimate knowledge of the business of both printers and publishers, and by those interested in the sale of English works by arrangement with the owner of the English copyright, and all concerned in the bill prepared by the hon. Minister of Agriculture. As to the details of the bill he had no doubt the hon. Minister of Agriculture would be prepared to go into them in Committee, and he (Mr. Ryan) trusted that when the bill came before the House of Commons it would be dealt with in the same spirit in which this House had dealt with it. It was a measure which would be fruitful in benefit to the country, and it ought to be treated irrespective of party feeling on either side. (Hear, hear.)

Several bills then passed a second reading.

NOVA SCOTIA PETTY OFFENCES BILL.

HON. MR. MILLER said he was responsible for this bill, which, he explained, was intended to repeal a portion of the criminal code of Nova Scotia inconsistent with the Dominion law. Only the latter could apply to criminal offences, and the existence of a Provincial Statute on such subjects was neither permissible nor judicious.

HON. MR. KAULBACH expressed his approval of the bill and its objects, agreeing with the last speaker as to the inconvenience of having two different statutes relating to the same offences with different amounts of punishment inflicted in consequence.

The bill was read a second time.

The House then adjourned till Thursday.

Thursday, March 4, 1875.

THE SPEAKER took the chair at three o'clock.

HON. MR. MILLER presented the report of the Committee on Standing and Private Bills.

A number of petitions were present-

ed praying for the passage of a Prohibitory Liquor Bill.

THE INTERCOLONIAL RAILWAY.

HON. MR. MCLLELAN moved that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House a comparative statement of the number of tons of freight, not to include Government freight, carried over the Intercolonial Railway in Nova Scotia during the months of October, November and December in the years 1873 and 1874, and the months of January and February 1874 and 1875, respectively; together with the average distance carried, the average rate received per ton, and the average rate per mile per ton. He said in moving for these returns he desired to show the financial position of that portion of the road. He believed the members of both Houses and the country generally entertained the opinion that the road in Nova Scotia and New Brunswick was being worked at a very considerable money loss to the Dominion. He thought that impression prevailed in Parliament, and had led the Government to take a step which he considered was unnecessary and unjust to the people of Nova Scotia and New Brunswick, and had created a strong feeling of hostility to them. He referred to the increase in freight tariff of about 33 per cent. in New Brunswick, and 25 in Nova Scotia. The rate is the same now in both Provinces, but the greater increase in New Brunswick was from the fact that the rates had been lower on that portion of the road by from ten to twelve per cent., hence, when the rates were made uniform and increased, the proportionate increase was more than in Nova Scotia. In both Provinces, the increase has created an intense feeling of hostility to the Government in a population of about three hundred thousand, from Halifax to St. John, who saw their farms, their produce, and their industries, of whatsoever nature, seriously diminished in value by the enhanced cost of transportation. It was, therefore, a step which the Government should have very carefully considered. The people of Nova Scotia and New Brunswick are not singular in their

desire for, or in their estimate, of the value of cheap transportation. You appreciate it here, and it is the aim of our neighbors over the border. In 1867 a gentleman in the Department of Agriculture at Washington found so many complaints coming from the west and south of the exactions imposed by railway companies, that he personally examined the subject, and having satisfied himself of the justice of the complaints, founded the organization known as the "Patrons of Husbandry" in December, 1867. That organization has spread all over the Union, and at the National Convention in April, 1874, it numbered about one and a half million. In their annual address on that occasion they declared that, "keeping in view the first sentence in our declaration of principles of action, that 'individual happiness depends upon general prosperity,' we shall therefore advocate for every State the increase in every practical way of all facilities for transporting cheaply to the seaboard, or between producers and consumers, all productions of our country. We adopt it as a fixed purpose to open out the channels in nature's great arteries, that the life-blood of commerce may flow freely." In old Canada, as in the Lower Provinces, the several Governments were "Patrons of Husbandry" in providing easy movement of the products of the country to the consumer. In Quebec and Ontario there was, previous to Confederation, a very large expenditure on canals, and large subsidies to the Grand Trunk and Northern Railways, and it is now proposed by our present estimates to make such farther expenditure in deepening canals as will bring the whole up to about eighty million dollars. Every year large subsidies are paid for tug and steamboat service, and in the last two years about twelve million dollars' value of railway material have been admitted to Ontario and Quebec duty free. He referred to this, not as objecting, but as approving, a wise policy. Without these means of cheap transit this country would be comparatively valueless. The farmer settled in the interior would have no market and no inducement to produce anything beyond sustaining life. Looking at the ques-

tion of cost of transportation, he found that a ton of wheat in Montreal, as in any other seaport, for exportation, was supposed to be of the value of about \$49.50, and a ton of corn \$24.75. Now, if this grain had to be carried by common highway a distance of one hundred and seventy miles, the wheat would be worth only \$24 and the corn would be entirely valueless where grown; while, at three hundred and thirty miles from market, the wheat would be entirely valueless. But, when carried by railway, the wheat has a value of \$44.50 and the corn \$19.80. Before the Ohio Canal was opened, wheat, at a certain point, was quoted at 37 cents per bushel, but immediately on opening the canal it rose to 87 cents. This illustrates the wisdom of the policy, and shows that there may be indirect advantages compensating for a great outlay, whilst the direct revenue returns may be comparatively small. In this expenditure under consideration—of canals and steamboat service—the working expenses were not even paid, there being on last year's accounts a deficiency of over \$200,000, besides a further sum charged to capital of \$1,193,610. He did not wish to be understood as objecting in any way to this. He approved not only of the construction of public works, but of the working them even at a loss in direct revenue returns until the industries of the country are established and a traffic created. Suppose the Pacific Railway was completed to-morrow, you would not pretend to charge the few passengers and freight that might take the first trains the full expenses of the trains to British Columbia. No man will pretend that this could be done. A section of road from Moncton, in New Brunswick, to Newcastle, is shortly to be opened. He asked his hon. friend from York (Hon. Mr. Wark), who, he remembered, denounced the location of the road in that wilderness—would it be right to charge the few passengers and freight that in the outset will travel that road, the full cost of the trains and interest on capital. No man would use it on such terms. Time and encouragement must be given to create a traffic on this road as well as all other new roads.

This practice and policy which you are pursuing here on your canals and other works he asked to have extended to the working of the railway from St. John to Halifax. The people of these Provinces who constructed the greater portion of these roads, creating the debt with which they entered Confederation, do not object to pay a fair and reasonable compensation for the work performed under the conditions. He would show that the old rates, of which they did not complain, were sufficient to meet ordinary working expenses, and were in excess of the amount returned by railway companies as the cost of moving freight by rail. He contended that the increased traffic thrown on both the old roads by the opening of the connecting links, rendered a large expenditure in bringing the road up to meet this increased traffic. The old iron rails had to be removed in many places and laid with steel; sidings had to be lengthened and increased in number. The report of the Minister of Public Works shows the whole cost charged to the revenue in 1874.....\$1,301,550 Of this, he calls extraordinary expenses in steel rails, cars, &c., and which we may deduct..... 275,719

\$1,025,831

The earnings for the year are given as..... 893,430

Leaving for the year a deficiency of..... \$132,401 which mainly arises from expenses in meeting new traffic. But admitting this deficiency in the year ending June, 1874, Mr. Brydges in his report on the road says there is a steady increase in traffic of 12 to 15 per cent., and we have had the announcement by the Premier that the result of the six months ending December last, five of which were under old tariff, show an improvement of ninety to one hundred thousand dollars—say on the year \$180,000, which would give a surplus of \$47,599 for the year 1875, under the old tariff, if allowed to remain. Now, with this result, and with the steady increase of traffic, it may be asked why was this old tariff interfered with? Why was it suddenly

raised 25 per cent? The only answer I am able to find to this question is in Mr. Brydges' report, page 58, that "the line can be made as far as Newcastle to pay its way." That an unproductive branch of seventy miles may be worked, and the loss paid out of the earnings of the main line. On this point he (Mr. McLellan) entirely disagreed with Mr. Brydges, or rather with the Government, as Mr. Brydges, for whom he entertained the greatest respect, was only acting upon the instructions and wishes of the Government in this matter. He (Mr. McLellan) declared it would be unfair and unjust to the people of New Brunswick and Nova Scotia, and especially so to Nova Scotia, to impose on them a tariff intended to not only meet the working expenses on the main line, but also on seventy miles of unproductive road through an unbroken forest to Newcastle. (Hear, hear.) That was the point on which he was at issue, not with Mr. Brydges, but with the Government, it was hard enough that Nova Scotia should have been for years paying ten to twelve per cent. higher rates than New Brunswick, and now to be taxed 25 per cent. more to pay the anticipated loss on the branch to Newcastle, shortly to be opened, was cruelly unfair and unjust. He would not detain the House to show how impossible it was to run that branch through seventy miles of forest without a large loss until industries were created and traffic developed. His hon. friend from York would bear the strongest possible testimony that this line, especially in the outset, could only be run at a loss, a loss which should be borne by the general revenues in the same way as the loss on canals and other services is borne in the outset. In one respect the people on this branch had not the same claims to a low tariff as the people of Nova Scotia in the counties through which the old section passed, inasmuch as these counties had paid the right of way. After some further remarks the hon. gentleman referred to the railway reports to show that the average rate paid under the old tariff on all freight, including coal, was in 1873 nearly $2\frac{1}{2}$ cents per ton per mile, and in 1874 the average, there being more coal, was about $2\frac{1}{2}$

cents. He then compared these figures with the cost of carrying freight on a large number of American railways, as given in the returns made under oath by the managers of the State authorities, quoting prices varying from $1\frac{3}{10}$ cent per ton per mile down to nine-tenths of a cent. He also stated, on the authority of the *Scientific American*, that the maximum cost of carrying freight from Chicago to New York was seven-tenths of a cent per ton per mile; therefore, he said, whilst the people of Nova Scotia were paying so much more than the actual cost of carrying freight on those roads, it was not at all unreasonable that they complained when 25 per cent. additional was imposed on them.

HON. MR. FERRIER asked if his hon. friend had compared the rates of the other roads in those Provinces with the rates in the Northern States.

HON. MR. McLELAN said he had not been able to ascertain the certified rates in any but the States named. What he maintained was that a freight train worked to its capacity could carry freight far below what Nova Scotia paid under the old tariff, and the object should be to draw in freight to enlarge the volume of freight, instead of which the new tariff had unquestionably driven traffic from the line and the trains run comparatively empty at the same cost as if full. Hon. gentlemen present from the Maritime Provinces would bear him out in the statement that traffic after the imposition of the new tariff had left the road. Taking the returns, so far as we have them, this is apparent. Comparing the four months of 1874 immediately preceding the new tariff with the same months of 1873, there was a steady increase in receipts from freight amounting for the four months to \$24,016, or an average of \$6,004 per month under the old tariff. In the following month of December, under the new, the increase had been only \$1,768. Taking the receipts for December, 1873, of...\$40,717 Add average increase of four preceding months of 1874.... 6,004

And we should have for 1874...\$46,721

But on this the tariff was increased say 25 per cent..... 11,680

Making a sum of\$58,401

which, had the tariff maintained the average rate of increase, we should have received under the new tariff an increase over 1873 of \$17,684, but instead of this we had only an increase of \$1,768, showing a large falling off in quantity carried.

HON. MR. FERRIER thought his hon. friend's statistics were not conclusive, as they did not cover a sufficiently long period of time.

HON. MR. McLELAN held that there could be no other conclusion than that there had been a large falling off in traffic when the rates were so largely increased. He desired to call the attention of the House to that increase of rates. It will be found, on reference to the railway report, that the average distance freight carried is about fifty miles. The old and new rates in New Brunswick and Nova Scotia for that distance were :

	1st Class, 100 lbs.	2nd Class, 100 lbs.	3rd Class, 100 lbs.	4th Class, 100 lbs.
Old Tariff, N.B....	16c.	14c.	12c.	10c.
Old Tariff, N.S....	18c.	16c.	13c.	10c.
New Tariff.....	23c.	19c.	15c.	11c.
	Aver- age.	Per ton per mile.	Per car load.	
Old Tariff, N.B....	13c.	5½c.	\$26	--
Old Tariff, N.S....	14½c.	5½c.	\$29	--
New Tariff.....	17c.	6½c.	\$34	--
Average increase, say 25 per cent.				

With such an increase in rates and the result in December, there must unquestionably have been a large falling off in traffic, entailing not only a loss to the Dominion Treasury, but a most serious loss to that section of country in suddenly breaking up the regular and accustomed flow of traffic, and trundling empty cars over the road at the same cost as if loaded. On page 27 of Mr. Brydges' report, he states that under the old tariff the trains were not filled to their capacity. It should be borne in mind that there is nearly a fixed cost per train whether run empty or loaded. He referred to Mr. Brydges' action on the Grand Trunk and Great Western, in reducing rates frequently to catch freight rather than have it take other conveyance. He quoted Mr. Brydges' opinion that special rates should be given to certain points in New Brunswick to get the traffic carried by schooners in the season of navigation, arguing therefrom that if a reduction of rates would increase

traffic in one case, it would have, if generally applied, the same tendency. He cited a number of American and English authorities in support of this position, and referred specially to the case under consideration. The road in New Brunswick had always been run at about ten per cent. less rates than in Nova Scotia. When the connection was made this difference was continued. The returns of the two years before the House show that the tendency was to draw a larger trade to St. John than to Halifax, there being 59 per cent. freight west to St. John, and 41 per cent. east to Halifax. It has been stated that reductions have been made and special rates given on through traffic. He did not consider that this met the difficulty. Ninety-three per cent. of the traffic is local, and the average distance of all traffic is only fifty miles; but apart from this, he considered the adoption of special rates would be unsatisfactory, leading to charges of favoritism and abuse, and would not give that general confidence that would tend to the establishment of new industries and the creation of additional traffic. He contended that Mr. Brydges' recommendation for a uniform tariff from St. John to Halifax should be made, but on the basis of the old Nova Scotia tariff, which, he claimed, would give a larger volume of traffic and more than meet all expenses, and that the branch to Newcastle should be worked without taxing Nova Scotians to pay an anticipated loss thereon. He concluded by moving for the address.

HON. MR. DICKEY was bound to say the hon. gentleman had not, in his able and elaborate statement, in any way exaggerated the widespread feeling of dissatisfaction in Nova Scotia and New Brunswick with regard to this tariff. It was due to the intelligent people of those two Provinces to say that their objections to it rested upon much more solid ground than the mere question of whether the rate on a ton of freight should be one price or the other. (Hear, hear.) The situation of the line between St. John and Halifax was peculiar; for the greater part of that distance there was water communication for six months of the year, an element which entered

into the question of what should be charged for traffic over the road. His impression always was, from his knowledge of the business of the road, that it would be very largely diminished by the new arrangement. The hon. gentleman, having given instances of business losses, with compulsory abandonment of projected enterprises on account of this sudden, unexpected change in the freight tariff, said they had had three tariffs in Nova Scotia and New Brunswick in three months, the old, a new, and a modified one. Although the abatement of the special rates might be very useful to various industries along the line, yet it was of no benefit to the great body of the farmers who transported their produce over it. He had ascertained in Halifax and St. John that for some fifty miles out from each city, along the line, a very large proportion of the farmers had returned to the old practice of drawing in their produce on sleighs. (Hear, hear.) They felt it cheaper to return to the old j-g-trot system than to pay the increased railway rates. To the question—Do you expect the Government to pay for carrying your produce along the railway into Nova Scotia? he replied, Not at all. It was said the road was to be worked on commercial principles; but it was not built with this object, but for the general benefit of the country; and there should be such a tariff as would afford a fair and reasonable return for the service rendered, nothing more.

HON. MR. SCOTT—(Hear, hear.)

HON. MR. DICKEY contended the tariff should not be practically prohibited, and injurious to both the people and the revenue of the road. There ought to be consistency in these matters. If this road is to be managed on commercial principles, and it was wise to increase the tariff from 25 to 33 per cent. on freight, why were passenger rates left unchanged? The burden of expense should be distributed equally. Traffic had already fallen off, and he ventured to say future returns would show a greater disproportion between the traffic in January than that in December, as regards the preceding period.

HON. MR. SCOTT—Was the road blocked in January?

HON. MR. DICKEY—No, though last year it was. He was glad to see that, under the good, new management, there had been less obstruction this year than usual. He heartily subscribed to the doctrine that the diminution of the working expenses was attributable to the changes made by Mr. Brydges. If he (Mr. Dickey) recollected rightly, he proposed to save \$10,000 in expenses. It was possible to carry that sort of thing too far, however, and diminish the care of the road to such a point as to render it no longer very safe. He understood the trackmasters, the most important element as respects safety, were very considerably reduced, lessening the means of preparing and warning against accidents. The other day he learned a rail was found broken on the Sackville iron bridge—an iron structure thirty or forty feet above the water—which might have occasioned a serious accident. This proved the necessity of extreme vigilance and an adequate staff of road guardians. He made those remarks in all good feeling, without any desire to embarrass the Government or discredit the action of their employees in any way, but for the good of the road, in the interests of which he thought a change in the tariff should be made. (Hear, hear.)

HON. MR. ALEXANDER observed that he had, upon more than one occasion, endeavored to show that the policy of operating any of the railways as Government works was one which could never be satisfactory; was a policy which, the longer it was tried, would be found to be most embarrassing to every Government, and to be fraught with great evil. Now, in regard to those railways in the Maritime Provinces, he thought that the Government had pursued a very wise course in appointing Mr. Brydges, a gentleman who had been so many years chief manager of both the Great Western and Grand Trunk Railways, and who was admitted on all sides to possess larger railway experience than any other person who could be named. They were very wise to avail themselves of his services to exercise the whole management of those consolidated lines, and he trusted that no effort would now be made to prevent

the practical suggestions of so able a railway man being carried out in their entirety.

HON. MR. DEVER said that, hearing New Brunswick so frequently mentioned in this debate, he felt called on to submit a few remarks in corroboration of the statements of his hon. friend from Colchester, who had brought this subject before this House—a gentleman, he should say, whose knowledge on this question it could not be denied was of a very practical and extensive nature, so much so, he thought, that his lucid mode and voluminous calculations must present him at once to this House as an authority on this affair of undoubted worth. He would further say that his arguments had struck him so forcibly in accounting for the falling off in the receipts of the road during the corresponding months of this year with those of last, notwithstanding the increase of tariff inaugurated by Mr. Brydges, and amounting to twenty-five cents, that he would relate a circumstance to hon. gentlemen which came under his own observation at St. John, that could explain, he thought, why the earnings of the road had not advanced as expected from the higher rates of charges previously mentioned. He referred to the extensive rolling mills some distance from St. John, an establishment of large proportions, involving the carriage, as every gentleman knew, of great quantities of crude and manufactured iron to and from the city, and which, under the old tariff, he had reason to believe was conveyed by rail, but which, during the present winter, was drawn on sleds by such a number of horses that it was quite difficult to accomplish the ordinary travel on that thoroughfare, and from which circumstance he could readily believe in the falling off in traffic all along the route, as shown by the hon. member for Colchester. In conclusion, he was, however, rather in favour of making public works pay a moderate commercial profit by judicious concessions to local wants, instead of putting everything under cast iron rates, and he trusted that the Government would see to this matter with as little delay as possible.

HON. MR. MACFARLANE said the House must be indebted to his hon.

friend (Mr. McLelan) for the able way he had brought this subject before it. Indignation meetings had been held along the line in reference to this new tariff. At its inception the traffic of the road was impeded from end to end. He would do Mr. Brydges the justice to say that when he found this was so, he modified it to an extent that, so far as through traffic was concerned, it gave considerable satisfaction. But unfortunately the local traffic tariff was not adjusted, and it was there the great dissatisfaction existed. It was well known that it was never intended the roads in Nova Scotia should be a paying speculation. The Governments of Nova Scotia and New Brunswick, unlike private railway companies, looked to indirect and not direct return. It was found that along those lines industries sprang up in all directions, thus benefitting the inhabitants and the general trade. This increased the consumption of dutiable goods and afforded the Government large returns for its investment. He doubted not that many reductions made by Mr. Brydges were required, and, so far, this suited the people of both Provinces. But in springing this tariff on the country, he had shocked trade and dried up manufactures, driving off instead of attracting business. He believed with the member for Cumberland (Mr. Dickey) that the tariff would drive the people from the road to their boats. The hon. gentleman went on to deny a charge made in another Chamber as to Government having given a contract at the Spring Hill Mines, through favouritism. He was the president and knew that, so far from this being the case, Mr. Brydges made a hard bargain, the best for the Government.

HON. MR. HOWLAN—Did Mr. Brydges report against the Spring Hill Road?

HON. MR. MACFARLANE was understood to reply he did at first, but he would do him the justice to say that he did think it was from the causes assigned in another place. The coal he received was from a part of the mine not well developed then; but since a better section was reached and the product substituted. He stated he was deceived at first but satisfied afterwards, when

he found the coal answered his purpose. He (Mr. McFarlane) hoped the Government would, in the interest of the country, modify this tariff.

HON. MR. HOWLAN was understood to complain of the increase in the freight on Prince Edward Island fish, from sixty cents to \$1.50 per barrel from Shediac to Boston, which would break up an important trade. He condemned this result as unjust and unreasonable; and this appeared at a time when the cars ran empty. The change was suddenly made at an inconvenient time. The hon. gentleman gave instances of losses to merchants and others from this disturbance of the old arrangement, and went on to notice an idea in the minds of Western men, that there was a great deal of corruption in the Maritime Provinces, that since Confederation a great deal of Canadian money had been diverted thither, for such as corrupt objects. He scouted such notions as baseless. He was glad to see the Spring Hill coal suited better on a second trial, and that the fuss made about it had ended in smoke. (Laughter.) He hoped that when their little island railway got into running order, this Nova Scotia and New Brunswick tariff could not be imposed upon it. That was the tariff existing when the farce of opening the railway was gone through. A barrel of fish, pork or beef cost more for carriage from one end of the island to the other than would send it by steam from the island to Boston. He denounced as unreasonable the notion that Lower Province railways should or could sustain as heavy tariffs as those of Massachusetts, with its large population, the manufacturers for the Western States. He censured the sending down of Mr. Brydges, or any other person little acquainted with the Maritime Provinces, to rudely break up their commercial arrangements of long standing. He was surprised the Government had not given a proper notice. Such would have been the course of any Ministry anxious for the well-being of the country. Men with great power should be careful how they used in dealing with the rights and principles of others. The hon. gentleman next noticed the suspicions connected with the recent management of the Lower Province

roads, paying a warm tribute to the ability and integrity of Mr. Carvell, against whom, he was sure, not a little of criminality could be proved, as a few days' investigation would demonstrate.

HON. MR. NORTHUP said, living as he did at the end of the road, he might be allowed a few words on this subject. Halifax, last year, built three large vessels. All the materials were brought over the railroad. Under the present tariff, he was quite sure they could not be built to advantage. We loaded several ships with cargoes of timber, but with the existing tariff that would be impracticable, and so with many other articles. It was really a novel scene he witnessed himself this winter, several trains coming to Halifax with the produce of settlers. It never occurred before since the railway was opened. (Hear, hear.) How was this, he asked? They answered, we can't take the cars; if we pay the tariff we have little left for ourselves. The interests of the country along that line of railroad were completely paralysed. The owners of various manufacturing had said—we must shut down our works. He thought the old tariff would be more productive than the new. Something was due to the Maritime Provinces in this matter. He assured the Government there never was an Act that created such intense dissatisfaction as this one. The people were irritated at the interests struck down by it. It is said we all have our hobby horses, and he thought his hon. friend from Woodstock had for his the Intercolonial. His total given as working expenses included a portion of the cost of the construction and equipment of the railway. But, much as the Canadian canals cost, he might tell us of their great advantage in tending to build up the country. So with the Maritime railways. He wanted to see the Maritime Provinces become what they should; he believed they had the resources to become the manufacturing section of the Dominion. They had all the necessary elements, but if their trade was paralysed they would fail of attaining their proper and natural position. This was a matter well worth the attention of the Government, which,

he hoped, would take early action to remedy the present grievance. He was satisfied they might by returning to the old tariff. As to special rates, you can't well draw the line. Nothing would satisfy them so well or prove so beneficial as going back to the former arrangement. (Hear, hear.)

HON. MR. DICKEY rose to correct the figures of Hon. Mr. Alexander, who put the deficit of the Nova Scotia and New Brunswick roads at \$953,745. The hon. gentleman had made a serious mistake; of that amount no less than \$443,000 was due to construction account.

HON. MR. ALEXANDER—I admit that.

HON. MR. DICKEY—I understood my hon. friend would not admit it. He spoke merely of revenue and expenses.

HON. MR. MILLER—I corrected him last year on the same subject, but he won't stay corrected.

HON. MR. DICKEY read from the public accounts, showing that the total ordinary deficit was \$408,000, instead of \$953,000.

HON. MR. ALEXANDER—Whether really the amount is placed to construction account or revenue account, it comes out of the public treasury (Cries of oh! oh!) The large amount of deficit one year and small another have to be averaged over a period of years.

HON. MR. WILMOT was surprised to find his hon. friend from Woodstock (Mr. Alexander) reviving a statement he had made last year, which had been shown erroneous. He (Mr. Wilmot) protested against mixing up the accounts of the Intercolonial Railway proper, which work was a portion of the agreement at Confederation, with the local railways in New Brunswick and Nova Scotia, which represented the debt upon which they entered the Union. The Federal Government took off those local lines the engines and rolling stock to use in the construction of the Intercolonial, and wore them out, charging the new plant to the roads. To mix up construction account with running account, which had been done, was all wrong. He could confirm the statement that this new tariff had caused the farmers, for 50 miles outside St. John, to bring their pro-

duce to that market in their sleds and carts rather than take the railway. Those railroads were built in New Brunswick to develop its resources—were simply iron rivers directed through sections without water communication. When the Local Government had the management of those railways they not only paid their expenses, but put a surplus into the treasury. Whether the Dominion Government had managed them in the same way or not, he was not prepared to say. The effect of sending Mr. Brydges down had in some cases been very beneficial; but he could only say that gentleman's tariff was entirely unsuited to the purposes for which the railway was built. It went to dam up the river instead of encouraging traffic over it. Whether the hon. gentleman from Woodstock knew his statements were incorrect or not, he was not prepared to say. He (Mr. Wilmot) had always declared the Intercolonial, where located, was a downright imposition; that a shorter route to the sea might have been chosen, at a saving of fifteen millions of dollars. Mr. Brydges was one of the Intercolonial Commissioners, and was supposed to be the most practical man connected with it, from his long management of railroads previously. They had seen the investigation into section five and other matters connected with that road. Was it the Commissioners who carried on that work? If so, Mr. Brydges was one of them. He (Mr. Wilmot) was astonished at some of those investigations. Mr. Brydges, no doubt, was an able man, but it surprised him, after the attacks made upon that gentleman by organs of the Liberal and Reform party, that a Reform Government should have employed him to look after the interests of the Government railways in the Lower Provinces if they believed in those charges. (Hear, hear, and a laugh.) He knew little and cared little what was said about him or any other official so long as their duties were properly fulfilled, but could not help expressing surprise at this appointment under the circumstances.

HON. MR. McLELAN thought it was unfortunate the public accounts should have been construed by hon. gentlemen and others in such a way as to produce

the impression of a deficit of \$950,000 in connection with the Lower Provinces railways. This impression had led Government to increase the tariff. A very large portion of the amount quoted by the hon. gentleman from Woodstock went towards the completion of the Intercolonial, which was opened before finished. Several branches had been built, and two or three miles of snow sheds, the cost of which had all been saddled on the Intercolonial ordinary expenses. The sum of \$275,000 could not be charged to revenue either, being for steel rails, rolling stock, and so forth. After making these deductions, there was a deficit of only \$132,102. He repeated that a correct statement would show a gain on those roads for the year of \$190,000. He admitted there was no abler man in the Dominion than Mr. Brydges, and none better fitted to get to the bottom of an irregularity. (Hear, hear.) The speaker went on to point the deficit in connection with the different canals, and said he did not object to it, recognizing they were also intended to build up the country, though they did not now pay working expenses. If one part did not pay another would; it was the same with railways, which rendered great benefit to the trade of the country. He claimed it was unjust to disturb a railway tariff that was paying revenue and all legitimate working expenses. Ninety-three and a half per cent. of the traffic on the road was local, the average distance freight was carried being something like fifty miles, so special or through rates did not afford the relief needed as they reached but six per cent.

HON. MR. BOTSFORD corroborated the statements of the last speaker as to the effect of the tariff, and urged that a tariff could not be raised beyond a certain point without bringing in the competition of water routes. If this road were transferred to a private company to-morrow they could not enforce the present tariff. Persons had lately erected buildings for the accommodation of the stream of travellers by the highway to St. John, the railroad losing this business. The very modifications made by Mr. Brydges, with the sanction of the Government, showed the tariff could not be enforced. There

should be no special rates for any industry or class.

HON. MR. WARK thought the tariff ought to have a fair trial. He did not think hon. gentlemen were justified in saying the tariff would fail, and drive off traffic; a few months' trial were necessary at least.

HON. MR. DICKEY—It has had three now.

HON. MR. WARK—Three months of the most unfortunate season of the year. We never had so unfavorable a winter. When the hon. mover spoke of a line through the wilderness, he should remember he opposed a route through a peopled district, to reach this very wilderness, where there never was and never would be a population. The Government to ascertain the prospects of this line sent an officer to examine it from one end to the other, or hundreds of miles. The result showed that if the Commissioners had set their wits to work to discover the best method of avoiding a way traffic, they could not have succeeded more effectually. He was prepared to prove this. When that bad branch was built it was only a feeder. Although branches did not always pay expenses, as separate undertakings, yet they were necessary as feeders, and assisted on the whole. We had heard a great deal about widespread dissatisfaction with the tariff. How would the support of one portion of Nova Scotia, Cape Breton, go? Had there been any indignation meetings there about this tariff? (Laughter.) He did not know if the hon. mover was justified in speaking for New Brunswick either. When in this Province we commenced building railways, one was constructed through one of the most wealthy and populous counties of the Province, which did not cost its inhabitants a dollar. Another rich county was equally benefitted. The people of Ontario and Quebec had another way of proceeding, building roads by municipal contributions and private investments, but after all this the people were willing to bear such a tariff as would pay the interest on the bonds.

HON. MR. SCOTT—(Hear, hear.)

HON. MR. WARK—But in New Brunswick the people in the counties that had no railroads were taxed as

heavily as those who had them. After many a long, cold, disagreeable drive, he was always glad to reach a railroad and pay his two cents a mile. In New Brunswick we were taxed already a reasonable tariff for travelling—we in the counties without railroads—while those who had them asked us to pay another tax for their roads. All those public works should pay revenue expenses and a margin of their cost, that ought to be the general principle. He did not object to the special arrangements so much complained of. A large customer was entitled to more consideration than a small one. Special arrangements were, in many cases, desirable. He was not afraid of favoritism, moreover. If such public works—he did not touch the tariff question—did not pay their working expenses, the Government should dispose of them.

HON. MR. MILLER strongly denounced the habit of some of grossly exaggerating the cost of the working of the maritime railways. The hon. gentleman from Colchester (Mr. McLelan) who was better acquainted with this question than any other hon. member, had given a plain statement from the public accounts, showing that the working portion of those railways for the past, had, at the outset, only cost the country in running expenses, \$132,000, with a prospective increase of revenue likely to turn that deficit into a surplus. It was most reprehensible, in face of facts like these, apparent to all who examined the matter, to strive to create the impression that the Lower Province railways entailed upon the Dominion a loss of nearly a million a year. (Hear, hear.) He believed the Government acted wisely in obtaining a gentleman of known ability and experience to go down to the Maritime Provinces to inquire into the working of these railways, and place them upon an efficient, honest and economical footing—(hear, hear)—because he was of opinion that during the past year a system of mismanagement, inefficiency and extravagance did prevail in the conduct of those public works, and the appointment of a man like Mr. Brydges was both wise and proper. He (Mr. Miller) understood that the reforms he effected had met with the approval of the large majority

of the people of Nova Scotia. With regard to the tariff, he was not prepared to say how wise or unwise, just or unjust it might be; but he perfectly agreed with the hon. gentleman opposite (Mr. Wark) in the view that the discontent prevailing in Nova Scotia prevailed in those quarters where it should least exhibit itself. (Hear, hear.) Having described the maritime railway system, the speaker said that they had been all built at the public expense before Confederation, except the line from Truro to Moncton; and the whole eastern section of Nova Scotia, including Cape Breton, with 200 miles from any portion, was taxed as much as the people enjoying the railways. It was they who were making all this noise about increasing the tariff, while the others, more than half the population, were not clamouring at all. (Hear, hear.) By approaching the Government reasonably, and showing if they had a grievance, they would be more likely to get a just consideration of their case. He hoped the Government would consider the representations as to a large number of industries all along the line having been started on the faith of the old tariff, and being now threatened with ruin. Doubtless, some of this discontent had no foundation, but a portion had. He hoped the Government would grant a tariff calculated to foster our industries and promote the development of the resources of the country—one that would give confidence and satisfaction to the people.

HON. MR. SCOTT said he had no objection to the papers coming down. He quite agreed with the hon. gentleman behind him (Mr. Wark) when he said it was idle to discuss this question with only two or three months' experience of the traffic. During those months the traffic of all the railways in Canada, also Grand Trunk and Great Western, had fallen off, and the same was the case as regards the Northern States. Having replied to the remark of a previous speaker, respecting a lumberman thinking of discharging all his men, that it would be wise if nearly all would restrict operations till the market improved. Mr. Scott said the hon. mover would have done much better had he given illustrations, so far

as Canada was concerned, as to the nature of this new tariff. Had he given us the tariff on roads entirely built by the people themselves, he (Mr. Scott) thought that hon. gentleman would have found that the present tariff of New Brunswick and Nova Scotia was lower than that of any railroad in Ontario. He thought it in the interest of those Provinces to diminish the very wide gap that existed between revenue and expenditure on those roads. It was the interest of every section that there should not be too large a deficit on our public works. Mr. Brydges, the best man that could have been selected, had cut down the expenses of those roads \$75,000 in six months. Was not that in the interest of the Maritime Provinces? Other improvements had been made.

After some further discussion the motion was carried.

WESTERN ASSURANCE COMPANY.

On motion of HON. MR. MILLER, the bill to amend the Act incorporating the Western Assurance Company, and to extend its powers, was read a second time, and referred to Committee.

BRITISH COPYRIGHT BILL.

The House went into Committee on the Bill entitled "An Act respecting Copyrights," which was reported with the amendments of the Select Committee, which were agreed to. The Bill was then read a third time and passed.

CANADA CAR COMPANY.

The bill entitled "An Act to amend the Act incorporating the Canada Car and Manufacturing Company," was read a second time.

The House then adjourned.

Friday, March 5, 1875.

The House met at three o'clock.

PROHIBITORY LIQUOR BILL.

A large number of petitions were presented, praying for the passage of a Prohibitory Liquor Bill.

SECOND REPORT OF PRINTING COMMITTEE.

HON. MR. DICKEY presented the second report of the Committee on Reporting and Printing.

THE LAND PURCHASE BILL.

HON. MR. HAYTHORNE moved that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of any correspondence which may have passed between the Government of the Dominion and the Local Government of Prince Edward Island relating to a bill passed by the Local Legislature of that Province, to be entitled the Land Purchase Bill of 1874. In moving for this Address he did not mean to cast blame on either the Local or General Government or any individual proprietor in this question, but he simply wished to get papers and correspondence relating to the tenure of a large area of land in the Province of Prince Edward Island. He craved the indulgence of the House while he explained the circumstances under which this tenure had arisen. He would promise that Prince Edward Island was chiefly an agricultural Province, and the whole of this island was disposed of more than a century ago in a single day in the City of London, England, by lottery, just as in this City or Ottawa, jewellery, plate and works of art were disposed of daily—thus the land of a Province was alienated. Certain conditions were imposed upon the recipients of the land, which had been very imperfectly fulfilled. They comprised, among others, the payment of a certain amount of quit rent, from two shillings up to six shillings per hundred acres. From the non-fulfillment of these conditions had arisen a state of things in that island which had caused a continual agitation from its first settlement up to the present time. At the time he first referred to the colony of Prince Edward Island was attached to the Province of Nova Scotia, and about the year 1770 the proprietors of the land on the island proposed to the Imperial Government that they would undertake the payment, out of the quit rents held by them, of all the expenses of a Local Government, if the Imperial Government would erect a separate Government in the island. After this Local Government was established, these quit rents were somewhat commuted; the payment of some

of them was anticipated and others were retarded, and often they were not paid at all. Consequently, in 1770, it became necessary for the Imperial Government—even in the first year the Local Government was established—to place a sum on the Imperial estimates to support a Government in Prince Edward Island, and that sum had been annually granted up to a comparatively recent period, when what is known as Responsible Government was established there. No sooner had the first Local Government been established than some of the very first acts of the Assembly were directed toward an effort to induce the proprietors either to perform the conditions of their grants or else have them cancelled, that the land might revert to the Crown. Every effort which the people's representatives had made in that direction had proved fruitless. In 1833 the collection of the quit rents was ordered to be suspended, and a land tax was imposed in lieu thereof, which continues up to the present time. Upon the establishment of representative Government in 1851, the people's representatives began to pursue a different course. They then endeavoured to acquire the land by purchase, and passed an Act to enable the Local Government to treat with the proprietors and to purchase the estates at wholesale at a rate not to exceed five shillings sterling per acre. The Local Government purchased about 550,000 acres of land from the proprietors at an expenditure of something over half a million dollars in doing so. Some of the estates were of vast extent—that of the Cunard family comprised an area of 212,000 acres, and cost the Island £53,000 stg.—and quite a number comprised 50,000 or 60,000 acres. In process of time it was found that this method of acquiring the estates by purchase was too slow to meet the expectations of the people, and was on the whole ineffectual. All the proprietors who were willing to dispose of their estates had offered them for sale, but there remained a certain number of other estates whose owners refused to part with them on terms which could be accepted by the Local Government. Several of the Executive Governments of the Province had made it their business to send circulars to the proprie-

tors inviting them to offer their estates for sale, and those invitations had been refused in almost every instance. Under these circumstances it became necessary to devise some other remedy, and, with this object, the Government in 1867 or 1868 passed an address to the Secretary of State for the Colonies in order to ascertain whether his sanction would be given to the introduction in the Local Legislature of a measure to compel the proprietors to dispose of their lands upon just and equitable terms. He was proud to be able to say that it was never intended by the people of Prince Edward Island, of late years at all events, to obtain the land by any unjust or improper means. They were prepared to pay every shilling which could fairly be demanded, but their object was to abolish the tenure, which was inconsistent with their position as British subjects in America, and incompatible with their position in the neighbourhood of the other colonies, whose land was held in freehold. He knew that gentlemen from Ontario would sympathise with himself and his friends when he told them that there was not one single acre of public land thus held on the island which had not first been obtained from the proprietors by purchase. The Executive Council placed the case of their countrymen before the Secretary of State in the most forcible language they could command. His Grace the Duke of Newcastle, then Secretary of State for the Colonies, was not disposed to consider their claims favorably. He stigmatized the proposal as a direct appropriation of private property. However, His Grace's tenure of office was short, and before a year had passed he was succeeded in office by Lord Granville. The Executive Council addressed Lord Granville, and though they were again met by a refusal, that refusal was not considered quite so emphatic as the last. His despatch in reply contained a passage which, as it was short, he would take the liberty to read. The request of the Executive Council was that he would advise Her Majesty to sanction the introduction of a measure to apply coercion to the proprietors who were not willing to sell their estates. The reply

of his Lordship was as follows:—

“Downing street, March 13th, 1869.

“*Earl Granville to the Administration of the Government of Prince Edward Island:*

• • • “Having regard to the evident uncertainty whether the colony of Prince Edward Island will or will not soon unite itself to the Dominion of Canada, I am not prepared to enter on the consideration of a question with which, if such union were to ensue, the Imperial Government would cease to concern itself. The land question, therefore, should, in my opinion, be left as far as possible for the decision of those who, under the altered circumstances of the colony, would have to carry into execution any measures connected with it.”

He was not prepared to criticize his Lordship's despatch very severely; however, he must say that he thought it was rather an unstatesmanlike proceeding to make his sanction of the compulsory measure sought for contingent upon the entry of the Island into Confederation, thus abandoning its cherished constitution. In consequence of that despatch, the question had been remitted from the Colonial Office to the Government of the Dominion of Canada. Prince Edward Island had now become a member of the Confederation, and in consequence of this despatch all measures relating to colonial land in that Province, instead of going to the Colonial Office, had to be referred to His Excellency the Governor-General in Council. In this respect the people of that island enjoyed a privilege they never had before. While they were a detached Province, their representations to the Home Government had been treated with contumely, but now their representatives had an opportunity of standing upon the floor of this Senate, as well as in the other House, and making their wishes known where they were likely to be treated with respect. He was not going to condemn the Dominion Government for rejecting the bill passed by the Local Government last year, but he had the best reasons for wishing to know the grounds upon which that bill was rejected, and the grounds upon which the Government had refused the application of the people of Prince Edward Island. At present an area of about 400,000 acres in that Province remained in the hands of proprietors, and a large portion thereof was occupied by tenants, many of whom were poor and far in arrear with their rent,

and this state of things would continue until power was given to the Local Legislature of regulating this question, and to this end it was most desirable that effective measures should be adopted with the least possible delay. It was for this reason, therefore, that he wished to know upon what grounds the bill passed at the last session of the Local Legislature of Prince Edward Island for the settlement of the land tenure of that Province, did not receive the assent of the Governor General of Canada. He could assure the House that the Legislature of that Province had fairly done its duty in this matter. It had passed laws which, as far as they went, were highly efficient. Under these laws, about 550,000 acres of land had been purchased and resold on freehold terms, and for these estates nearly half a million of dollars had been paid. But as they could not acquire the remaining land by any voluntary measure, they had no resource except to pass a compulsory law. It had been no small satisfaction to gentlemen concerned with the former management of the local affairs of Prince Edward Island, to find that the three principle features of their measure regarding the land tenures had been closely adopted by the Imperial Parliament in the case of the Landlord and Tenant Act of Ireland. He did not anticipate that any opposition would be raised to the production of the papers asked, and concluded by moving for the address.

HON. MR. HOWLAN remarked that his hon. friend, the mover for this address, was himself a proprietor of land and was therefore in a condition to judge of the difficulties under which the tenants were labouring, and as he was also willing to sell his estate for a fair sum the House must admit that he was a competent judge of the merits of the case. It was also to be remarked that the hon. seconder of the motion was likewise a proprietor of land. It was therefore satisfactory to know that a change was coming over the spirit of the dreams of the proprietors of land in Prince Edward Island, and if, after their experience, they were willing to dispose of their lands, this Government should have no hesitation in permitting measures to remedy the grievance com-

plained of. When the Province entered the Confederation a sum of money was placed at the disposal of the Local Government to enable them to free those lands. A bill was passed, not for the purpose of taking away the land from those proprietors, but to compel them to receive a compensation for their land. This bill had been disallowed by the Dominion Government, and though he had no doubt that the Government had good reason for their action in this matter, still he should be glad to see the papers brought down, as at present he was quite unable to imagine what those reasons were. In the Dominion we found prevailing a system of free lands, free farms, and annually large quantities of land were nominally given away in freehold to the settler, but the state of things prevailing in Prince Edward Island were such as rendered it very difficult to carry on the Government satisfactorily. There was another class of proprietors which were not to be found anywhere else in the Dominion. A large portion of the land had been granted away upon what is called forty year leases, and parties from England, Ireland and Scotland had taken out such leases. In many cases that forty years were now expiring, and the tenants were suffering great hardship. The first settlers and their sons and daughters who cleared the forests and built the homesteads were now passing away, and their children were liable to be driven away without being able to obtain any remuneration for the work done by their fathers in improving the lands. In consequence of this a great many young men had been driven from the Province to seek their fortune elsewhere. But now that the Island formed part of the Confederation the people came to the Dominion Government asking to be permitted to make their land free, as it is in every other part of the Dominion, and they confidently anticipated the assistance of the Dominion Government in regulating this long standing grievance.

HON. MR. HAVILAND said, although he had not been consulted by his hon. friend who had made the motion for laying before this Chamber the correspondence between His Excellency the Governor General and the

Local Government of Prince Edward Island, in reference to the bill passed in 1874, for the compulsory purchase of land in Prince Edward Island, still he would like to say something upon the question. He would suggest that his hon. friend's motion should be amended, because as now placed in the hands of the hon. Speaker it would not go far enough, since it merely asked for the correspondence between the Governor General of the Dominion and the Local Government of Prince Edward Island, whereas there was other correspondence that he was officially aware of, between Lord Carnarvon and the Governor General of the Dominion, and also numerous petitions and protests from the proprietors of land in Prince Edward Island, and therefore if his hon. friend intended to take further action in the matter, he ought to have the whole correspondence laid before this Chamber, because the bill had been disallowed in consequence of protests and objections made to it by proprietors in Great Britain. It appeared the matter had also occupied the serious attention of the Governor General. Whilst conducting that correspondence, he was requested by Lord Carnarvon not to act specifically by an exercise of the prerogative, but to consult with and be guided by the Privy Council of Canada, and upon the advice of that Council the bill was disallowed. It would ill become him (Mr. Haviland), either as a member of the Provincial Government, or from the position he now occupied in this House, to criticize or to find fault with the exercise of that prerogative on this motion. As to the bill itself, he presumed it would be revised in the Province of Prince Edward Island, and probably a new bill would be framed, with the intention of doing away with the objections taken to the first bill by the Governor General in Council. He understood that the principal objection was that the court constituted by that Act in which the estates of proprietors were to be valued, was too radical in its constitution, although in the Legislature of that Province he himself had assented to that bill, as well as his hon. friend who made this motion. This land tenure difficulty had been a great obstacle to the opening up of the resources

and prosperity of that colony. The granting away of the whole of the lands in the olden time of King George III., and in large blocks of 20,000 acres to non-resident proprietors, had been a heartburn and a sore to that colony ever since 1773. As Prince Edward Island had now become part and parcel of this Dominion, the people there were not obliged to send their bills to Downing street, where it was believed the proprietors exercised a sort of undue or backstair influence. At any rate, up to the present time the Government of the Province had utterly failed in bringing the remaining proprietors to terms by voluntary sale. Prince Edward Island had an area of 1,300,000 acres, if he was correct, and at the present moment about one-fourth of that area was in the hands of proprietors who were opposed to selling their land. There was something in the air of America which rendered a man exceedingly averse to being a tenant for 999 years. He likes to own a plot of ground that he can call his own, whether it be a few acres or a large tract, without running any risk of being turned out of house and home for not paying a year's rent. When a man goes into the forests of America, and turns the howling wilderness into a garden, it was contrary to reason and to the spirit of freedom of America that he should hold that land or that homestead, liable at any moment, if there happened to be an unfortunate year, and the crops were short, to be turned out under a writ of ejectment, and to lose the hard labors of a lifetime. But that had, to a certain extent, been remedied in the case of forty years' leases by a bill passed two or three years ago, after a great struggle, and which was assented to this autumn. But the only way of obtaining the remaining lands was by compulsory purchase. That was a matter which would have to be settled, and the difficulty was to create a court that would give confidence to the tenant on the one hand, and preserve strictly and fairly the rights of the proprietors on the other. The court which it was proposed to establish for the valuation of these remaining estates was to be constituted in this manner: the Local

Government was to select one arbitrator, the proprietor was to select another, and the two arbitrators were to select a third; and in case they could not agree within a certain time in the nomination of a third arbitrator, he was to be nominated by the Supreme Court. When that bill was going through the Local Legislature a large party in the Province were opposed to giving the Supreme Court the ultimate power of nominating the third arbitrator. They thought the Supreme Court would be too conservative, and would have too strong a bias in favor of the proprietors. Yet, when that bill came before the Dominion Government, the grounds upon which it was disallowed was that the Supreme Court would be too apt to sympathize with the tenants, to the prejudice of the proprietors. This, he believed, was sufficient proof that at least the bill was not unjust towards the proprietors on the one hand or the tenants on the other.

HON. MR. HAYTHORNE said the only objection he had to amend his motion as suggested by his hon. friend was that it would delay the production of the papers. It might be very desirable to have Lord Carnarvon's despatch on the subject, but he did express the hope that the Governor General and their advisers would never allow themselves to be influenced in coming to a decision on this subject by the *ex parte* statements of the proprietors.

HON. MR. LETELLIER DE ST. JUST said the Government had no objection to the production of the papers asked for, and he thought that under the circumstances it was better to have all the papers connected with this question. If the House only asked for the papers and correspondence connected with this question which passed between the Government of Prince Edward Island and that of the Dominion, very little light would be thrown upon the subject. He, therefore, thought it was desirable to have also the correspondence that had taken place with the Home Government on the subject, so that the matter might be brought to a settlement.

HON. MR. HAYTHORNE said he would consent to amend his motion so as to include the despatch of Lord Car-

narvon and the correspondence of the proprietors of land in Prince Edward Island and the Governor General.

The motion as thus amended was then adopted.

SENATOR FOSTER'S RESIGNATION.

HON. MR. READ said, before the orders were called, he would like to ask a question. He saw by the report of the proceedings in the other House, that an hon. gentleman holding a seat in the Senate had taken a contract from the Government to build the Georgian Bay branch of the Pacific Railway. He would ask the Government if such was the case. He referred to Senator Foster and wished to know if he had resigned his seat in this House.

HON. MR. LETELLIER said the Government were quite prepared to answer this question, though they certainly could not approve of such a mode of proceeding as had been adopted by the hon. gentleman, in rising to create a debate upon a question of which no notice had been given. Such a proceeding was quite contrary to the rules of this House. Still he would not like to preclude discussion, and though no notice had been given of the question, he would answer that Senator Foster had really resigned his seat.

HON. MR. READ was proceeding to speak upon the conduct of the Government in awarding the contract, when

HON. MR. HAMILTON raised the point of order, and after some discussion the Speaker ruled that the hon. gentleman was out of order since there was no question before the House.

THE PATENT ACT.

HON. MR. LETELLIER introduced a bill to amend the Patent Act of 1872—so as to extend to inventors in the Province of Prince Edward Island the same rights and privileges as are extended by the Confederation Act to those taking out patents of invention in the other Provinces. He explained that among other small changes was one to define more perfectly the time within which an inventor shall have the privilege of renewing his right to a patent; also better to define in what manner small articles shall be marked, so that they may be marked by the package instead of by the article.

The bill was read the first time.

THE PETERSON DIVORCE BILL.

HON. MR. AIKINS, seconded by HON. MR. LEONARD, made the various formal motions requisite to bring the motion for a second reading of the bill entitled—"For the relief of Henry William Peterson"—before the House, which were carried on a division.

HON. MESSRS. BELLEROSE, BAILLARGEON and TRUDEL made some observations to mark their disapproval of the principle of divorce, on religious and social grounds, and demanded on the motion for second reading, that the vote be taken.

HON. FRANK SMITH said he was at a loss to know how to act in this matter, holding the views he did on the subject, but as gentlemen had called for a division on the motion for the second reading of the bill, he desired to explain his position to the House. In regard to the teachings on this subject of the Catholic Church, to which he belonged, he stood in the same position as the hon. gentlemen who had just preceded him. But in the present case he thought he had no right to interfere. When a petition comes to this House from a Protestant asking for a divorce, they, as Catholics, who did not believe in divorce, according to the teachings of their Church, could not conscientiously vote for it; yet, he thought, speaking for himself, that it was improper for any Catholic to come here and deprive any Protestant gentleman of the right of petition to this House for a bill of divorce. They were taught to believe that the marriage bond could not be broken, and that what God had joined together no man could put asunder, and though they were taught this and believed it, and though they had a right to vote on the question, still he did not think that, because they had a right to sit here, they should give their voice to deprive a Protestant of the right of petition, and to come here and be relieved; and if his case was tried before a court of justice he could challenge them for their position on the subject, but here he had no right to challenge them. Therefore, he (Mr. Smith) would say that it was not becoming in

them as Catholics to interfere in this matter in any shape or form. He took that ground on his own responsibility, and held that Protestants should be allowed to legislate as they pleased. No Catholic comes to this Court by force, because he was warned by his Church that he never could come before this Court. He believed they had no right whatever to obstruct this legislation, for they would be interfering with the law of the land and forcing their religious opinions upon the Senate. This was the ground he took on the question, and, if it was forced to a vote, he should leave his seat, because, though not voting against it, he could not conscientiously vote for it.

HON. MR. LETELLIER said a general feeling had always prevailed in this House on the part of our colleagues of another creed that our opposition to such bills was not intended to override the law but to mark our conscientious feelings. The Catholic members had no desire or intention to invade any rights of their fellow-members in a matter of this kind. (Hear, hear.)

On motion for second reading, the vote stood thus:—

CONTENTS.—Hon. Messrs. Aikins, Archibald, Benson, Botsford, Christie (President), Cochrane, Cornwall, Dickey, Dickson, Ferrier, Glasier, Hamilton (Kingston), Haviland, Haythorne, Holmes, Kaulbach, Leonard, McDonald, McLelan, McMaster, Macdonald, Macfarlane, Macpherson, Montgomery, Northup, Odell, Penny, Read, Seymour, Simpson, Skead, Sutherland, Wark, Wilmot.—34.

NON-CONTENTS.—Hon. Messrs. Armand, Baillargeon, Bellerose, Bureau, Chaffers, Chapais, Chinie, Cormier, Dumouchel, Fabre, Girard, Guevrement, Letellier de St. Just, Paquet, Ryan, Scott, Trudel, Wilson.—18.

HON. MR. AIKINS then moved that the bill be referred to a Select Committee, composed of Hon. Messrs. Campbell, Dickey, Vidal, Wilmot, Cornwall, Read, McDonald (Toronto), McMaster and the mover, of whom five to form a quorum, to report thereon with all convenient speed, with power to send for persons and papers, and that the witnesses appear

before the said Committee.—Carried.
The House then adjourned.

Monday, March 8, 1875.

The Speaker took the chair at three o'clock.

PROHIBITORY LIQUOR LAW BILL.

A large number of petitions were presented in favor of the passage of a Prohibitory Liquor Law.

REPORT OF PRIVATE BILLS COMMITTEE.

HON. MR. MILLER presented the ninth report of the Committee on Standing Orders and Private Bills. The Committee reported favorably on the bill entitled "An Act to incorporate the Canadian Gaslight Company," which was thereupon read a third time and passed.

THE CIVIL SERVICE IN P. E. ISLAND.

HON. MR. HOWLAN said he had the honor last year to lay before the House the subject of the Civil Service in Prince Edward Island, and to make some strictures on the policy of the Government in reference thereto. From the promises he then received, he expected there would be no further ground of complaint, but it appeared that such was not the case. A short time after he left for Prince Edward Island the Surveyor of Shipping was removed. Clearly satisfied that the promise given by the Government was not in vain, he (Mr. Howlan) wrote the following letter to the Hon. Mr. Letellier, in August, to give them an opportunity of explanation:—

"ALBERTON, P. E. I., Aug. 10, 1874.

"DEAR SIR,—I have recently been much surprised to find that all the Harbor Masters throughout this island have been removed, whilst in a majority of cases very incompetent men have been put in their places; also more recently with the appointment of a Surveyor of Shipping in the place of the highly competent gentleman who has for some time past filled that office.

"I am unwilling to believe that you would permit a departure from the promise you gave the Senate that 'no officer of the Civil Service should be dismissed except for misconduct, incapacity, or just cause.'

"Will you please, therefore, be kind enough to state the reasons for such dismissal, as above alluded, and oblige

"Yours respectfully,

GEO. W. HOWLAN.

"To the Hon. Luc Letellier De St. Just,
Minister of Agriculture, &c., &c., Ottawa."

He had received no answer to that letter. After waiting till November, he again forwarded a copy thereof, supposing that the former had been mislaid, to which no answer had been received. He thought it his 'duty, therefore, to give the present notice of motion. We had the promise in this House of a member of the Government, which, so far, was worth nothing. The leader of the Government in the other branch of the Legislature distinctly stated that no officer would be turned out except for misconduct or incapacity. Yet after all those declarations he found that three Collectors of Customs were turned out in Prince Edward Island without any reason being given therefor; also, Harbor Masters, the Surveyor of Shipping, the captain of the dredge boat and several preventive officers. Those officers necessarily complained of the broken faith of the Government, particularly as they were not aware of having improperly conducted themselves, but, on the contrary, were more assiduous in their labors than heretofore, and had no reason, from anything which fell from their superiors in the island, to believe for a moment their services were not duly performed. How, then, comes the broken faith with those men, or is the Government affairs left in the hands of some little petty clique there, who are thus placing the Government in a false position. I fear the Government in this matter, as of last year, are being imposed upon in the same manner that they have been in the matter of the winter steamer. Let me take one case as a specimen. Captain Henry Mutch, commander of the dredge-boat, is a young man, who acted in the capacity of Harbour Master at Charlottetown for some years past, having a perfect knowledge of not only that harbour, but the different harbours of the island where the boat might be employed. At a moment's warning he receives his dismissal, and a man by the name of Benjamin Williams appointed in his place, who, although a very good man in other respects, yet totally incapable of getting the boat underweigh, or piloting to the mouth of the harbour. Now what is the consequence; from that day forward the boat has per-

formed no service. Again, there was the Surveyor of Shipping, Mr. Longworth, in every way a competent man, he was removed for what reason I am yet unable to learn, unless it was to make room for a brother-in-law of one of the supporters of the Government in the other House. On yesterday another removal was made in the person of Mr. Griffin, the Dominion Messenger at Charlottetown, as he learned by a telegram just received. He might go on detaining the House with other equal flagrant cases, but he would desist, as enough had been shown to prove the fact that Prince Edward Island was made the political slaughter-house of the Dominion against the practice pursued in all the other Provinces. There was another matter that he wished to touch on which was the salaries received by the Custom House Officers in Prince Edward Island. Now if any department more than another should be well paid it was the Custom Department of any Province, but more particularly in a Maritime Province coming recently into the Dominion. He did think that they ought to be paid as much as at comparative places in New Brunswick, Nova Scotia and Cape Breton. I have no hesitation in stating that from the head of the department down to the lowest, the salaries allowed are inadequate, and will not bear comparison with other places. Up to the time I now speak, although the Island has formed an integral portion of the Dominion since July, 1873, I am informed that the Collector of Customs at Cascumpec has received but the paltry sum of \$47 per year, whereas under our Local Government his salary amounted to about \$300. At the port of Summerside, the second port of importance in the Island, the Collector only received the same, whilst his subordinates, appointed more recently, received from three to six hundred dollars. There is no honourable gentleman can say this is just and proper. It looks like a cowardly attempt to starve these men into resignation. They have given their services to the department, performed their duties faithfully without a word of complaint, and I repeat it is a disgrace to the Government to retain what they have justly earned. He did not bring this

matter before the Government for the purpose of annoying them, but merely to show that wrong has been done, and he trusted that they would receive their commission without delay, as well as all their back pay. Before he sat down, he would, in connection with this subject, call the attention of the Government to the building of a Marine Hospital at Charlottetown. In this Dominion it is well known that all vessels pay a tax of two cents per ton, which goes into a fund for the erection and maintaining of suitable hospitals at the different sea ports. When the island entered the Dominion, the officers necessary for this work were appointed, but up to this time no suitable hospital had been erected. The Government last year appropriated, and I have no doubt in good faith, two thousand dollars to erect a Marine Hospital at Souris, and I have no hesitation in saying that I believe it to be a misappropriation of public money, inasmuch as Charlottetown being the largest seaport, the hospital should be there, as it is easy of access by railroad from nearly every port in the island. I also notice in this year's estimates the sum of \$1,500 to erect another hospital at Charlottetown. I would suggest to the Government that both sums be put together and expended at Charlottown. I trust that the papers will be placed on the table with the consent of the House, and that the House will take such action as will prevent this undue interference in the Civil Service throughout this Dominion; and to this end I beg leave to move that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a full and complete return of all dismissals from, and appointments to, the Civil Service in Prince Edward Island, as well as the salaries attached thereto.

HON. MR. KAULBACH hoped the papers asked for by his hon. friend would be brought before the House soon enough to allow hon. gentlemen an opportunity to discuss them. He (Hon. Mr. Kaulbach) had himself obtained an address some weeks ago in reference to dismissals from the Civil Service in Nova Scotia, and during last week he

had expostulated with the Government against further delay in producing the papers. He thought it must be evident that the Government were not desirous of justifying their conduct, and that they feared the expression of this House on their actions, otherwise the papers could have been on the table weeks ago.

HON. MR. SCOTT had no objection to an address going up in this case, and he thought his hon. friend would find that what the Government had stated last year they had tried to carry out. No changes were contemplated in Prince Edward Island unless good cause was shown that it would be in the interests of the public to make them. Hon. gentleman would all recollect that the subject was very fully discussed last year before Prince Edward Island came into the Confederation. With the change of Government took place some changes of officers. The Government thought the fairest plan would be to divide the officers between the two rival parties in the island. At the time he made the statement in this House he was under the impression that this plan had been fully carried out; but he had been misinformed, and it was owing to this that further changes in the interest of the public were not made. His remark was based on the assumption that all the changes had been made, whereas, in fact the changes at that time had reference to only one or two departments. Since that time a few changes had taken place, but the assurances given by this Government to the hon. gentleman had been fully carried out. He (Hon. Mr. Scott) held in his hand a paper containing a memorandum of all the changes made in the most important branch—the Customs Department. And here he remarked that one of the grievances of his hon. friend was that these men had been paid very small salaries. He (Mr. Scott) asked hon. gentleman to consider the number of employees in the Customs Department—not less than fifty for a population of 10,000. If these men were paid salaries corresponding to the salaries paid elsewhere, it would swallow up the revenue from that island. If these salaries were compared with the usual salaries of Collectors throughout the

Dominion, no sufficient reason would be found to justify larger salaries on the island. In some cases large salaries had been paid at ports where no entries were made. The hon. gentleman, unfortunately, always had some terrible grievance against the Government, and he (Mr. Scott) feared it was hopeless to satisfy his hon. friend that the Government meant to do what was right and proper in the matter. At least one gentleman from that island did not hold the same views as his hon. friend. When the papers came down he hoped his hon. friend would be able to point out the particular cases to which he takes exception. As far as the Customs Department was concerned, he was quite prepared to give any explanation desired.

HON. MR. HOWLAN assured his hon. friend that he (Mr. Scott) had been misinformed, as he had stated, and again last year he was misinformed. To particularize, he would ask why it was that the Custom House officers at Casco Bay and Summerside had not received their salaries?

HON. MR. SCOTT—What are their names?

HON. MR. HOWLAN—Robert Gordon of Casco Bay, and Charles W. Strong of Summerside.

HON. MR. SCOTT said as far as Robert Gordon was concerned, he was a sub-collector, and had been appointed by the Local Government.

HON. MR. HOWLAN rejoined that the Local Government's appointment had been confirmed.

HON. MR. LETELLIER DE ST. JUST said his hon. friend had alluded to letters sent to the Government in relation to this matter, to which he had not received an answer. He (Mr. Letellier De St. Just) had reason to believe that such letters had not reached his office, as he had searched in vain for them. It was the invariable practice of the office to answer all letters addressed to it. With regard to the fatal case of small-pox which his hon. friend said had occurred through the negligence of the Federal officer, he believed that officer had nothing to do with it, and that it was a case for the local authorities.

HON. MR. HAVILAND wished to correct the Minister who had last

spoken in relation to the case of small-pox. It had proved fatal on account of the gross negligence of the Dominion doctor. At least, it was in consequence of a conflict of jurisdiction between the doctor of the Marine Hospital and the doctor of another hospital, that the unfortunate sailor referred to had perished.

HON. MR. LETELLIER DE ST. JUST said the Customs officer should have looked after this matter, and if it appeared that he had been remiss in his duty, he would be reprimanded.

HON. MR. HAYTHORNE said the sailor had lost his life for want of a proper hospital building, and not from neglect of the medical officer, who, he believed, had taken the best care possible of his patient. He proceeded briefly to criticise some of the statements of the Hon. Mr. Howlan, and to defend the policy of the Government in relation to the Civil Service on that island. He believed the changes had been made with as little wrong doing as the circumstances admitted.

HON. MR. HOWLAN replied, after which the motion for the address was carried.

BRITISH COLUMBIA STEAMSHIP COMPANY.

HON. MR. MACDONALD, of Victoria, said—Although there is no immediate hurry for the papers for which I propose to ask, yet I think it as well to move for them now, before annihilation overtakes this Honorable House, and we are numbered among the things of the past. We cannot help noticing to some extent what is going on in the other branch of the Legislature touching this House. I, like many other honorable gentlemen, care little personally, whether the mode of constituting the Senate be altered or not, but I do care, and do object to any constitutional safeguards being swept away without being replaced by something better, and I do object to very infants in the science of politics attempting to deal with a great constitutional question for no better reason than the gratification of a whim or hobby, and this levelling and change attempted by pigmies in intellect and grasp, compared with our most able and advanced statesmen who framed the Act of British North America—an Act based

on principles of justice and due representation to the different Provinces, an Act now sought to be rent asunder by inserting the thin end of the wedge of Republican aggression. During the debate on this question in the other House, I was specially favoured by a member alluding to myself. If that member should be a demagogue, and an egotistical torpedo, likely to explode on all sides, and injure himself more than his enemies, much cannot be expected of him. If he is known to have strong communistic tendencies and be fond of change, and not being able to change anything else, changed his own name, still less can be expected. I can afford to forgive that hon. member for anything which he may say, smarting as he does from being in the cold shades, without influence, power or patronage, ostracized and shunned by his colleagues and former friends, and left to tread the earth alone. I will not pursue this subject further at present, but move, seconded by Mr. Cornwall:—5. That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House all correspondence of letters (if any) between the Dominion Government and the British Columbia Steamship Company, relative to a subsidy for carrying the mails between San Francisco and Victoria.

HON. MR. CARRALL (Victoria), supported the motion in a few humorous remarks, designed to lift the Senate out of its sombre mood, and manifest not only its usefulness in the legislative economy, but its wit and spirit. It was necessary to do so after the depression produced by the painful picture of the misfortunes of Prince Edward Island, just drawn. (Laughter.) He objected to proceedings or debates taking such a sad-faced turn as to give any ground to scoffers sneering at this House as a chamber of monuments, or a living tomb. (Hear, and laughter.) It was all very well to have a fling at the Government on any question. Governments, like shuttle-cocks, were made to be kicked at. Be this as it might, the contract for this steam service had been well bestowed, the recipients giving general satisfaction.

Motion agreed to.

SENATE HANSARD.

HON. MR. DICKEY moved the consideration of the second report of the Select Committee on publishing the debates of the Senate. He went on to say it would require some instructions from the House if this report was to be practically acted upon. They had received proposals for printing, publishing and binding a Hansard, but did not feel justified in calling for tenders for reporting till the House had decided upon the propriety or otherwise of obtaining a Hansard. The question whether there should be a Hansard and whether the Committee should prepare for it now, were the material points before the House. With regard to the first, he had no very strong opinion one way or the other. As to the second, arrangements ought to be made, at the close of the present session, at all events in good time, so that at the commencement of another session we should not be in the position we occupied at the early part of the present session. (Hear, hear.)

HON. MR. MACPHERSON, after explanations of the report had been given, urged arrangements for the reporting, next session, before the present closed—say by the end or middle of next week. (Hear, hear.)

The motion was carried.

SIXTH REPORT OF PRINTING COMMITTEE.

HON. MR. SIMPSON presented the sixth report of the Committee on Printing, and moved it to be taken into consideration on Wednesday. Carried.

The House then adjourned.

Tuesday, March 9, 1875.

The House opened at three o'clock.

THE MARINE ELECTRIC TELEGRAPHS BILL

HON. MR. SCOTT moved the second reading of the bill to regulate the construction of Marine Electric Telegraphs. He proceeded to explain the bill as one conceived to give the widest possible privileges to all companies formed or to be formed with a view to working cables through the bed of the Atlantic Ocean, or between any two Provinces of the Dominion. The clauses, from three to thirteen, simply

provided the machinery for companies acquiring lines, and with reference to lines incidental to the working of main lines. It is provided that such companies as railway companies, when their schemes involved the erection of lights and buoys at the ocean, should have the approval of the Minister of Marine and Fisheries. The twelfth clause regulated the mode in which messages were to be sent, namely—in the order of their reception, under certain penalties; and no preferences were to be given, except, as in the thirteenth clause, which provided that any messages in relation to the administration of justice, Government messages or despatches, should always be transmitted before any ordinary message. The fourteenth and fifteenth clauses were those which had excited comment and agitation. This measure was introduced into Parliament last year, was carried through the Commons, but opposed in the Committee of the Senate. Counsel were heard on behalf of the company, whose interests were said to be affected by this bill. It was alleged the company had vested rights which the bill threatened to take away. The bill was finally reported by the Committee, and passed in this House on a division. The Government, however, in consideration of the private rights urged, had the bill reserved for Her Majesty's approval. A correspondence then took place between the Governments of Canada and Great Britain with reference to the Royal assent, the result being a despatch from Lord Carnarvon, stating that the bill was entirely within the jurisdiction of the Parliament of Canada. It was now introduced as a Government measure, having passed through the other branch. Before the large and competent Committee of the other House, a representative of the Anglo-American Company was heard on its behalf, and, in some degree to meet the views he there expressed, the Government were induced to modify the main clauses of the bill. The changes referred to the question of compensation for any rights disturbed by its provisions. The legal question had been referred to a Committee of efficient lawyers, including Sir John A. Macdonald, Hon. Messrs. Blake and

Fournier, and Messrs. Moss and Mousseau, who considered the legal point that the bill encroached on the vested rights of this Company. It was said those rights were acquired under certain legislation in Nova Scotia years before Confederation, and included rights directly or indirectly obtained by a fusion with a local telegraph company. The Sub-Committee's report showed they were unanimously of opinion that the Nova Scotia Company had no such rights or powers claimed. On the second point, the same Committee declared they were unanimously of opinion there was not any colour of right capable of assertion in a court. There might be, by reason of acquiescence or the action of the Government, a colour of right capable of assertion in a court of Newfoundland, to compensation, in case the 14th clause was put in force against them. The Committee recommended a clause should be inserted, providing that nothing in the Act should deprive the Company of any right they might have to such compensation. On the unanimous report of that Sub-Committee, the bill passed in the other House without dissent. With reference to the clause protecting the rights of the Anglo-American Company in the matter of damages or compensation, there was before the other branch a bill giving power to any individual to file a petition of right against the Crown in any case wherein he had a claim other than against the Public Works Department. A similar bill was introduced into the English Parliament.

HON. MR. CAMPBELL—Is this a Government Bill?

HON. MR. SCOTT replied, Government sanctioned it though it was in the hands of Mr. Irving of Hamilton. The points that arose under the present bill were involved in clauses fourteen and fifteen. The object of that provision was, that, assuming the Anglo-American Company failed to come in under the provisions of the bill, or set it at defiance, then the Government would not enforce its provisions until satisfied that ample provision had been made for the accommodation of the people of Canada in reference to cable messages, by another line or lines. That provision would protect the

Anglo-American Company to some degree, assuming them not disposed to work their lines under the bill. He was not sure the bill of last year was as broad as the present. The fifteenth clause was one the Anglo-American Company more particularly complained of. The hon. gentleman now referred to the formation of the New York and Newfoundland Companies in 1854, for the purpose of connecting America with Europe. Newfoundland was required as a most important point, to shorten the distance between the coast of America proper and Europe. The promoters applied to the Government of Newfoundland for subsidies and exclusive privileges, which were granted, by an act conferring the exclusive right to land cables on the Island for twenty years, at which time it was within the power of the Government to purchase the company's wires, plant and other property. Some hundred square miles of land were also given as subsidy. A similar Act passed by the Nova Scotia Legislature in favor of that Company was disallowed by the Imperial Government on the ground of its conferring exclusive rights, not considered in harmony with the spirit of this age. Now, the company, so far back as 1858, were fully aware of the views of the Imperial Government on this important subject—that it did not approve of a monopoly in telegraph communication between this country and Europe. Before disallowance, the New York, Newfoundland and London Telegraph Company had landed its wires in Nova Scotia, made arrangements with a local company that was not disturbed. That Act was not regarded in any other sense than as depriving the company of exclusive rights. It did not seem to have gone on to obtain exclusive rights to land on the Nova Scotia coast. The first wire failed, but subsequent efforts proved successful, and the Company went into operation. Then came the French and the Anglo-American Companies, and these three united and formed a very powerful corporation. We heard they represent a capital of seven millions sterling, but the actual value of the assets was not probably more than six per cent. of that amount, the company having watered their stock to a large extent before or after the fusion.

When the twenty years terminated it was assumed the Newfoundland Government would terminate the monopoly. The effect of this notion was to stimulate the formation of other and rival companies. In the correspondence between the Government of Newfoundland and the Direct Cable Company, they were given to understand the policy of abolishing the monopoly would be followed; but that had not been done. The only thing Canada could do was to intimate that unless the old company give up their exclusive rights in Newfoundland, they should not land their wires on our shores. They had no exclusive rights in Canada whatever. They were notified before the fusion that it was not in the spirit of British policy to authorize or preserve a monopoly of this kind. The French and Anglo-American Companies that united afterwards were perfectly aware they had no exclusive privileges in Canada. It could not be urged, then, that we were doing anything militating against their interests, knowing as they did that at any time Canada might act in a way to involve the termination of their exclusive privileges in Newfoundland. (Hear, hear.) He moved the second reading of the bill.

Hon. Mr. DICKEY said—On rising to address the House on this important question, I trust I need offer no apology for presenting certain facts, which, to my mind, affect the passage of this bill. That the House will be disposed to deal with this question fairly, notwithstanding the means taken to influence their feelings, I am well persuaded, and when they hear the facts presented to them, the documents, not mere declamations, but plain facts, which have never been made public before, in Committee of this or the other House, I am quite sure they will give to the question the consideration justly due to a subject which involves most materially the rights and privileges of some six thousand of our fellow countrymen across the water. Now, my hon. friend who introduced this question has referred to the bill of last year, and let me say, with regard to that measure, that it is a singular circumstance that it was passed through another House and through this House in a manner forbidding anything like dis-

cussion, and without any of those protective clauses the hon. member has just spoken of—without the clauses protecting the rights of the Anglo-American Company, and respecting the rights acquired under the legislation of Prince Edward Island. I need not state to the House any other fact to show with what haste—I will not say indecent haste—but with what haste and indiscretion the bill was forced on this House and country without either of these clauses. (Hear, hear.) I need not say a word more to induce the House to listen patiently to the views which the people who are trying to force this measure on the House have expressed as having induced them to introduce this clause, the last in the bill, which recognizes to a certain extent the rights which this Anglo-American Company possesses. Now, hon. gentlemen, my hon. friend the mover has gone back and sheltered himself under Lord Carnarvon's despatch, that was written after certain orders of our Privy Council had been sent to him, and was framed upon all the lights he had at the time, but I don't hesitate to say that any person who reads this despatch will look in vain for any statement of facts such as they exist; in other words, the noble Lord had just that sort of information which this Government had last year; he did not know the whole case. Our Government did not then know as much as they now know, and were not in a position to do that small measure of justice to the rights of these companies in Prince Edward Island and Nova Scotia which they were prepared to do to-day, and even yet I undertake to say that they do not know all the facts. My hon. friend has called the attention of the House to the despatch of Mr. Labouchere of 1858, and has very fairly quoted it, and I am very glad he has done so at length, because it speaks for itself; he has not sought to put a gloss upon it. That despatch was directed entirely to the question of the disallowance of the Act of 1857, as conveying an exclusive privilege for twenty-five years. My hon. friend speaks as if the denial of this exclusive privilege to the New York and Newfoundland Company in Nova Scotia was the subject of their com-

plaint. They claim no such exclusive privilege; the question is not whether they have any exclusive privilege in Nova Scotia, and whether it should be taken away from them, but whether they have any privileges at all, whether any rights, legal or equitable, leaving the shores of Nova Scotia open to any other company that may come in to compete with them. The question before the House and country is not whether in Nova Scotia they have any exclusive rights; no such are claimed. The question is whether they have any rights acquired under the circumstances partially detailed to you any rights that ought to be respected in a British Parliament and court. I shall not follow the observations of my hon. friend in this matter further, because I cannot complain that he has in any way stated the case unfairly; but it is my duty to ask the attention of the House to facts which he has partially set forth. Some twenty-one or twenty-two years ago the idea was first conceived of spanning, with a telegraph wire, the bed of the Atlantic Ocean. It was to connect with the nearest point on this Continent, Newfoundland, and carry the wire thence to the nearest point on the main land in Nova Scotia. When that project was first thought of, it was brought before the British public, and in order to commend it more favorably to it and the capitalists, it was stated that, although the company had the exclusive right to land on Newfoundland, yet it was not to carry the submarine wire to the United States direct, but to give the benefit of that telegraphic communication to the British North American Provinces, and to choose the nearest portion of their mainland, the Island of Cape Breton, Nova Scotia. This fact was the greatest recommendation of the scheme in the British market. The object then was not to do what you are trying to do to-day, saying this company shall not connect with the Canadian Provinces unless they give up something they possess in another colony, so as to drive them to extend their submarine wires to the States; but the object was to give this country the first benefit of the news from the other side of the Atlantic.

HON. MR. LETELLIER DE ST.

JUST—Yes; by way of New York.

HON. MR. DICKEY, resuming—No; I know there is a prejudice in this country against news by way of the States. There have been many mis-statements about our getting news and messages through New York. There never was a greater mistake in the world. Every message that comes to this country, apart from the press despatches, comes directly from England through Cape Breton, to Sackville, N. B., and thence direct to Montreal.

HON. MR. WILMOT—Has this always been so?

HON. MR. DICKEY—Yes; not only is this the case, but the Anglo-American Company and all those companies, with a view to treating Canada as a whole fairly, putting all parts on the same footing, have paid, and are paying, out of their own pockets the expense of carrying these messages from Sackville to Montreal and Toronto—(hear, hear,) and in that way of enabling the commercial public to get their messages on the same footing and expense as the public of Halifax. Let that be understood once for all. Now, how is it with the Associated Press? It is not the fault of the Anglo-American Company that the *Globe*, *Herald*, *Gazette*, and other great organs of public opinion in this country choose to go to New York for their despatches. The company have no control over that. Their wires are as open for direct communications from England to Canada as to New York for the Associated Press. They pay as much and no more than any other individuals who use the cable, namely, four shillings sterling, or a dollar a word. They get their news and then sell and distribute it. The newspaper publishers of this country think it more for their interest to go to New York for intelligence than to obtain it from England on their own account. The wires are as open to them as to the people of New York, to the Associated Press, or other individuals. (Expressions of dissent.) In any statement I make I use the best information I possess. My hon. friend knows that on this important matter I have good authority, or I should not venture upon the statement. As I have said, then, one of the great objects was to bring the news through these

colonies. This feature of the scheme was one of its chief recommendations to the British public, and in carrying out that object legislation was acquired in Newfoundland, and arrangements were made in Nova Scotia. Before the cable was landed in Newfoundland, it was seen it could be of no sort of use unless a land line was made to meet it. Accordingly, arrangements were made in 1854 to have the land line built first, and for many years while the repeated experiments, and I am sorry to say repeated failures, to span the Atlantic with this cable, were witnessed, the news was actually taken from Cape Race in a singular way; when it could not be taken from a boat, the despatches were thrown overboard in tin cans, to take the chance of meeting a passing steamer, whether prevented by fog or high winds from making the land. For eight or ten years this was the mode of getting the news, and it proves the extreme anxiety of the public to have the quickest telegraphic communication between the two continents. The news was telegraphed from Cape Race to New York, or despatches sent from New York across to Cape Race. We come now to another Act of 1854. My hon. friend has talked very lightly about monopoly, but we must meet that cry, which has found its way everywhere within these walls. There is no doubt the great argument in favour of this bill is this charge or assumption of monopoly. I wish to present one or two facts on this matter. I ask the House to reflect upon this consideration. Is it possible that any body of British capitalists in their senses would undertake a risk of this kind before they succeeded—would run the chance of literally sinking their money in the bed of the Atlantic, unless they had a monopoly for a certain time? But if they had not had such encouragement, would they have made the experiment in this case? They experienced three or four failures before succeeding. Any person who would have attempted the experiment at this period, of raising money without some special inducement of this kind to submit to the London market, would have found it impossible under the circumstances. The fact is, that not a single

submarine cable had come to England but was exactly in the position of this Newfoundland one when laid—at one end free access to the shores of England, and at the other the protection of a monopoly for a limited term. In no other way could this company have secured the money for laying their cables. We must take the facts as they are, and the history of the world as it is. In the printed statement submitted by Mr. Oliphant, for the Direct Cable Company, we have been pointed to the United States for an example of freedom in regard to telegraphs, but the cable that runs from the Republic to Cuba is a monopoly. At both ends it is protected by exclusive privileges. On no other condition will people risk their money in the infancy of such enterprises. It is all very well now, when these people have tried the experiment and proved and tested the best kind of cable, as well as the best mode of laying it, that we should take advantage of their experience and information and say, “We are not content with competition simply, but want to kill your enterprise.” It is a very different state of things now. Talk about monopoly and privileges in this case! The Newfoundland Company paid dearly for their advantages. They had to make four hundred odd miles of road through the island, to put up wires and maintain them for all the time, and then, when they landed at Nova Scotia—at Cape Breton—they had to make a hundred miles of road and go through their Newfoundland experience again. When you come to look at the cost of such works, you find that what is called a monopoly was one of those arrangements necessary to give the companies *quid pro quo*. They said if you give us exclusive privileges for a term of years, we will undertake this enterprise; without it we will not. Shall we now say, after getting the advantage of their labour, we shall take away the rights bestowed? This is a question between the company and Newfoundland. They are perfectly right under the bargain in giving that pre-emption notice. The Anglo-American Company do not complain of this, because they knew of the bargain beforehand. There could be no difficulty about that. To get the power of landing in another British

Province, they obtained a monopoly in Prince Edward Island, which is respected by this bill. All the rights of Newfoundland were set at nought by it, but those in Prince Edward Island were carefully guarded. Let me pause for a moment to point to a figure that passes across the page of history at this moment—to the great projector and promoter of both these enterprises—to a man of the age, one of those men who seem to be raised up on purpose to work out some great problem of civilization in every age; to the man with an indomitable will and untiring perseverance, and with the still more happy faculty of imparting that confidence to others; to the man without whom, humanly speaking, we should at this day have had no telegraphic communication with Europe. (Hear, hear.) I have no hesitation in mentioning his name, though he is an American, Cyrus W. Field. (Renewed cheers.) This gentleman, through good report and bad, and despite the opinion of some of the leading scientists of the age, adhered to the enterprise till its successful issue was witnessed. It is hardly fair now to throw in our teeth the charge that this is a question of American capital, to be sure. Why, if American enterprise and capital were the pioneers of these two kindred projects, and after giving Nova Scotia the benefit of this communication with Newfoundland for the last twenty years shall we turn round, and in a narrow, miserable spirit, talk of this as nothing but a Yankee enterprise. It was American capital to a large extent in the first instance, but the larger project of spanning the Atlantic was too much for American capital; it was British capital that chiefly did that. The other project—that of the New York and Newfoundland Company, with its operations in Newfoundland and Cape Breton, were merged in the general company, and to this day the portion of capital held in America in that great enterprise which absorbed all these companies, is not one-seventeenth part of the whole capital. (Hear, hear.) I need say no more on that point. I come to the agreement of the year 1855, when the Company made those lines; not wishing to land on the shores of Nova Scotia without some agree-

ment, they made their arrangement of the 4th August, 1855, with the Nova Scotia Telegraph Company, getting power to land their cable and build and connect with their wires at Port Hood, Cape Breton, for the transmission of intelligence. There are various provisions protecting the interests of the public as to rates, &c., and the agreement was to continue as long as the cable lasted. Under this agreement a line of submarine was run from Newfoundland to Aspy Bay, near Cape North, and subsequently other cables were laid to Sydney. So there are now four cables between Newfoundland and Cape Breton to be affected by this Act; for if it be carried out the company will be obliged to take up their cables and land lines, for by this Act they will no longer be permitted to use them, and to send their business by a submarine cable to the United States. They landed their cable in 1856, and have ever since continued to operate it without molestation or disturbance. I put to hon. gentlemen who have listened to the provisions just now read, whether this provision which is said to protect the rights of the company was given in view of the principle always respected—that is, the long acquiescence of the Government and the authorities of Nova Scotia, in since, of the authorities in Canada, and the landing of this line upon our shores. It is a familiar principle of law that this acquiescence amounts to more than an equitable claim; that if one person chooses to allow another to go on before his face building a house upon his land or making any valuable improvement, he cannot turn round years afterwards and say, “you must take that work off,” without giving compensation. It is not only a principle of law but of common sense and justice, and the same principles applies to this case. I know of no legal principle to prevent an individual or a company from landing a cable on the shore of their own land, provided it does not interfere with navigation; but suppose there is no evidence whatever of the company’s legal right to do what they have done—suppose they went there as mere intruders—and in a paper circulating round his house—and it has become quite a settled institution

to approach members by private papers—this Newfoundland company is called an intruder.

HON. MR. LETELLIER DE ST. JUST.—You speak of Hon. Mr. Macdougall’s circular?

HON. MR. DICKEY—I know nothing of that circular, but spoke of Mr. Oliphant’s. I should like to know in what position this great Direct Cable Company are, if the others be intruders. The Direct landed a cable on the shores of Nova Scotia, and are, I understand, connected with the United States, without the slightest authority from anybody. If they chose to do that, I am not saying they have not the power, and go on and build land lines, and incur an enormous expense for eighteen or nineteen years, I should like to know with what colour of right you could afterwards say to them—“It is true you came there as intruders, and we allowed you to go on and establish extensive lines, but we shall turn you out unless you give up some privilege belonging to you in another country, such as the United States.” The Newfoundland and New York Company, having acted in accordance with the agreement between them and the Nova Scotia Company, did not go in as intruders; they acted in good faith, and made an arrangement in good faith with a company which had the right of connecting with them, and in this spirit had their cable extended, their land lines set up nearly a hundred miles across Cape Breton, and since have kept these, as well as other lines, working all over Cape Breton, relying on their agreement. It would be to the last degree unjust, therefore, to compel them to take up their lines and abandon all their property unless they gave up their rights in Newfoundland. But it so happens that we hold a distinct acknowledgement on the part of a Committee of the House of Assembly and Government of Nova Scotia, who were sovereigns of the soil at that time, and also the acknowledgement of the Crown Officers of the Province that the company had a right to act as it did. Suppose this or any company in similar circumstances were able to show letters of authority from the Premier, the Provincial Secretary or the Lieu-

tenant-Governor of the colony consenting to such action, would it be said they could be turned out years afterwards as having been intruders? Certainly not; and I apprehend that if at this moment the Newfoundland Company were in a position to produce a letter from any authority in the Government of Nova Scotia, their claim would be all right or in legal phrase, *rectus in curia*. I will call attention to the journal of 1857, appendix 46; the whole subject was discussed by a Committee. (The hon. gentleman now read the following extracts from journals from the Nova Scotia Assembly of 1857.)

"The Committee to whom were referred the two bills for the establishment of telegraphic communication across the Atlantic, and the petition of Major-General Wylde on that subject, having been attended by the agent of the New York, Newfoundland, and London Telegraph Company, and by a Committee from the Directors of the Nova Scotia Telegraph Company, and having considered the documents and proofs submitted to them, have agreed to report, that if it be wise to grant exclusive privileges to any telegraph company whatever, the New York, Newfoundland, and London Company, having embarked their capital in the undertaking, and *actually laid down the line from Newfoundland to this Province*, seem to be entitled to a preference. The Committee have been induced also to recommend this grant by the consideration that, if withheld, the Company might be tempted to lay other lines passing by this Province, which they would not otherwise do. Finally, they think it right to grant some legislative encouragement to so novel and arduous an enterprise, whose successful accomplishment would be a triumph of modern science, and productive of many advantages to the whole of this Continent. The interests of the Nova Scotia Telegraph Bill they consider as sufficiently guarded by the bill."

HON. MR. DICKEY, resuming, said: This report of a Committee presided over by the present Chief Justice of Nova Scotia, is signed by the Attorney and Solicitors General, and the present Governor of Nova Scotia, several months after the cable was landed in Cape Breton, and a twelvemonth after the agreement was made; they knew of the landing of the cable, and so far from objecting to it, these law officers of the Crown recognized the arrangement, and the authority of the two companies to make it, as an undertaking worthy of the highest encouragement. This is an important fact in the case which has not yet been stated, and I cannot help thinking my

hon. friend opposite will see there is a great deal of force in it. (Hear, hear.) The position of matters was just this. The Nova Scotian Act of Incorporation empowered, in fact obliged, the Company to build lines all over the Province, wherever required by the inhabitants. It was a peculiar system, no doubt, but such was the charter. They had powers, by the fourth section, to run lines under any gulf (such as the St. Lawrence), strait or stretch of water, and acting in good faith, and believing they had the right to connect with lines coming from Newfoundland, they made this arrangement, which was never objected to until to-day, and under which the companies have been working for nineteen years. Then came this Act of 1857. It is not to be found in the library, but I can state its terms distinctly. It authorizes the New York and Newfoundland Company to land their submarine cables in Cape Breton, and make arrangements with Nova Scotia for the working of them and the land line to Port Hood. After making stringent provisions to protect these rights of the Nova Scotia Company, came this exclusive privilege clause, the only one objected to by the British Government. The Act was disallowed on the single ground of this cable monopoly for twenty-five years, as any one may see by the despatch of the Secretary of State in the journals of 1858. If leave was necessary, which I do not admit, here was an act of the three branches of the Legislature of Nova Scotia, the Governor, Council, and Assembly, who had in keeping the sovereign rights of Nova Scotia, giving the New York and Newfoundland Company leave to land upon our shores and make arrangements with the Nova Scotia Company, which they did. Shall I be told that was not an act of the Provincial Legislature? That it has since been disallowed, because it ended with a provision which the British Government, from motives of public policy, objected to? I have the authority of the representative of Her Majesty, recognizing this Act, and another which I shall presently advert to, as Acts of the Legislature, and, as such, binding. I shall now read an extract from the Journals for 1863, the despatch, 23rd

July, 1862, of Lord Mulgrave, then Lieut.-Governor of Nova Scotia, to the Duke of Newcastle. After expressing a decided opinion against the propriety of incorporating other companies to compete with the Nova Scotia Company, His Lordship adds:—

“ This was no doubt the view taken by the Legislature in regard to the Trans-Atlantic Submarine Telegraph Company in 1855, and the New York, Newfoundland and London Company in 1857.”

HON. MR. DICKEY continued: There is the despatch of the Lieutenant-Governor treating this Act, and properly so, as an Act of the Legislature of Nova Scotia. Thus, you have not only the sanction of the Nova Scotia Company, but of the Crown officers and the three branches of the Legislature so long ago as 1857. Are we to be told now that all this goes for nothing; that by some technicality or by some legal quibble the company do not possess a franchise and have no rights? Why, after such legislation as this, and action under it, these people spent their money and gave the benefit of telegraphic communication from one continent to the other for years, since the undertaking became a final success—after establishing intercourse between the different colonies, are the company to be told that they are to be thrust from our shores and their property confiscated, merely because the Act was disallowed by the Queen upon a wholly different ground, which they do not and never did stand upon? I come now to notice some glaring misstatements in a paper placed in the hands of hon. members, which shows the necessity, when gentlemen come to instruct others, of being a little accurate themselves. Here is a paper circulated in the interest of the Direct Cable Company, in which it is distinctly stated that there were two Acts passed by the Legislature of Nova Scotia for this New York and Newfoundland Company, one in 1855, and the other in 1857, both disallowed by Her Majesty. There was no such Act ever passed in 1855, therefore it could not have been disallowed. There was an Act passed which was not disallowed. This fact shows the necessity of checking these loose statements, and how unreliable

are many of these allegations studiously circulated amongst us, however pure may be the motives of their authors. The Act of 1857 was the only one ever passed in reference to the Newfoundland Company. My hon. friend who spoke first (Mr. Scott) fell into a similar error in stating that this Act was passed in the year 1855, instead of 1857, being doubtless misled by this document. There was, however, an Act passed in 1855 for an entirely different Corporation—one initiated by the late Mr. C. D. Archibald, called the Trans-Atlantic Submarine Telegraph Company, which was authorized to make an agreement with the United States Company, and land their cables. There was no exclusive privilege given them at all; but it is pointed out in a despatch, which my hon. friend has not read, in the Journals of 1858 (appendix), from the Secretary for the Colonies, that this Act is rather indefinite in its terms, and that it did not sufficiently protect Her Majesty as to priority of messages, and on that ground he says: I reserve it for the present, and suggest an amendment in this respect. The Act was never disallowed, but was referred back, and would have been amended had the project gone on; but the promoter, enthusiastic as he was, failed to get the money in the London market, and, consequently, the scheme fell through. I advert to it to show it had nothing to do with the New York and Newfoundland Company, but had a great deal to do with the recognition by the Legislature of the rights of the Nova Scotia Company, with whom this Company were authorized to make arrangements. There were several similar instances of this Legislative recognition of the principle, that all such arrangements were to be made with the Nova Scotia Company. During the last period of separate existence of Nova Scotia, 1867, when the British and American Telegraph Company were empowered to land a submarine cable, it was expressly stated that they should not build or work their lines unless the Nova Scotia Company refused to do the business over the land lines. I mention this fact to show the tender and fostering care with which the Legislature of Nova Scotia guarded

the Nova Scotia lines, which were peculiarly the people's lines in that Province. In this connection, and as bearing on the whole of this case, I will read the opinion of, perhaps, the highest authority on that subject in England, Mr. Rolt, afterwards made a judge, who stood at the head of the Equity Bar:

"The Nova Scotia Company have, under the Acts referred to, the exclusive right contended for, subject to the authority of the Legislature. Upon the facts stated, however, the Company have a strong equitable claim upon the consideration of the Legislature and the Crown against the establishment of new lines, unless there be paramount considerations of Imperial and public policy calling for their establishment. And if any such paramount considerations exist, the Company have, upon these facts, an undoubted claim on the Government, on equally high grounds, to compensation."

HON. MR. DICKEY, continuing, said it was with the conviction that their rights could not be taken away that they and the Newfoundland Company made their arrangements. In this connection the contention, whether those rights were exclusive or not, has nothing to do with the question before the House. The simple question is, whether the Newfoundland Company have acquired any rights, legal or equitable, which have passed to the Anglo-American Company. They do not claim exclusive rights to land in Nova Scotia. It is due to them this should be explained, because the statement has been carefully circulated that this bill is to put an end to monopoly in Nova Scotia. To return to the Atlantic cable. Well do I recollect the memorable 5th of August, 1858, the meeting of the Sovereigns—the late Emperor of the French and our beloved Queen—when the news came that this project was successfully completed. What a thrill passed through all of us when at last this great problem of the age was solved, and the cable successfully laid. It spoke only for a few hours, and was then as silent as the voiceless deep, where it lay buried. But it remained long enough for an interchange of fraternal greetings between the President of the United States and the Queen of England, in those great words of—"Peace on earth and goodwill towards men"—which, I trust may always be the spirit marking the intercourse of the two great English-

speaking nations of the earth. (Hear, hear.) There was a cable sunk and lost in 1857, and another in 1865, and yet these indomitable men went on, backed, as they were, by their own opinions, and opposed, as they were, by the opinions of some of the best scientists in England—(hear, hear) first, as to the practicability of the work at all, and next as to the utter folly of expecting the electric current to run through 2,000 miles of wire, when the best experiments proved that it would only go through 400 miles. (Hear, hear.) Had hon. members seen the chief promoter of this enterprise, as I saw him in 1862, trudging through the streets of London with his prospectus under his arm, trying to canvass for capital for this great undertaking, what would they think of a scene like this? Suppose Mr. Field had asked some one he met to subscribe who answered him thus: "Be careful what you do; you have got your line from Newfoundland to Cape Breton on the faith of a British Legislature, and if you span the Atlantic, you may be told years afterwards that unless you give up your monopoly in Newfoundland you will have to take up your Cape Breton cables, and reach, in some other way, the great centres of trade and commerce in America." The effect would have been to leave us without any telegraph cable to this day. (Hear, hear.) Could the probability of such legislation as this have been foreseen, not a dollar of the money would have been got. After taking advantage of the expenditure of these people—of their pluck and enterprise—shall we say to them now,—you have solved the problem of oceanic telegraphy, but you shall not have the fruits of it, unless you give up something you have paid for in another country. (Hear, hear.) The cable of 1866 was a success. It has been followed by other cables, so that these parties and their associates have now some four or five cables connecting these two great continents. It is not necessary to dilate on the importance of this great accomplished fact; I prefer to deal with the more practical part of the subject. Take the manner in which this business has been done. We have heard a great deal about high rates, about monopolies charging what they liked,

and so forth. The business commenced with a tariff of £20 for a message of twenty words or under. The rates were gradually reduced in the face of an increased expenditure, because the Company had greater facilities by means of these new cables. The tariff was reduced to fifteen shillings a word, and then to ten shillings, till now it stands at but a dollar a word. In this paper before the House, there is the very generous insinuation that the reason for the reductions, of which notice had been given, was the threatened legislation. This has been the system followed by the Company: they have been feeling their way. Although the new rates may not pay so well as the old rates, they give greater satisfaction, and in the end must lead to a highly increased volume of business. In that way they have been going on systematically. On the 1st May, the rate is to be reduced to fifty cents a word, and I hope to see the day when we can send a message across the Atlantic for a shilling a word. In ordinary telegraphic messages you have to pay for ten words or less. We come now to the Direct Cable Company, to this company who evince such a new-born affection for these colonies, while as the very name *Direct* implies, their prospectus shows they intended to go from England to the United States, and to pass by Canada. They have landed their line in Nova Scotia, and I am very glad of it; and no doubt we shall have the benefit of competition, unless this bill passes, when the Direct Company will have the monopoly. I adverted to this document in the hands of members, and I will ask them to consider one or two paragraphs more:

"The recognition of the Newfoundland, New York and London Telegraph Company would enable it to evade the principle laid down by the United States, under which the Anglo-American Telegraph Company is prohibited from landing any cable on its coast, unless it should concede reciprocal privileges in Newfoundland."

HON. MR. DICKEY, continuing, remarked that he was not aware under what authority the statement was made. On the contrary, he added, one of those very cables was laid to the United States at the present moment from St. Pierre.

HON. MR. SCOTT—Does the hon.

gentleman pretend to deny that statement? Is it not a matter of notoriety that the policy of the American Government is to prevent the landing of any cable on its shores unless the company gives equal privileges elsewhere? I believe I have this on the authority of the Secretary of the United States.

HON. MR. DICKEY—I know of no Act of Congress prohibiting it, but I am informed a bill was laid before Congress at its late session with a view to that policy—a bill promoted by this Direct Cable Company—but it has been laid over. Now attempts are being made to prevent the company from ever landing a cable in the United States, just as is being done here. I have already said I am morely speaking upon information given me. The paper before us also states that the policy of the bill is in accordance with all Imperial and Canadian legislation. Now, what will hon. gentlemen say when I tell them that there is an Act of Parliament, passed some seven years ago, expressly recognizing these great exclusive privileges and this monopoly, and sanctioning a formal agreement between the Post Office and the company for business purposes. In the General Telegraph Act of 1868 there is an express provision that the agreements referred to in the schedule are confirmed. The agreement in schedule 9 is between the Postmaster General and the Atlantic Telegraph and the Anglo-American Companies, dated 8th July, 1868. Against Imperial policy forsooth! Why, the policy of the Imperial Government is to recognize these companies, no matter whether they have exclusive privileges at one end of the line or not. This was simply a substitution of the British Government, who then assumed the ownership of the lines, for the electric telegraph companies, whose places they took; yet we are told this is contrary to Imperial legislation. We shall see if it is contrary to Canadian. I have shown it is Canadian, because of the Nova Scotia legislation. I have shown these people entered into it with the knowledge and consent of two Crown officers, under an Act which the representative of the Sovereign pronounced an Act of the Legislature, and it is my

pleasing duty to be able to show now that not only has that Legislature recognized this monstrous Company, with its monopoly, but that the Legislature of old Canada, of Quebec and Ontario, have also recognized it. I hold the Act of 1855, cap. 219, granting privileges to the New York, Newfoundland and London Telegraph Company, beginning thus:

"Whereas, the Legislature of Newfoundland has incorporated a company under the style and title of the New York, Newfoundland and London Telegraph Company,"

"And whereas, it is expedient to encourage the said undertaking,"

And the Act goes on to confer corporate powers without limitation of time, and is still in force; but Parliament did more. It is of no consequence whether it is in force or not, but we have a legislative recognition by the Parliament of old Canada of this very company with all its monstrous claims to a monopoly, a year after it had got that Act. The Act gives facilities to the Company, with power to build land lines, &c. This shows the Canadian Parliament did exactly what that of Nova Scotia did, namely, it recognized the existence of this company and their claims, and gave them power to build land lines and land cables. (Hear, hear.)

HON. MR. SCOTT—Oh, the company never went into existence; they don't exist.

HON. MR. DICKEY—I am surprised that my hon. friend treats the Act of old Canada in that cavalier way. On referring to the bill before the House, I find a curious clause, No. 16, as follows:

16. In case any company heretofore incorporated by any special Act of the Parliament of Canada, has acquired any exclusive privileges of landing wire or cable for a marine telegraph upon the coast of any other country, such company shall be entitled to exercise and enjoy any such existing privilege unimpaired by this Act; but no company heretofore incorporated by any such special Act shall acquire any further or additional exclusive privileges of landing wire or cable as aforesaid.

It seems difficult to reconcile the absurdity of saying that a company that have an exclusive privilege in Newfoundland should be shut out from communicating with Canada, after twenty years of connection, while any other company, incorporated by old Canada, or the Dominion, or Prince

Edward Island, should have this privilege. It makes this cry of monopoly amount to something like hypocrisy, and when we look at the company which that clause is intended to protect, it makes it still more amusing. The company this clause is intended to benefit is known as the John Young Company, and that furnishes the key to the whole mystery—(hear, hear)—of this monstrous, one-sided, partial legislation. I read from the Act of 1869, incorporating the Canadian and European Telegraph Company:—

"Whereas the Honorable John Young hath prayed by his petition for a charter to establish telegraph communication between Europe and America," &c.

And after giving corporate powers, the Act (section 4) actually authorizes them to amalgamate with any telegraph company in any part of the world. The Legislature has twice extended the time for carrying the Act into effect, in favour of a pet of the Government. (Hear, hear.) My hon. friend opposite says this Act of 1855 is only the Act of old Canada, and that we have nothing to do with it. I tell him he has a great deal to do with it. This act of the Dominion is to incorporate a company doing business with an exclusive privilege in Denmark, and that is the exclusive privilege referred to in this 16th section. Mr. Young must be protected no matter about English people or the pioneers of ocean telegraphy. The interests of a man who stands in a certain relation to the Government must be looked after, and a special clause for his convenience is inserted. You not only gave Mr. Young this Act with its exclusive privileges, but twice got Parliament to extend it—yes, at the very time this Marine Telegraph Bill was being passed. Last year you passed a bill to give this company three years more lease, to achieve its objects (hear, hear), and yet you turn round and tell us that the people, who were the pioneers of this great enterprise, and who, twenty years ago, commenced those experiments so costly to them and so fruitful in benefits to the world, should be treated without consideration for their just rights.

HON. MR. SCOTT—(Hear, hear.)

HON. MR. DICKEY—My hon. friend

cheers derisively, but the present Cable Company suffered three or four failures, and went to the last experiment at the risk of another break down and ruin. He may treat this as a light matter, but it was no light matter to the men embarked in it. I contend these men are entitled to fair consideration, and should receive it from a Government which has taken particular pains to protect and encourage its own friends. (Hear, hear.) Last year the House was told, in the most dogmatic manner, the company had no rights at all, and proviso after proviso for reserving them were voted down. Now it seems they have some rights. At all events the new bill is satisfactory so far as it recognizes the principle of giving the company a measure of justice. They have, it now appears, rights in Prince Edward Island, and these must be respected. They were overridden last year. We were not going to allow the company to land on that Island from Newfoundland. Now, we have found out our error, which shows the advantage of discussing all those matters, and getting at all the facts. If there was even a colour of right the claimants should have had the opportunity of asserting it. The proviso in the Act, last clause, I fear accomplishes very little. It reads:—

“Nothing in this Act contained shall have the effect of depriving the Anglo-American Company of any right, if any, which the company may have to proceed for damages or compensation for any loss by it sustained by reason of its being prevented under the operation of this Act from maintaining or using its telegraphic wires or cables on the shores of Nova Scotia.”

HON. MR. DICKEY, resuming, said surely my hon. friend does not mean this to be a delusion—as it stands, he must confess it does not give him a claim against anybody.

HON. MR. SCOTT—Against the Government of Canada.

HON. MR. DICKEY—My hon. friend says against the Government, but the clause does not say so, and there is no means of enforcing it, for the Government cannot be sued. He speaks of an Act introduced by a private member in another place, which he expects will become law. But this is to the last degree uncertain, and at present there is not only no recognition of their

claims against the Government, as such, but no mode of getting an enforcement of those claims. Therefore, I think this proviso is illusory, and affords the company no practical redress. Now, this bill is not only a violation of the rights and privileges of those people who have invested their money in this enterprise, but is wholly unnecessary. We have it from the First Minister of the Crown, in another place, that the Newfoundland Government, having the right of pre-emption, after the twenty years, which they can undoubtedly exercise, have given notice of such intention. If that is carried out, there would be no necessity for this bill. But it is unnecessary for another reason. The bill is introduced professedly in the interest of the public, by providing competition; its friends say, we want cheap telegraphy. Now, it has not even this merit; because, in the name of abolishing monopoly, it destroys competition, and creates another monopoly. (Hear, hear.) If the Government, under this bill, took power to land cables in Nova Scotia, and leave the present as it is, you would then have abundant competition, and two or three strings to your bow; so that if one cable was carried away, you would have others to rely on. But you wish to prevent that, and say to the company in possession, you shall not use or work any telegraph lines in the Dominion, unless you will give up the privileges you enjoy in Newfoundland. The bill is unnecessary for another reason; the Direct Cable Company have at this moment a cable landed on the shores of Nova Scotia. True, by a misfortune which we all deeply regret—I am sure none more than the gentlemen of the Anglo-American Company—there is a break 200 miles east of Newfoundland. We hope the missing link will soon be supplied and the connection completed, and by June we may expect to have that cable working successfully. That cable once working, it is my duty to tell the House there are already two companies with powers to construct land lines through Nova Scotia. If they don't choose to avail themselves of the existing telegraph lines, they have these two companies to fall back upon—the Dominion and the Montreal. Hence

there is no excuse whatever for this bill. They have connections at present, and can have more as soon as the cable is completed, and all the half-dozen cables in Nova Scotia can have it without a violation of the rights and privileges of men who risk their money to carry out this great enterprise. Have hon. gentlemen who have greater responsibility than mine considered the effect which this legislation is to have on the credit of the country abroad? (Hear, hear.) What will be said in England when, on the faith of the Legislation of this very Province of Canada, twenty years ago, recognizing the right of this company to do business, although they had these exclusive privileges, they are to be told—You are no longer allowed to connect; you shall not even be allowed to use the wires you have on the ground, and the hundreds of miles of wire you have through Cape Breton. You are to be reduced to the position of a mere local line to do business in Cape Breton. What is to be the effect on the Nova Scotia lines? It is well known the chief source of profit to those lines is the cable business, without which a large portion of those wires must be sacrificed, and it is the paying parts of the line that keep up the non-paying. Nova Scotia is fortunate in having the most extensive telegraph system in the world, for its size, and it is in consequence of this system of legislation that telegraphy has been brought almost literally to every man's door. Every man in that Province has an interest in the maintenance of this system. If this bill passes, and the company should be forced to take the only alternative, under these circumstances this Anglo-American Company would sacrifice to a large extent their cables to Nova Scotia and the whole of their lines through Cape Breton and Newfoundland—those 400 miles of land wire. True, it is said that they may get some compensation for the Newfoundland portion; but they could obtain nothing for the land lines in Cape Breton and other places. Therefore, it would be doing a great wrong to this company. I have shown to this House that this company, after risking what they did in carrying out the undertaking, entered into an arrangement

with Nova Scotia in good faith, and through New Brunswick and Canada carried the benefits of the Trans-Atlantic telegraph enterprise to all parts of this Continent. I have shown you not only that they have not been interrupted or interfered with for nineteen years, but they worked under the solemn sanction of a Committee of the House of Assembly of Nova Scotia, including the two Crown officers of that colony, and did so, as well as of an Act of this Legislature which, after some months, was disallowed for a reason that has nothing to do with the leading provisions of the Act, and that this Act is spoken of by the representative of Her Majesty as an Act of the Legislature. I have shown the company had the deliberate assent of the Crown officers and the Legislature to what they did, in making these arrangements with the Nova Scotian Company, and that furthermore, they had the conformation of their exclusive privileges by the Legislature of old united Canada, in the Act of 1855. The Government have taken care in this bill to protect the interests of a company, which is, like the Newfoundland Company, doing business with a company that has exclusive privileges. I trust the House will see I have given abundant reasons why this bill should not pass. I have endeavoured to discharge my duty, feebly and imperfectly it may be. I have no interest in this matter whatever, beyond that of every hon. gentleman in this House who desires to maintain the honor and dignity of the country; and solicitous, therefore, as I am, only for the honor and fair fame of this Dominion of ours, I confidently leave this question in your hands. (Cheers.)

HON. MR. PENNY said he was one of those who took exception to this bill last session. He did so, because he thought there should be provisions made for any rights that this company might possess. He thought at that time they possessed no rights; he thought so still. Last year there was a very able gentleman to advocate the claims of the company before the Select Committee; to day they had just listened to very able arguments from his hon. friend opposite, but neither the argument of the lawyer addressed to

the Committee, nor the argument of his hon. friend on the other side of the House, had convinced him that this company possessed any legal rights. A number of documents having some connection with the telegraph company had been read to the House, but he had failed to observe that any one of them showed any legal right conferred on that company by any power which had authority to confer it, to lay a cable on the shores of any part of the present Dominion of Canada. He admitted, however, that the fact that the cable had been laid and worked was a *prima facie* case that there might be a right, and with this view he urged last year that a clause should be placed in the bill similar to that which had been added to the present bill. But he must say that his opinion then as to the want of legal right on the part of this company, had been confirmed by the result of the examination by gentlemen so able as those of the Subcommittee in the other House. This Committee, composed of the first lawyers in the country of both sides of politics, had no doubt given every fair consideration to the subject submitted to them, and when his friend stated at the beginning of his remarks that he was going to make some disclosure hitherto private, he could not help feeling that it was the fault of the company itself if their whole case had not been submitted to the Committee. What, however, he particularly desired to say was, that all the objections which seemed to exist to the provisions of the last bill had been removed by the new clause already referred to in the eighteenth section of the bill. But in conference with some gentlemen connected with this Anglo-American Company, it had been stated to him that possibly there would be some difficulty in enforcing a mere abstract right such as the one reserved in this clause. If that was the case he, for one, would be very happy to co-operate in giving this mere abstract principal a practical shape. His hon. friend on the Treasury Benches had said that was to be done by another Act, which, he (Mr. Penny) supposed, would be quite sufficient for the purpose. However, as they had the present Act before them to-day, and it was uncertain when this

proposed future Act might pass, he could easily fancy that gentlemen connected with the company might very reasonably desire that their safeguard should be incorporated in the same bill which exposed them to danger. He himself was not charged with their interests, but if there were any gentlemen in the House who would prepare any proper amendment, he thought it would be only reasonable to give to the admitted principle a practical effect. The hon. gentleman from Nova Scotia had mentioned the name of his (Mr. Penny's) friend, the Hon John Young, in a manner which was not very reverent, (laughter), complaining that the Government had shown him undue partiality. Well, he (Mr. Penny) quite agreed that in principle the sixteenth clause was hardly in conformity with the rest of the bill since it gave a certain company the right to land a cable on our shores notwithstanding the profession by that company of exclusive right elsewhere.

HON. MR. MILLER—If he has received exclusive privileges from the Parliament of Canada this Act would protect him.

HON. MR. PENNY rejoined that the object of the bill was to prevent the use of our shores by any company enjoying exclusive privileges elsewhere. It was therefore plainly inconsistent to protect such exclusive privileges in one case while we took them away in another where they had been conceded by an independent authority. He would not like to say that the scheme to which this clause referred was moonshine, but this clause had very much of that character. There was nothing of any practical value in the proviso that this clause created. The explanation he believed was, that last year the bill was not a Government bill, but was brought in by gentlemen of well known legal ability in the other House; and he supposed that having to meet the objections of Mr. Young as well as those of gentlemen representing the Anglo-American Company, they did it in the best way they could, and shunted off Mr. Young by a clause which really effected nothing.

HON. MR. READ moved that the debate be adjourned, and stand as the

first Order of the Day for to-morrow. The motion was carried on a division.

PETITIONS.

Several petitions were presented praying for the passage of a Prohibitory Liquor Law.

A petition was presented from Edward Bothwell, for twenty-one years service as doorkeeper to the Legislative Council and Senate, praying for a pension. Referred to Contingent Committee.

A petition was presented from the Executive Council of the Dominion Board of Trade, respecting Fire and Life Insurance.

NIAGARA AND IMPERIAL BANKS AMALGAMATION ACT.

HON. MR. HAMILTON, from the Select Committee on Banking, Commerce and Railways, reported with amendments the bill entitled: "An Act to provide for the amalgamation of the Niagara District Bank with the Imperial Bank of Canada." The amendments were concurred in, and the bill was read a third time and passed.

ACCIDENTS ON RAILWAYS.

HON. MR. READ inquired whether it is the intention of the Government to cause railroad companies in Canada to make returns of the deaths by accident on their several roads, and the cause of such deaths?

HON. MR. SCOTT replied that by law railway companies were bound to make these returns, but he believed there were very serious omissions on the part of some companies complying with the law. The hon. Minister specially charged, with the Head of the Department appertaining to railways, was now giving the subject his attention, and would appoint an officer to see that these returns were regularly sent in for the future.

HON. MR. READ again enquired if it is the intention of the Government to introduce, during the session, any measure having for its object the better protection from accident of their employees on the railroads in Canada? He remarked that he was led to make this enquiry in consequence of the great number of accidents occurring in consequence of the carelessness of rail-

way companies in providing proper protection for the employees. He knew—so far as he could know anything without seeing it—that in the locality where he resided, many men had been killed from passing under bridges that were not high enough and being swept off. He had given this matter his attention for a number of years, and he intended to press this matter unless the Government took it up.

HON. MR. SCOTT replied that a measure was now before the other House having in view the protection of persons travelling by railway cars. Whether the provisions of the bill were sufficiently wide to protect specially the employees of the road, he was not prepared to say, but he thought they were. However, his hon. friend would have an opportunity of investigating those features of the bill when it came up to this House.

THE TREATY OF WASHINGTON.

HON. MR. BOTSFORD said before proceeding to make the enquiry of which he had put a notice upon the minutes, he would take the opportunity to express his regret that he was unable, through indisposition, to be present and have the benefit of the discussion which took place in respect to a resolution for an address which was moved by the hon. member from Toronto with respect to the production of correspondence and papers relative to the proposed Treaty of Reciprocity. He did not now propose to open up that debate, but he would take the opportunity of expressing the opinion that those hon. members who gave it as their opinion that it would be unwise for the Government of the country to make any further advances to the Government of the United States to obtain a Treaty of Reciprocity, under the circumstances which had occurred connected with the negotiations which had taken place were correct—he entirely concurred with the opinions of those hon. gentlemen who took that view of the case, and in his individual opinion thought it would be most unwise in the Government of the country to take the initiative in any further measures to obtain a reciprocity treaty with our neighbors. He might say

that there was one feature in that proposed treaty to which he had a decided objection, and that was the proposal to surrender all claims for compensation for the value of our fisheries over the fisheries which were to be thrown open to us by the United States. He thought the value of our fisheries, to which we were entitled under the Washington Treaty, should not be surrendered without securing to the people of the Dominion of Canada the right of the coasting trade on the seaboard. (Hear, hear.) He was decidedly of the opinion that that was a most unwise measure, and that it was not in the interests of the people of the Dominion. There was another feature in that proposed treaty also which he was strongly opposed to, which was the experiment of extending the provisions of the treaty to manufactures. Now, taking into consideration the circumstances under which manufactures were established in this country, remembering also that they are but just commencing their operation, and that so far they have been successful, he doubted the wisdom of throwing them open to competition with the whole manufacturing interest of the United States, and of course under the conditions of the proposed treaty it would also submit the manufacturing interests of the Dominion to competition with those of Great Britain. Of course, we did not claim that the manufacturing interest of Great Britain should be put upon a different principle to the manufacturing interest of the United States, and if the provisions of the treaty were to be enforced, it would certainly leave the manufacturers of the Dominion open to the competition not only of the manufacturing interest of the United States, but also of the manufacturers of the mother country. There was another idea connected with this matter, and in giving it the best consideration which he could give it, he was utterly at a loss to divine or conceive by what means the Government of the country intended to supply the deficiency which would arise under such a principle to the revenues of the Dominion. (Hear, hear.) He never could comprehend how it was that the Government proposed, if that portion of the treaty were carried out, how it

was possible for Government, without injuring other permanent interests of the Dominion, to make up the deficiency which would naturally arise from extending the principle of reciprocity to the manufacturing interests of the country. It would seem, from the manner in which the Government of the United States treated the proposal of our Government, that the Government and people of the adjoining Republic were still under the erroneous impression that a reciprocity between the two countries was absolutely necessary for the prosperity of this Dominion. (Hear, hear.) That must appear evident to hon. members who took into consideration the views expressed by the Government of the United States, and the reasons which were given by their accredited agents for the abrogation of the Reciprocity Treaty of 1854. It was stated at the Detroit Convention that if the treaty were abrogated it would so cripple the resources of the Dominion that the people of this country would cry out for annexation. But when we looked at the results of the abrogation of that treaty it seemed strange how public men in the United States could arrive at such a conclusion. The great increase in our exports and imports since 1867, and the augmented revenues of the Dominion from some 12 millions in that year to 24 millions in 1874, showed most conclusively that this opinion held in the United States was a most erroneous one. The hon. gentleman proceeded to give statistics showing the advance made in our trade, commerce and manufacturing interest throughout the Dominion since the abrogation of the treaty. New lines of railways had been constructed; canals had been enlarged; the Government had expended immense sums for the purpose of improving our internal communications, and in every material respect the country had prospered. The increase in the banking capital, for instance, since 1867, up to the present time, was something showing the prosperity of the country which could hardly be paralleled. We could, therefore, live and prosper abundantly without reciprocity. As regarded the Maritime Provinces, the same truth was amply illustrated. Since abroga-

tion of the first Treaty of Reciprocity, the merchants, instead of sending our products to the United States to be worked up and re-exported by the merchants of that country, had now become the carriers of their own products to those countries where there was a demand for them. There was an increase of trade to the British West Indies to the Spanish West Indies, as well as to South America and the Mediterranean. In the Province of New Brunswick alone there were 300,000 tons of shipping owned and navigated by its own people—or more than one ton of shipping to every inhabitant. It was therefore clear that these Provinces could exist and prosper in the Dominion without reciprocity. Still he admitted that if we had a just and equitable reciprocity treaty with our neighbors, it would be a great advantage, but he did not think it wise to make further efforts to obtain one, with the present feeling of the Government and people of the United States that a reciprocity treaty would benefit Canada alone, and that it would be of no advantage to the United States. He went on to refer to the increase in the product of the fisheries since 1866, now amounting to \$10,000,000, without including much of the home consumption; the energies of the people were being more and more directed to that branch of industry. The opinion of the people of New Brunswick with respect to the value of the fisheries was that the equivalent offered by the American Government for the right of American fishermen to participate in them was not sufficient. The persistent efforts made by that Government since the Convention of 1818, to obtain possession of these fisheries, showed in what estimation they were held by the sharp-sighted American people. To show the unanimous opinion of the Legislature of New Brunswick with regard to the value of these fisheries, he read the following extract from a Joint Address to Her Majesty in 1853, respecting the fisheries and reciprocal trade with the United States:—

“Maritime nations at all times, and in every quarter of the globe, have set up and maintained certain exclusive privileges within three marine miles of their shores; and by universal custom and the law of nations, the claim has

been defined by lines, not within bays, but from the entrance of such bays, as designated by a line drawn from headland to headland forming such bays, which law has been fully recognized by the most eminent American as well as other jurists; and by the articles of the Convention of 1818, the United States thereby renounced for ever the liberty of fishing within three marine miles of the coasts, bays, creeks or harbours of certain portions of the British North American colonies. This treaty stipulation is clearly expressed, and is incapable of misconstruction.

“The proposition of the American Government to concede to us the privilege of fishing on their coasts as an equivalent for a participation in the coast fisheries of these colonies, is delusive, and so utterly disproportioned in the benefits intended to be conferred on the respective parties, that it ought not, in justice to your Majesty’s colonial subjects, be entertained. With the best fisheries in the world upon our own shores, our fishermen would seldom seek the waters of the United States for fish. This specious offer can only deceive the misinformed, and is well known both by the Americans and colonists to be comparatively valueless to the latter; while the privileges sought to be obtained by the people of the United States are acknowledged to be of momentous concern to them, forming a nursery for seamen, and a source from which they derive maritime importance.”

HON. MR. BOTSFORD went on to observe that the people were still of the same opinion as to the value of these fisheries and their right to enjoy them. It would seem to be but just and reasonable that since a portion of the Treaty of Washington had been carried out loyally and in good faith by the Imperial Government, and that under the provisions of that treaty \$15,000,000 had been paid over to the Government of the United States, it did seem reasonable that our Government should take steps to have the other portion of the treaty, from the twenty-second to the twenty-fifth articles, also carried out loyally and in good faith, which articles made provision for compensation, to be ascertained by a Board of Arbitrators, for the value of the fisheries on the Canadian shores, over and above the value of the fisheries ceded, under the Treaty of Washington, to this Dominion. The hon. gentleman concluded by reading the enquiry as follows:—

“Whether the Government has taken any steps to urge upon the British Government the adoption of the requisite measures to enforce articles number twenty-two to twenty-five inclusive, of the Treaty of Washington, and if no steps have been taken, whether it is the intention of the Government to take

immediate action in the matter?"

HON. MR. SCOTT said his hon. friend had somewhat enlarged on the privileges allowed hon. members to discuss a very important subject, but he (Mr. Scott) did not propose to make any comments thereupon. In answer to his hon. friend's enquiry, he would state that as soon as the Government were advised that the American Senate declined to Act upon the Draft Reciprocity Treaty, immediate action was taken by this Government calling the attention of the Imperial Government to the necessity of giving force to those clauses of the Washington Treaty which entitles this Government to compensation.

HON. MR. BOTSFORD—(Hear, hear.)

HON. MR. SCOTT—No time whatever was lost.

The House then adjourned.

Wednesday, March 10, 1875.

The House met at three o'clock.

A number of petitions were presented in favor of a Prohibitory Liquor Law.

THE MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. READ, on rising to resume the adjourned debate on the motion for the second reading of the bill, said his hon. friend from Nova Scotia presented yesterday, very ably the case against the bill in such a manner, as to commend it to the good sense of all the members of the House. It would be within the memory of the hon. gentlemen that last year the bill in relation to this matter received a very severe criticism in this House when introduced by the leader of the Government. He informed the House on its second reading that it did not interfere with vested rights, and it was allowed to pass to a Committee without discussion. What took place there is well known to the members of this House. Upon the consideration of the report of that Committee a very exhaustive discussion took place, and afterwards a vote was taken. So convincing were the arguments that although the vote was against the amendment, the Government in their wisdom advised the bill to be referred to Her Majesty's Government for

assent. We all knew the answer, "that it was within our jurisdiction to legislate upon the matter." But the question with me is, although we have the power, is it just or prudent for us to do so? This bill was introduced last session as a private one, this year it is introduced as a public one, and by the Government, but it is the same. We are told there is a distinction. I say, yes; but it is a distinction without a difference; it is a bill in the interest of the Direct Cable Company, promoted last year by their solicitor, Mr. Crooks, and this year we find the same Mr. Crooks looking after the Government measure. I will leave others to draw the conclusion in whose interest the bill is. Not to go into the history of the Atlantic cable enterprise, it is sufficient to say it is one of the greatest of the age, and it is probable we will never see such another undertaking in our life time. If these enterprises have received at the hands of different Governments special privileges, is it to be wondered at, and are we, after those privileges have been granted, to take them away by the strong arm of Parliament? I, for one, say no. Let us look at the legislation of Nova Scotia, we find that Government in 1855 passed a law granting exclusive privileges, which was not assented to, but was sent back again, and two years after they passed another bill giving exclusive privileges for twenty-five years; that, too, was not assented to, but they were allowed to use the coasts, &c., &c., in common with others. That was never for a moment refused them. Now had they been granted exclusive privileges by Great Britain, it is no more than other companies have obtained from other countries. France, Spain, Germany, Belgium, Holland, Denmark, Russia, Brazil, Portugal, Japan and the United States have all granted exclusive privileges. All this Company ask is to be allowed, with others, to land their cables and enjoy the same rights they have enjoyed uninterrupted for twenty years. Although they have landed their cables in Nova Scotia for twenty years, they have only accomplished the great feat of successfully working an Atlantic cable eight years. It took them nearly thirteen years to effectually

solve that great problem, as at that time two hundred miles was the longest submarine cable in use, and that not in very deep water; at that time they had not experience to guide them, as now, and the ablest men of the day pronounced it impossible to convey a current so great a distance, amongst them the great Stevenson, and Professor Faraday, the first electrician of the age, and only after laying the cable could the result be known by experiment, and it is now known that the first cable was destroyed by the battery being too strong, as it does not take a quarter of the battery to send a message across the Atlantic as it would one hundred miles on land, and the same battery that would convey a message from here to Kingston would entirely destroy a submarine cable; now this could not be known until the cable was laid, and hence I say that they ought to be treated as most countries do their subjects that bring out a great improvement—protect them by way of encouragement by protection for a number of years by patents. Now if a great invention of a labor-saving implement, as a mowing machine, which is used by all farmers, if that is protected, why not this great enterprise? Let us look further in this direction. I refer to the manufacture of steel by the direct process instead as before. Iron-steel is now used upon railroads, and in every other manner, but do we not protect Mr. Bessemer for his invention, and why refuse this company, who don't ask any protection, but only to be left in fair competition with others on our shores and where we find them. While we will not allow this company (which is the effect of this bill) to remain on our shores because they have exclusive rights in Newfoundland, we at the same time, by this same bill, allow a company chartered in Canada to have their rights unimpaired by this Act, although they have exclusive rights from Denmark. But this company was promoted by Hon. John Young, and his interest must be served as he is a special favourite of this Government, and they are under obligations to him. He had the means of telegraphing when in Montreal at a certain time, and found means to convey other intelligence not

very creditable to the parties engaged. These acts must be forgotten, even if this country does suffer in consequence. I am not prepared for this class legislation, and I hope this House will so amend this bill that present interests may be protected, and the bill will then have a prospective effect and not a retrospective. What will those with whom we have daily transactions say? We will be met in England (as some were last year at the time this was under discussion) with the reply, "Your legislation is not to be depended on when you have an object to gain." What interest have we as Canadians? It is asserted that by this bill it may cheapen telegrams. That is not proven. There is no clause to say what the maximum rate shall be, and as soon as this direct cable is laid, they can arrange prices or sell out, just as they think proper. But, further, what great interest has this Dominion? It is asserted that the Canadian cable business is not over three per cent. so for a saving on this small portion of the cable business, if it is a saving, we may be called upon to pay a very large amount of money as damages done to the Anglo-American Cable Company. I think the tax-payers of this country will not like that, and if we do not do that the capitalists of England will soon underrate our securities, and we must suffer either way if this bill pass in its present form, and all in the interest of the United States, Mexico, Cuba, West India Islands and other States, with England, who use these cables. I repeat again I see no reason why this company, who bore all the heat and burthen of the day, should be placed, not as others are, but at a great disadvantage, as if to punish them for having accomplished so desirable an undertaking, an undertaking I venture to say was never so industriously prosecuted, after much repeated failure and even after it was thought hopeless, but Mr. Cyrus Field believed it could be done, and many assisted him merely from sympathy and not from any hope of its accomplishment, the Government of Great Britain being against them.

HON. MR. MILLER said he had supported the bill before the House last session on the subject of marine electric telegraphy, and notwithstanding

the discussion that had so far taken place, he saw no reason to regret the action he then felt called upon to adopt. On the contrary, he considered the decision of Parliament last year was wise and proper in the interest of the public, and was at the same time one against which private interests had no just cause of complaint. Although he could not view favorably the means by which the legislation of last session had been rendered void—although he did not think that the reasons given for reserving the bill for the Royal assent were altogether satisfactory—yet he was not sorry that the measure had again come before Parliament in its present shape. It was well that so important a subject should be introduced to Parliament on the responsibility of the Government, and not as a private bill. It was said by an hon. member who addressed the House yesterday (Hon Mr. Dickey) that the measure of last session had been pushed through both branches of the Legislature with “indecent haste.” He could not help thinking that this language was rather strong, and from that phrase, and certain intimations in the early part of that hon. gentleman’s speech, he (Mr. Miller) was led to believe that he was going to place information before the House that would have justified him in making use of it. He expected that his hon. friend would show that some injustice would have resulted from the indecent haste of which he complained, and that the House had acted in ignorance of facts that it should have known, and which he was about to place before them. He (Mr. Miller) listened with a great deal of attention, expecting that something of that character would have been submitted, and that the hon. gentleman intended, by a revelation of startling facts, to expose the enormity of the bill of last session, but he had listened in vain. From the beginning to the end of the hon. gentleman’s long and laboured address, he adduced no fact not fully in their possession last year, and not a single argument which tended to shake the conclusions at which the House had arrived when called upon then to discuss this measure. It is true the hon. gentleman had occupied the attention of members

for a long time in the discussion of matters altogether irrelevant to the subject of the bill, but on the points on which they were called upon by the bill to pass an opinion, he shed no new light whatever. But, said his hon. friend, speaking of the indecent haste exhibited in dealing with the bill of last year, look at the reservation contained in the present bill with regard to Prince Edward Island, in respect to which the bill of last year was completely silent. Was that not proof that they had acted in ignorance of important information in relation to that Province? He (Mr. Miller) considered the bill would be equally just, and as much entitled to the favorable consideration of Parliament, if it contained no such reservation. He believed last year, and still believed, that in Prince Edward Island the Anglo-American Company had no rights whatever that would be unjustly interfered with by this bill. In 1854, the Island Legislature granted certain exclusive rights to the New York, Newfoundland, and London Company “during its existence.” Those rights, or any other that were claimed, were contingent on that limitation expressed or implied. But hon. gentlemen were aware that this Company ceased to exist in 1873, having in that year amalgamated with other Companies under their present corporate name. By the positive terms of the Prince Edward Island statute, or by fair legal construction, those rights and privileges were terminated by the Act of Amalgamation. (Mr. Miller here referred to the laws of Prince Edward Island, which clearly supported his position). By those laws the exclusive privileges conceded to the New York, Newfoundland and London Company expired in May, 1873; at the passage of the bill of last session they could not have been asserted, and if any supposed rights were reserved by the present bill, it was only for the purpose of preventing its opponents saying that Parliament was endeavouring to do an injustice where there was even the least colour of a claim. The reservation was no admission that there was in law any vested rights to reserve. The same thing might be said of the reservation made

in respect to alleged rights in the Province of Nova Scotia. Yet it was to this omission in the bill of last year respecting the Island, that the hon. gentleman so triumphantly alluded as one of the consequences of indecent haste. This was the whole amount of the new information—the great revelations with which the hon. member threatened to enlighten the House. However, he promised so much and performed so little throughout his whole address, that he weakened a case that would have sadly lacked strength under much better management. In the course of his remarks, he (Mr. Dickey) had, in reference to some of the arguments put forward on this side, used the words “lawyer’s quibbles.” He (Mr. Miller) did not desire to utter language offensive to his hon. friend, but he could not help saying that as he listened to the lengthy argument, the special pleading in regard to points irrelevant and worthless so far as the merits of bill were concerned, his address afforded a very good illustration of the skill and tact which a long experience at the bar had given him, and that the hon. member felt the only course open to him was to mystify and bewilder where he knew it was impossible to convince. Was it with this object that he dragged the House through a number of old books and documents, which had no bearing on the case, and endeavoured by obscure quotations to create the impression that they were dealing with some vested right in a most ungracious and unjustifiable manner? The whole argument of the hon. gentleman was calculated to mislead the House and the country as to the real object and character of the bill. From beginning to end it was based on the assumption that the bill was a flagrant violation of the private rights, without any provision for their just consideration or compensation. The hon. gentleman assumed, first, that there were private rights to be affected by the bill, which the House was bound in justice to respect, which, however, he (Mr. Miller) denied; and secondly, assuming that such private rights existed, his hon. friend ignored the fact that there was ample provision made for their protection. He seemed to have formed an opinion absurdly erroneous with re-

gard to the meaning and object of the legislation under discussion, and argued, not against the bill itself, but against his own misconceptions of it. Instead of attacking vested rights of a sacred character, without proposing compensation, the bill purposes to do the very reverse. Under what circumstances did it come before them? He (Mr. Miller) would state the true object and meaning of the bill. They were called upon to deal with a great monopoly, which was not only unjust to the people of this country, but to the inhabitants of two continents—a monopoly created by no act of this Legislature, or that of any of the Provinces of this Dominion, or for which any portion of their people can be held responsible, but one created by an independent State, for to all intents and purposes, so far as the argument is concerned, Newfoundland, which created this monopoly, may be looked upon as an independent or foreign State. That such a monopoly existed in relation to telegraphic communication between Europe and America under the legislation of the Colony of Newfoundland, no one could deny; that it was desirable to put an end to it if they had the power do so, he thought every one would admit. In attaining this end, they were not asked to do any injustice to the rights of any one, if such rights were interfered with, without compensation. The bill, therefore, was a wise and salutary measure, and it scrupulously protected even imaginary rights, for, as he would show, it actually clashed with no other. Yet this bill had been stigmatized as unconstitutional—as a ruthless spoliation of vested interests—and that its passage would be a breach of public faith. Every member who had read the bill must be aware of the absurdity of such assertions, and that its real object was to gain a desirable end in the most justifiable and honourable way. It appeared to him that the only hope of the opponents of the measure was to raise a prejudice against it by the grossest delusions and misrepresentations. It would seem as if they could not afford to even read the bill honestly and fairly. They were asked by this legislation to cheapen and facilitate telegraphic

intercourse between this continent and Europe. In doing that they were faced by the opposition of a huge monopoly—the Anglo-American Telegraph Company—a monopoly whose selfish pretensions were opposed to the interests of this country, as well as to the progress and civilization of the age; and still they were prepared to extend to those pretensions the most reasonable terms that could be demanded. He contended that any claims those people had were fairly and equitably considered in the bill. He (Mr. Miller) was astonished to hear an hon. member (Hon. Mr. Read) asking. What interest had Canada in this question? Canada had an interest in common with the people of both continents in abolishing this monopoly. Canada had a higher interest, because a greater duty devolved on its people than on any others, for with Canada alone rested the power of destroying this monopoly by wise legislation, and promoting the great amelioration sought. The action they were called on to adopt was a duty they owed to themselves and the whole world. He would be as loth as any hon. member to deal unfairly with the vested rights of even an odious monopoly, and sooner than that the fair fame of the country should suffer by any interference with vested rights, however obnoxious or unjust they might be, they would all be ready to secure indemnity to any one likely to suffer by their legislation, possessing the slightest claims to such indemnity. He would sooner tolerate the existence of this monopoly than that the public credit should suffer by the means adopted to abolish it. But he would show to every impartial mind that they were in a position, without any breach of public faith, to pass the measure the Government had brought down. He would deal first with the claims of the company to consideration on general grounds, as urged by its friends, before examining its absurd pretensions to those vested rights in Nova Scotia that they were told it would be spoliation in this Parliament to touch. It is said that the gentlemen who are to be affected by the bill were the pioneers in the great work of oceanic telegraphy, and deserved all the consid-

eration given them in consequence of the risk they encountered, the money they lost, and the benefits they conferred, in the starting and successful accomplishment of this enterprise. He (Mr. Miller) denied that the Atlantic companies were the pioneers of marine electric telegraphy. The experiment of marine telegraphy had been fully made—there had been a thorough test of the system by Mr. Brett between England and the continent of Europe, before these gentlemen even thought of entering on the business; and when they did take it up, proceeding upon the experiments of others, it was under such favorable conditions in the way of subsidies and guarantees that it was as safe a risk as the average of investments or undertakings that private speculators readily embarked in. He held in his hand a small volume which gave the history of the laying of the first cable in 1855. Here he would correct a misstatement of facts the hon. member (Mr. Dickey) had made yesterday regarding the first extension of the telegraph to Newfoundland, when he asserted that that undertaking was intended at the outset as a portion of the scheme of connecting the two continents. This book showed that the latter project had not been thought of when the first was being accomplished. His hon. friend spoke of the trouble and expense the then company had incurred in getting intelligence from the steamers of Newfoundland before the cable was laid across the ocean as a purely philanthropic service that should not be now forgotten. In his (Mr. Dickey's) eyes, these gentlemen were always the most unselfish of public benefactors, while the truth was that the line to Newfoundland was merely an enterprise of certain shrewd gentlemen in New York and London interested in obtaining the quickest news between the two continents as a commercial speculation they expected would pay. There can be no doubt it paid some of them very well in this way. It was not until 1854 that the subject of uniting America and Europe was submitted to the capitalists of Great Britain by a circular of Mr. Field's that he held in his hand. From this paper, it clearly

appeared that, great as may have been the honour due to Mr. Field for the perseverance he exhibited in connection with that great work—and no one, he was sure, would desire to detract from any portion of that honour; on the contrary, they all rejoiced that he had fared better than many public benefactors of far greater merits, since he had reaped in fame and fortune an ample reward for all his exertions. Without going into particulars, it might safely be said that he at least had received full consideration for all his claims. That gentleman ought to make no allusions to an ungrateful public, because it is desired to put an end to this monopoly. (Mr. Miller here read from Mr. Field's circular, showing the feasibility of Atlantic telegraphy, based on the labours of Mr. Brett and others in Europe, and showing the immense profits that were certain to result from the undertaking as a commercial speculation.) Mr. Miller continuing, said that was the beginning of the great work. They were apt to confound Mr. Field and the promoters of the Atlantic telegraph line as the pioneers of marine telegraphy. They found, however, that although that company embarked in a larger enterprise than had then been attempted by any other company, still the question itself had been tested, its feasibility had been placed almost beyond doubt, and therefore the risk was far less than it was generally represented. It was evident Mr. Field and his friends anticipated great returns for the risk involved, and their anticipations were prophetic, and had been fully realized. But even then, did Mr. Field and his associates go into the enterprise without any security—without anything to fall back on? Not at all; because on the estimated capital of the company first organized (£350,000 sterling), the Imperial Government granted a guarantee of 4 per cent., and not only that, but the United States granted great assistance, and, lastly, Newfoundland gave one hundred square miles of its best lands and minerals, to be selected at the option of the company, when and where they thought proper. Those lands, not yet selected, had been estimated at a sum far beyond all the money ever

lost by any of the speculators in Atlantic telegraphy. So, notwithstanding all they had heard, these men incurred no risks of the magnitude represented by the opponents of the bill. How many great undertakings were entered upon at the present day—undertakings involving far larger outlays, without any of the moral or material aid that stimulated the work in question? A fact should be here mentioned that illustrated the wisdom and foresight of the Senate of the United States at the outset in dealing with the proposed monopoly. The fact shows, even at that early day, what the opinion of that great body was in regard to such a monopoly, notwithstanding the large guarantee offered by the British Government, with other assistance, and the one hundred square miles of mineral lands from Newfoundland, besides unqualified exclusive privileges for twenty years. When Mr. Field went to Washington, he had great difficulty in obtaining assistance from the American Government, because even then the establishment of such a monopoly was looked upon as one likely to be followed by some injurious consequences to the people of that country. The subsidy was carried in the United States Senate by a majority of only one vote. The objection that the cable of 1856 was not a success, and therefore its promoters derived none of the advantages promised in connection with it, was beside the argument, for he was speaking of the encouragement under which the risk was incurred, and at any rate the valuable mineral lands granted by Newfoundland had not been forfeited. He repeated, they had by the scientific labours of others tested the feasibility of the project, and done so correctly, because the failure of that cable was admittedly owing, not to any unforeseen difficulty, but to the fact that it was not sufficiently strong to bear the strain upon it, to which its failure was due. But whatever were the claims of the original pioneers in the work of Atlantic telegraphy, he protested against the delusion—the misrepresentation attempted to be palmed off on Parliament and the country, that the present monopolists were the original pioneers—the losers by the first Atlantic cable. When they were

charged with indecent haste, he would retort on the monopolists with indecent misrepresentation on this question. The men they were now called upon to deal with were a band of greedy speculators, who had risen and flourished on the disasters and ruin of the original pioneers—men whose only object was to exact the last dollar they could grind out of the public. The original company, who lost whatever was lost, form a most insignificant representation of the stockholders of the present day. Besides, Atlantic Telegraph stock was one of the most changeable commodities in the market. It was a matter of notoriety that it was more frequently changing hands than any other sort of stock, and thus, from year to year, and week to week, it was held by new proprietors. Therefore, if there were any force in the argument that the original pioneers had, by the money lost, the risk and trouble incurred, a claim upon the people of both continents, there was none when they were dealing with a band of speculators, who had got possession of this property, and were profiting by the concession and privileges that were never intended for them. The present Anglo-American Company was an amalgamation of the old Anglo-American, the French, and the New York and Newfoundland Companies, an amalgamation that took place in May, 1873. In that amalgamation, it was instructive to note the unselfish conditions of these philanthropic corporations, which they compelled the public to assume and pay for. The Anglo got £152 for every £100 of its stock in the watered capital of the new company. The French got £192 for every £100 of its stock by the same arrangement, and the New York and Newfoundland made better terms than either of them, and got one million of pounds sterling. It is said the latter, with American shrewdness, parted with their stock in a favourable moment, and the purchasers were, of course, now some of the hon. gentleman's "original pioneers." The Anglo and the French companies received six millions out of the seven of the new stock, and the latter had certainly no claim as the original projectors of the enterprise protected

by the monopoly. Was it not, therefore, evident that a gross misrepresentation was attempted to be practised on Parliament and the country, by holding up the present stockholders as the originators of the great scheme of Atlantic telegraphy, when in reality they were only a ring of speculators, who had contrived to possess themselves of privileges which they used solely for the purpose of grinding money out of the public. These men deserved justice and fair play, and honourable treatment from this Parliament, but they deserved and should receive nothing more. It was worse than absurd to represent them as public benefactors about to be made the victims of an act of spoliation, injurious to the fame and credit of the country. The history of the amalgamated companies revealed circumstances connected with the people who were now talking of breaches of faith and honour, that should induce them to be more guarded in their high sounding phrases against the bill. By the Act of the Newfoundland Legislature in 1854, the exclusive privileges granted to the New York Company were to last absolutely for 20 years, and, subject to the right of pre-emption, for the further term of 30 years. Before the creation of the present company in 1873, another Act was obtained from the same Legislature to permit the amalgamation. This Act contained a clause reserving all the rights of the colony of Newfoundland. But no sooner was this last Act obtained than the New York Company contended that the amalgamation it authorized destroyed the right of pre-emption, and that the colony had been unwittingly ousted of its right by a clever Yankee trick. Were these, then, the men to instruct other people in the rules of justice and honour? At a meeting of the French Cable Company in May, 1867, Mr. J. H. Lloyd, the counsel of the New York and Newfoundland Company, said—"He had no reason to doubt the opinion he had already given on this question, that if the Newfoundland Company were consolidated with and merged in the Anglo-American Company, the Newfoundland Government no longer possessed the right of pre-emption, inas-

much as the Newfoundland Company, being consolidated into another company, could no longer possess any existence as a separate corporation, and could not perform any acts by itself apart from the company in which it is merged." The Newfoundland Legislature, in granting the amending Act, specially reserved all rights, privileges and immunities under the original Act. It was clear they did not suspect the treachery and bad faith which lurked under the last Act, and was hoped to be carried out under the new arrangements. The amalgamation of 1873, and the Act permitting it, were simply brought about to cheat Newfoundland out of its right to pre-empt. Had the company succeeded they fancy they would have had the world at their mercy for the next 30 years. (Hear, hear.) He would leave it to the country to say how far the attempt to cheat Newfoundland in this way, was characteristic of that high-toned principle—that spirit of philanthropy claimed for the gentlemen opposing this bill. It was clear the company had taken the advice of counsel before the Act was obtained, and believed they had managed their legislation in such a way as to completely overreach Newfoundland. Was any hint of this kind communicated to Newfoundland before the Act passed? None whatever. And, if not, was it not one of those pieces of Yankee cleverness, so characteristic of the diplomacy of that people with these colonies? This amalgamated company originated in a conspiracy against the rights of Newfoundland, which had failed, and it was attempted to be perpetuated now by a conspiracy against the rights and interests of the rest of the whole world, and that, he hoped, would as signally fail. (Hear, hear.) It was true the company still retained its exclusive rights in Newfoundland, and would continue to do so till the power of pre-emption would be exercised, and hence arose the necessity for the bill before the House. What was the intention of that bill? To say to the Anglo-American Company that they should pull up their poles and remove themselves from this country and cease to carry on their profitable enterprise any longer? Nothing of the kind. All the bill

asked from them was reciprocity. All that Parliament was asked to say to the monopolists was, permit Canadian or English companies to land telegraph cables in Newfoundland, where you yet have an exclusive monopoly, or the Parliament of Canada cannot permit you to use the shores of Canada to maintain your monopoly. The people of Canada might at any time during the last 20 years have fairly made that request, but it should be recollected that this was only done after the 20 years, the full term of the absolute monopoly granted, not by Canada, but by another colony, had actually expired. The monopoly never had a right to calculate on a longer life than twenty years, even so far as the colony is concerned that created it. And were the rest of the world outside of the little colony of Newfoundland to have less right to interfere for their own protection? But it has been said, why not let Newfoundland pre-empt, and end the whole difficulty? Suppose that Newfoundland did pre-empt this year, might not the proposed legislation be as necessary against the island as against the company? What if, after pre-empting, Newfoundland attempted to raise a revenue out of the advantages of its position? They should protect themselves against all possible contingencies in the future. Or suppose that this high-toned monopoly, having failed in the attempt to cheat Newfoundland, should not be above buying out the Island's right to pre-empt, must Canada submit for the next thirty years to the wrong thus inflicted? Would justice, common sense or sound policy contemplate for an instant such a result? The chief grounds on which the bill was opposed were the alleged existence of certain vested rights in the Province of Nova Scotia that would be interfered with by the operation of the bill. It was argued by the hon. member (Mr. Dickey) that the Anglo-American Company possessed legal and equitable rights to remain in Nova Scotia, that Parliament had no power to disturb without an act of injustice that would sully the public character of the country. His answer to the hon. gentleman was, that the company possessed no legal or equitable rights in that Province, and if

they did, it would be an easy matter to show their title. Not only had the monopoly no legal status in Nova Scotia, but it was there as an intruder or trespasser—it was there not only without authority of law, but in direct contravention of the law of the land. The hon. member from Cumberland said he knew of no rule or principle to prevent a company from landing a cable in their Province, if it did not interfere with navigation; but it only appeared from this that he did not know the laws of Nova Scotia. He (Mr. Dickey) contended that as the Direct Cable Company had landed a cable last summer on the coast of Nova Scotia without any legal authority, the Newfoundland Company had an equal right to do so twenty years ago. That was the sort of argument by which the vested rights of the monopoly were generally upheld. He would briefly give the House the history of legislation in regard to telegraphy in Nova Scotia. The first law passed by that Province was in 1848, empowering the Provincial Government to appoint commissioners to construct lines in the Province, and making general regulations regarding the subject. The law of 1848 contains a clause to the following effect:—

“It shall not be lawful for any person, body politic, corporation, community or company whatsoever, directly or indirectly, to make or complete any electric telegraph, stations and appurtenances in any part of this Province, unless by the previous sanction, and under the authority of the Legislature of this Province.”

Mr. Miller, in continuing, said,—The hon. member from Cumberland asserted he knew of no law or principle to prevent a company from landing a cable on the shores of Nova Scotia, but here was the positive prohibition of the Act of 1848 forbidding such a step without legislative authority. That Act was in force when the New York and Newfoundland Company undertook without any legislative sanction to land their cable in Cape Breton. They did so at their peril, and in direct violation of the law, and cannot complain of the consequences, after having been permitted quietly to enjoy the profits of their trespass on the shores of the Province for twenty years. He asked the House to give due weight and importance to these facts, for if the trespass was not afterwards legal-

ized, a mere user of twenty against the Government amounted to nothing. He challenged the supporters of the monopoly to show a single title of legislative sanction of the intrusion. The next Act of the Nova Scotia Parliament was in 1851, on which the existence of the Nova Scotia Company was based. That company was authorized to build and work a land line in Nova Scotia, but received no control whatever over the marine distance of three miles from the shore, to which the sovereignty of Nova Scotia extended. (Mr. Miller here read over all the clauses of the Act of 1851 creating the Nova Scotia Company. He then apologized to the House for trying its patience, but said it was necessary and proper that the law should be fully understood.) The Newfoundland Company came to Nova Scotia under the authority of the Nova Scotia Company, which had not the power by anything in their charter to grant such a privilege. They came here under the illegal contract which the hon. member had referred to, and which, for the purpose of sustaining their present claims, was not worth the paper on which it was written. It was a contract made in contravention of the Act of 1848. Even with the permission of the Nova Scotia Company, the New York Company were trespassers on the shores of Cape Breton. The Nova Scotia Company had no exclusive rights that gave it control of the whole Province for telegraphic purposes; it had only the rights granted to itself—everything further was reserved to the Crown—it could not vest other companies with rights it did not possess. The hon. gentleman (Mr. Dickey) had said the acquiescence for 20 years on the part of the Government in the use of the shores of Nova Scotia, gave the New York and Newfoundland Company some equitable rights. He (Mr. Miller) denied that doctrine altogether in regard to the length of user set up, as applied to a Government. True, as regarded private individuals, who were supposed to be vigilant in the protection of their rights, who had nothing else to do than to look after their private affairs, whose neglect might produce mischievous results, an acquiescence in rights usurped by another might give

some claim or colour of title. But that principle was very different as applied to a Government. A Government had something more to do than to watch private encroachments on the public domain. They could not be divested of their territorial right by any such usurpation under less than 60 years, while a private citizen might be by 20 years, which illustrated the different application of the principle in the two cases. His argument, therefore, was substantially that the company had no right in Nova Scotia, that they landed in defiance of express law, and knew what they were about. Yet they pretend here, in the face of their infraction of the law, to have equitable or other rights, for which they ask Parliament to give them compensation. They came to Nova Scotia under a worthless agreement with the Nova Scotia Company, and so clearly did they recognize that it was worthless, that in 1857 these gentlemen went to the Legislature of the Province endeavouring to get an Act confirming their arrangement and legalizing their intrusion. He admitted they did succeed in getting such an Act, but it was disallowed by the Imperial Government as contrary to sound policy. His hon. friend (Mr. Dickey) quoted that disallowed bill of 1857 as recognizing the intrusion of the company. Had the House ever listened to an argument more absurd? It was said, too, that Lord Mulgrave, in a despatch, had referred to the disallowed law as an Act of the Legislature of Nova Scotia, and therefore it should be so considered. Had it really come to that pass, that disallowed Acts and casual expressions in the despatches of Governors could over-ride the law of the land? The cause must be weak that was supported by such flimsy sophistry. What was the value of the disallowed Act of last session? Were they to be told that because in 1857, when this enterprise was in its infancy, when its commercial success was more or less of a doubtful problem, because the Legislature of Nova Scotia passed an Act for its encouragement which was disallowed, they were bound by that Act to-day, when the twenty years of the monopoly had expired, and it had proved a great commercial success. Again they were told that this Do-

minion had committed itself to a recognition of the rights of the company in Nova Scotia, because the Parliament of old Canada in 1857 passed an Act to encourage the monopoly, as if any proceeding of that Parliament at that day could have helped the present claims of the Anglo-American Company in Nova Scotia, which was then a separate Province. He never knew any case that had any real substantial foundation that required to be bolstered up with such weak arguments as the hon. gentleman yesterday presented to the House. But the argument of the hon. member for Cumberland was worth considering in another respect. The subject of the vested rights of the company in Nova Scotia had been submitted to the investigation of five of the leading lawyers from both sides of the House of Commons, and they had reported their conclusions to that house. If the hon. member's arguments have any force, that report was worthless. He would read the report. It was as follows:—

“The Sub-Committee appointed to consider whether there be any colour of right capable of assertion in the Courts by the Anglo-American Company which is interfered with by clauses 14 and 15 of this bill, beg leave to report as follows:—

“The Sub-Committee have heard Lord William Hay, and considered the Acts of the Nova Scotia Legislature, and the agreement between the two companies and the facts stated by Lord William Hay.

“The claims of right set up as capable of assertion in a Court, are as follows:—

“1. That the Nova Scotia Company having power to authorize, has authorized the Newfoundland Company to land and maintain its cables on the shore of Nova Scotia.

“The Sub-Committee are unanimously of opinion that the Nova Scotia Company had no such power, and that there is on this ground no colour of right capable of assertion in a Court within the meaning of the reference.

“2. That there has been such acquiescence or action on the part of the Nova Scotia Government in the action of the Newfoundland Company as to disentitle Canada to prevent the Newfoundland Company from continuing to use the Nova Scotia Line.

“The Sub-Committee are also unanimously of opinion that there is not any colour of right capable of assertion in a Court within the meaning of the reference.

“3. The Sub-Committee with some doubt report that there may be by reason of the acquiescence or action of the Nova Scotia Government a colour of right capable of assertion in a Court in the Newfoundland Company or its successors to compensation in case the 14th clause is put in force against them; and they recommend that a clause should be inserted providing that nothing in the Act contained

shall have the effect of depriving the Company of any right they may have to such compensation.

"The Committee have, in conformity with the recommendation in the above report, amended the said bill and agreed to report the same as amended for the consideration of your honorable House."

He (Mr. Miller) would ask the House was it likely that the distinguished lawyers who formed that Sub-Committee had not thoroughly investigated the subject referred to them? It was not a partizan tribunal, and the report was unanimous. Was the report not one to which laymen should yield respect, and had not the House of Commons so received it? In regard to one view of the case, on which the Sub-Committee had "some doubt,"—the existence of a colour of right on the ground of "acquiescence,"—the Sub-Committee of the Commons made a recommendation to provide for compensation in case any right existed, and that had been done in the bill. What more could the opponents of the measure desire, if it was not the insertion of some clause that would in effect destroy the measure? Surely the clause so inserted would meet all the rights that could be affected by their legislation, but he admitted it was impossible to satisfy the monopolists with any reasonable concession. It had been said that the bill was promoted, although a public bill, in the interest of private speculators, and the Direct Cable Company was particularly indicated. For his part, the only favour the bill found from him was on public grounds. He presumed, if the bill became law, the Direct Cable Company would be one of the first to take advantage of it, but he did not see that that was any argument against the bill. This is a public measure, to place all companies of this character on the same footing; and they were not to consider the Direct Company, or any other possible company, in its discussion. (Expression of dissent from Hon. Mr. Dickey.) His hon. friend seemed to dispute that position.

HON. MR. DICKEY—Certainly.

HON. MR. MILLER, continuing, said if the Direct Company, which had done so much to bring the subject before Parliament and the country, should derive a common advantage from the bill, he did not see why the public

should complain. On the contrary, the public should be pleased if they were among the first to take advantage of a public reform they had advocated, not for themselves alone, but for all. The Direct Company had done good service to the country, by battling against the grievance to be remedied by the bill, and in forcing the Government to grapple with it. The redress of public grievances, of this or any other character, generally started from the complaints of private individuals. It was generally upon such complaints—by having wrongs and grievances forced upon them by individuals—that Governments were moved in half the legislation they submitted to Parliament. Government was compelled to take notice of the grievous injustice the telegraph monopoly was producing—and he cared not by whom it had been pressed upon them—the parties who had done so deserved credit, and not blame. The Government, no doubt, felt the question was one of that large, public character they should assume the responsibility of dealing with; and, therefore, moved perhaps in the outset by the promoters of the Direct Company, Ministers had undertaken to put upon the statute book an Act, which, while unjust to no one, will tend to promote the public welfare. The Direct Cable Company had as good a right as any other to agitate for the destruction of the monopoly, and he did not think it fair to oppose the bill by exciting prejudices against that company, that had nothing to do with the merits of the question. That course, he trusted, would not prevail in that House. The object of the bill was not to drive the Anglo-American Company out of the Dominion, but only to compel it to submit to fair competition with other companies, and that was the only injustice that the bill could effect. Surely it could be no injustice or hardship to a great and wealthy monopoly that had already an unlimited control and footing to ask to allow new enterprises to come into competition with it. Its experience, its wealth, its associations should place it beyond fear from any outside competition, if it could be satisfied with fair profits; that in fact nothing less than having two continents at its mercy

would satisfy it. The opinion of the country regarding this bill had been emphatically expressed by the unanimous approval of the measure, in its present shape, by the House of Commons. The gentleman who represents the Anglo-American Company, when before the Committee of the Commons, objected only to clauses 14 and 15. He admitted that it was desirable to put an end to the monopoly, and only asked protection on compensation for alleged existing rights; he got all he then asked for, but it seemed he was not satisfied, and now imagined that, for some reason or other, it was possible to defeat the bill in the Senate. He (Mr. Miller) did not know on what influences he relied, but he believed that the House would see very little reason to change the decision of last session. There was a great public measure necessary in the interests of the country, and he would say of humanity—a great public amelioration, unanimously approved by the popular voice, and sent for ratification to that House, and he did not believe that the efforts of London or New York capitalists, the lobbying or wire-pulling of any “ring,” would prevail in the Senate against the wishes and interests of the people, by defeating this bill, and preventing the passage of an Act imperatively demanded by the public well-being. (After some further remarks the hon. gentleman resumed his seat amid cheers.)

HON. MR. CAMPBELL said he was sure the members of this House had had no desire to do injustice to any person concerned in the matter of the bill. He could not comprehend that any influences were brought to bear upon members of this House, such as alluded to by his hon. friend. What persons in New York or what capitalists in London could have any influence in this House? Last session the House, he was sure, was as anxious as it is now to do what was right and just; but they then labored under a disadvantage in not having full information about it. He would not say the bill was pressed forward with undue haste; but at all events it was pressed forward without sufficient time being given to the House to consider the manner in which it would effect various interests. That

bill was opposed more because of a want of information and a feeling of uncertainty—more because of a feeling that perhaps we were trenching upon interests which, if we knew more about them, we would like to protect. At all events, the bill was passed towards the close of the session when persons interested in it were not present, and we had not sufficient knowledge to satisfy us that what was done was being so carefully done as not to trench upon interests that we desired to protect. The Government itself had seen fit to insert in the bill a certain clause to protect certain rights which were said to be affected by the bill, and therefore there was now a sort of guarantee to the country that this bill deserved the favorable consideration of Parliament. He quite agreed that if this monopoly could be touched by the Legislature of this country without unfairness to any of Her Majesty's subjects or any other persons, he would be quite ready to do his share in getting rid of it. But the question was, did this bill deal fairly with reference to the interests of those concerned by it? He thought that perhaps they were apt to view the question inconsiderately in their anxiety to do away with the monopoly. If this discussion had come up five or six years ago, and if this company—the Anglo-American—had come to this Parliament or the Legislature of Nova Scotia, asking to be allowed to land in Nova Scotia, everybody would have said yes. If they had come here two years ago asking this Parliament for right to land in Nova Scotia, everybody would have said, land in Nova Scotia by all means, and no one would have thought of asking them to give up rights which they had in Newfoundland. It was in fact a private interest which was endeavoring to force this bill upon Parliament. Two or three years ago that influence and interest would not have been in force, and no one would have dreamed of refusing the company this right. We should only have been too glad to give them the right to land, and we should then only be doing what was done by the old Province of Canada, of Prince Edward Island, of Newfoundland, of Nova Scotia, except in Nova Scotia it seemed to have been coupled with a

still stronger privilege, that is, the privilege of having the exclusive right to land in that Province. We should bear this in mind, and when we find that this company, having obtained this right, if it had come here two or three years ago, would have got this privilege—we should consider this, and we should consider the exact state of the facts before we assent to the very strong positions which are taken up on behalf of this bill. As he understood it, these gentlemen who were interested in the Anglo-American Company were not here asking for any exclusive rights, or asking for anything. But there was an effort made on behalf of some other persons, which effort now assumed the character of a public bill, to thrust them out of this country and drive them into the sea. He spoke now of Nova Scotia, where they had been doing their business for a number of years, in consequence of an arrangement made with an existing telegraph company of that Province—the Nova Scotia Telegraph Company. They could conduct their business under the sea by their own powers, and over the soil of Nova Scotia by virtue of the arrangement made with the local telegraph company. They carried on their business for several years with advantage to the people of both hemispheres. Because they had been successful that was no reason why we should push them into the sea, for that really was what the request amounted to. The suggestion was, “don't let them stand on your shore at all, but drive them into the sea, because they won't give up something that they have got somewhere else.” Under the existing circumstances the company had certain rights—perhaps they could not be called legal rights—which ought to be respected, and it was unfair and unjust to disturb them absolutely without consideration and without giving a fair amount of compensation for the rights thus disturbed. Statutory rights were one thing, and rights acquired by usage was another thing. This company made a bargain with a company that had a right by statute. He had not seen the bargain, but his hon. friend had just said that it was not worth the paper it was written on. That was the actual state of

affairs, and it seemed to him that that state of affairs ought to receive a more serious consideration than was recommended by his hon. friend. It might be useful to destroy this monopoly. He could very readily believe that it might tend to make telegraphy cheaper. Canada had a very considerable interest in it, but, perchance, it might not have that effect. It might have the effect, for instance, of forcing upon the existing company the purchase of some company which was now contemplated in England, or the amalgamation of all these companies, on account of the powerful influences his hon. friend had just spoken of. But many influences in London and New York were much more likely to be called into play in the transaction that would grow out of this legislation than could possibly be called into any sort of use in this discussion or before this House. He was sure his hon. friend was not serious when he spoke of those undue influences exercised in this House. For his own part, he thought the most reasonable way to deal with the bill was for hon. members to reserve their discussion upon it until it had been before a Committee. He understood that gentlemen were here, connected with the Anglo-American Company, who desired to be heard on this bill; also, that other gentlemen were here who desired to be heard on the other side of the question, on account of this being a Government measure, and Government might think it desirable that on the latter side of the question arguments should be heard before a Committee. But certainly there were gentlemen here on behalf of the Anglo-American Company whose interests were very closely touched by this bill, and who were anxious to be heard in reference to it. It was very difficult for a member of the House who had not studied the question fully to appreciate all the arguments that had been advanced on either side, and he was therefore under the impression that it was better to withhold their decision on the bill and allow it to pass the second reading, with the expectation that the hon. gentleman who had charge of it would refer it to the Committee on Banking, Commerce and

Railways, and that then the various persons who were interested in the measure could be heard, then when the bill was reported they would be better able to decide legally and fairly what ought to be done with reference to the clauses which were in dispute in this bill. He noticed with great pleasure the Secretary of State had stated yesterday that the remedy this Anglo-American Company would have under the sixteenth clause would be against the Government of this country. But he (Mr. Campbell) thought this should be more distinctly stated in the clause itself. He did not apprehend that the Government were desirous of doing any injustice to this company. But the Government did not admit that the company had any rights, they only said, if these rights do exist—if the court shall be satisfied that these rights do exist—then the remedy would be against the Government of the country to the extent that the court may think these rights affected. He was glad the Government had taken the course recommended last session to protect these rights as they now existed. As to the final disposition of the bill, he would be glad to be guided by the report of the Committee, to whom he thought the bill should be referred.

HON. MR. WILMOT said he thought his hon. friend did not understand the bill. Instead of pushing this company into the sea, it simply required that no company should land a cable here without they gave up any exclusive privileges they might have in the island of Newfoundland.

HON. MR. DICKEY—My hon. friend has not read the bill.

HON. MR. WILMOT—It is simply giving to any cable landing in Newfoundland the same rights and privileges they would have in landing in the Dominion of Canada.

HON. MR. DICKEY—Does he deny that by this bill, the moment it has passed and becomes law, the present company is prevented from work altogether, and are not allowed to use it, and in that way competition is prevented?

HON. MR. WILMOT—My hon. friend takes a very strange view of the case. There is no intention of stopping that company from operating in the Do-

minion of Canada, but in doing so they have got to agree to give the same rights to any company landing in Newfoundland. And that is what he was prepared to insist upon. But even if they chose to give up all the advantages they possess in conveying telegraphic messages between Europe and America, upon which they had been making such large dividends, they would not be the losers of all. As long as they have rights, they were entitled to use them; but would any one contend that the people of this Dominion should be under the control of such a monopoly, which was taking the money out of their pockets to enrich themselves, when the whole business ought to be thrown open to competition? Their term of twenty years had now expired, and their rights consequently had ceased to exist. He thought all the facts relating to this matter had been brought before the House by the documentary evidence submitted. And with regard to what they might do in England, the hon. gentleman read the last despatch of Lord Carnarvon, in which his Lordship distinctly intimated that the subject of the bill was one which the Dominion Parliament was clearly entitled to deal with, and that it was entirely competent for the Dominion Parliament to legislate without interference from the British Government upon local questions, such as formed the subject matter of the bill. He (Hon. Mr. Wilmot) went on to say that he thought if all the history was known there had been some influences outside of this Parliament, which caused that bill to be suspended. For his own part, he was strongly opposed to outside parties coming here and trying to interfere with the course of legislation. In the Province of New Brunswick the same attempt was made to influence the Ministry there, and they did get a bill passed, but the reply to it was that it was contrary to public policy. In the present case we had to deal with extended telegraphic communications between two continents, and it was to the public interest that these things should be done as reasonably and as cheaply as possible. He was strongly opposed to rings, and he believed the Atlantic Telegraph Company, the

Western Union Company and the Associated Press were all united in a ring, and he, for one, desired to break it up. He trusted the majority of this Senate would see the suggestion in the same light, and support the bill now before the House.

HON. MR. LETELLIER DE ST. JUST said, Government would not object to sending this bill to a Committee, as proposed, because they were quite confident that the sense and feeling of the House would be rendered by that Committee, that this great monopoly now existing would receive due consideration, and that the result in that Committee would be an entire approval of the measure now before the Senate. Objection was yesterday taken to a clause of this bill, by which some persons seemed to think the Government were trying to favour a political friend, the Hon. John Young. Anyone who would look into the bill, would see that this clause was of absolute necessity, unless this House was quite ready to declare that we should pay an indemnity to parties who had organized under a charter which emanated from this Parliament. Some two years ago, a charter was granted to a certain company to lay down a cable. By this charter they were given exclusive privileges, and now if they were to say that these privileges should be withdrawn by our own Legislature, they would have the right to claim an indemnity from this Parliament. On this proviso the charter was granted, and they have, therefore, certain rights granted by our Legislature. As to the rights which were claimed by the parties whose case had been so ably presented by the hon. gentleman from Nova Scotia, he was glad to see that the clause relating to such rights was now supported by his hon. friend. When gentlemen of the legal eminence of Sir John A. Macdonald, Mr. Blake and Mr. Mosseau declared that there were no legal rights, the Government felt quite safe in adopting the clause. He admitted that we owed a great deal to the parties who first established oceanic communication, but these gentlemen had enjoyed the privilege for twenty years, and had made great profit out of it. And now were we to be told that, be-

cause one of the colonies had consented to grant them exclusive privileges, we should do the same thing again. Those interested knew very well that their case was hopeless. With regard to the proviso which allowed the company to carry their claims for indemnity before a court, the rights which were thus reserved to them were so dubious, so ethereal, that the company would say when the bill was passed it would be better for them to keep quiet than to bring the matter before the court. The Government believed no such rights existed, but in order to give no ground of complaint the clause was added at the end of the bill to allow the company indemnity in case they could establish a possession of such rights.

HON. MR. KAULBACH said, since the Honorable Minister of Agriculture has consented to refer this bill to a Committee, of which I am a member, I shall defer for the present the remarks I intended to make, simply saying that I believe the bill requires amendment, and that I widely differ from many of the views and opinions expressed to-day by the hon. member from Arichat. But in this I do agree with him—that we have a right to and should legislate in this matter. We have a right to make our shores free to all cable companies, and even to discriminate against monopolies, if such exist, and are injurious to the public interest. But it is all important that through our legislation we should show capitalists that Parliament will protect rights and encourage all enterprises, particularly such as have been of such universal benefit as ocean telegraphy.

HON. MR. DICKEY said the House would expect him to state the course he proposed to take. He would like very much to reply to some of the statements of his hon. friends, but the present was not the time for doing so. He would only say that, after the very frank declaration given by the Hon. Minister of Agriculture that it was not the intention of the Government to sully our name by refusing to hear parties before Committee, and his promise that they should be heard in the ordinary way, he (Mr. Dickey) would accept the proposition of the Government.

HON. MR. SCOTT moved, seconded by HON. MR. LETELLIER, that the bill from the House of Commons entitled an Act to regulate the construction and maintenance of Marine Electric Telegraphs, be now read a second time.—Carried.

On motion of HON. MR. SCOTT, the bill was then referred to the Standing Committee on Banking, Commerce, Railways and Telegraph Lines.

SECOND READING BILLS.

The bill from the Commons for the incorporation of the Banque St. Jean Baptiste was, on motion of HON. MR. WILSON, read a second time, and referred to the Committee on Banking, Commerce and Railways.

On the order for the second reading of the bill relating to changing the names of Imperial Building, Savings and Investment Companies,

HON. MR. ALLAN explained that certain changes were made last year to the general Act relating to building societies which so far changed the character of their operations that many of them desired to have the name of "Building Society" dropped, and that of "Loan and Investment Society" substituted.

The bill was then read a second time.

PATENT LAWS EXTENSION BILL.

The House then went into Committee of the Whole on the Patent Laws Extension Bill—Hon. Mr. Wark in the chair. The Committee reported the same without amendment, after which it was read a third time.

ST. LAWRENCE TOW-BOAT COMPANY.

HON. MR. CHINIC presented a petition from Thomas McGreevy, President, and other shareholders of the St. Lawrence Tow-Boat Company, praying that the name be changed to that of the St. Lawrence Steam Navigation Company, and that the company be allowed to increase their stock to \$1,000,000.

THE PETERSON RELIEF BILL.

The Committee to whom was referred the Peterson Relief Bill, presented their report, and a motion was carried to have the evidence taken before the Committee printed.

The House then adjourned.

Thursday, March 11, 1875.

The House met at three o'clock.

Several petitions were presented in favour of a Prohibitory Liquor Law.

TENTH REPORT OF COMMITTEE ON STANDING ORDERS AND PRIVATE BILLS.

HON. MR. MILLER presented the tenth report of the Committee on Standing Orders and Private Bills. The bill entitled an Act to amend the Act incorporating the Canada Car Manufacturing Company, was reported without amendment.

On motion of HON. MR. ALLAN the bill was read a third time and passed.

The same Committee reported without amendment the bill entitled an Act to amend the Act incorporating the Western Assurance Company and other Acts affecting the same and to extend the powers of said Company.

HON. MR. BROWN asked the promoter of the bill to explain its character.

HON. MR. ALLAN explained that was for the purpose of enabling the Western Assurance Company to invest its surplus funds in Dominion stocks, the same as was granted to other companies last year, and also to enable them to increase their capital.

The bill was then read a third time and passed.

HON. MR. PENNY introduced a bill entitled an Act to enable Damon Rivers Averill to obtain Letters Patent of invention for certain improvements in paint.

Moved by Hon. Mr. SCOTT, seconded by Hon. Mr. LETELLIER DE ST. JUST, that the time limited for receiving petitions for Private Bills be extended to the 19th of March, and the time limited for presenting Private Bills to the Senate be extended to the 22nd of March. Carried.

INTERCOLONIAL RAILWAY.

HON. MR. BOTSFORD said it would be remembered that after considerable consideration of the question with regard to the gauge of the Intercolonial Railway, the Government finally consented to reduce it from five feet six to four feet eight and a half inches. That being so, it would appear that all the work performed on this road over and beyond what was necessary for the

narrow gauge was, in the main, absolutely thrown away. Under these circumstances he should have hoped that no further unnecessary expenditure on the broad gauge would have taken place. In discussions here he had frequently expressed the opinion that this railway, which could not, in the nature of the case, be more than a local one, should be of no broader gauge than similar roads which Russia, Denmark and Sweden were building, and the British Government in the East Indies. The Canadian Government, after the narrow gauge had been determined upon, if his information is correct, had a great number, 9 miles of the Intercolonial construction on the narrow gauge, between Miramichi and Moncton. If that be so, it seemed a useless expenditure of the public money upon that road. It was information he had received to this effect that had induced him to put his question on the paper:—Whether the rails of that portion of the Intercolonial Railway lying between the Miramichi River and Moncton have been laid down on the broad gauge of 5 feet 6½ inches, and if so, why such an expenditure has been incurred?

HON. MR. SCOTT said the hon. gentleman was aware that when the present head of the Government was in Opposition, he laboured very strenuously, before any expense for the Intercolonial was incurred, to secure the narrow gauge; but on two occasions in the other House a vote was carried against them. When the present Government took office, they found a very large amount of broad gauge stock on that road, and considered the best way to utilise it was, as they had no narrow gauge stock, to lay down, in the meantime, some forty miles on the broad gauge. This was accordingly done—simply to use up the broad gauge stock. When the narrow gauge rolling stock was received, the change of gauge on this section would not be difficult.

HON. MR. BOTSFORD—Is that piece of road in operation?

HON. MR. SCOTT—These forty miles are on the broad gauge, on which plan it is proposed to finish this section, with the object mentioned.

HON. MR. BOTSFORD said, from the position of that road it was clear it was

not in operation; and why Government should expend money on the broad gauge when the road was not open for traffic seemed extraordinary. If that course should be adopted, one portion of the road worked would be broad and another narrow gauge.

HON. MR. WARK made some remarks supplementary to those of MR. SCOTT, with reference to the necessity of working a portion of the line, and going a considerable distance on a broad gauge section for the purpose of procuring ballast. Twenty-five locomotives on the broad gauge had been ordered originally, and were employed at Moncton and elsewhere, being the only rolling stock we had. They were used in carrying ballast a great distance. Ballast was entirely overlooked when the plans were being formed. There was none obtainable between Moncton and some place near Miramichi.

HON. MR. DICKEY asked if it was the policy of the Government to make the change of gauge of the Intercolonial during next June, or early in July.

HON. MR. SCOTT replied, the policy of the Government was to have the whole line of the Intercolonial in narrow gauge. He assumed the present was some temporary arrangement for the purpose of ballasting the road, or some other object which he could not at present fully explain.

After some further remarks the matter dropped, and the House adjourned till Friday.

Friday, March 12, 1875.

The House met at three o'clock.

HON. MR. HAMILTON, for the Committee on Banking, Commerce, and Railways, reported the bill changing the name of the "Imperial Building, Savings, and Investment Company" to that of the "Imperial Loan and Investment Society." The bill was read a third time and adopted.

PARLIAMENTARY PRINTING.

HON. MR. SIMPSON presented the seventh, eighth, and ninth reports of the Joint Committee on Printing. He explained, in regard to the seventh report, that it had reference to the subject of printing the debates, and having the English speeches translated

into French. Considerable objection was made to the latter point, on account of the great extra expense it would involve, but the Committee finally decided to recommend it. The Hansard was going to cost a good deal more than was anticipated, and an additional appropriation was necessary of about \$3,120. The eighth report, he explained, simply recommended that an appropriation of \$10,000 beyond what was already asked for should be made to enable the Committee to pay the increased cost of printing over what was anticipated. In spite of all the economy they could exercise, they were obliged to ask for this additional sum. The ninth report simply recommended the printing of certain documents.

These reports were severally adopted by the House.

LONDON AND CANADA BANK.

On the order for the second reading of the bill,

HON. MR. VIDAL explained that the chief features of the bill were to alter the designation of the bank from that of the "London and Canada Bank" to the "Bank of the United Provinces," and to reduce the amount of paid up stock before the bank goes into operation. The bill had been carefully considered in Committee, and there was nothing unusual in it.

The bill was then read a second time, and referred to the Committee on Banking, Commerce, and Railways.

INDUSTRIAL LIFE ASSURANCE CO.

HON. MR. PENNY moved the second reading of the bill from the House of Commons to incorporate the Industrial Life Assurance Company. Carried.

THE PETERSON DIVORCE BILL.

On the order for the consideration of the report of the Select Committee on Peterson's Relief Bill, together with the evidence thereon,

HON. MR. DICKEY moved, seconded by HON. MR. VIDAL, that the report of the Committee be adopted. Carried on division.

HON. MR. DICKEY moved, seconded by HON. MR. VIDAL, that the bill be read a third time.

HON. MR. BELLEROSE said as this was the first time that a bill of this

kind had come before the House since he had the honor of being a member, he believed it to be his duty clearly to define his position in reference thereto, so as not to be obliged to make objection to any more such bills that might come up in the future. Having read over the evidence adduced by petitioner, he must say that this was a fair case for divorce, if any case was, and he believed that the proof was sufficient to show that the woman Emma Grange had so conducted herself as to justify the petitioner in asking for a bill of relief, and such a bill he was ready to grant. (Hear, hear.) His intention was not now to speak as a man belonging to this or to that church, but to speak simply as a Christian. He believed this House had a right to give the petitioner what he was seeking for—that is, relief from his present circumstances; but while he was thus willing to take advantage of the Union Act to grant relief to persons in such circumstances, he believed this honorable House ought to act with great caution, and not to go too far. If this bill passed in its present shape, Henry William Peterson would have the right to marry another woman, and the question before them was whether, in allowing him to be separated from his wife, they ought to allow him to marry again. After looking over that divine book, which they all revered so much, he thought it was his duty to call their attention to certain texts, which seemed to him to prove conclusively that they could not go so far as to give that gentleman liberty to marry again during the lifetime of his wife. A second marriage would be no marriage at all, and the House would have to take the responsibility of this man's living in concubinage. The hon. gentleman proceeded to read from St. Paul's Epistle to the Corinthians, and then contended that this bill proposed to act contrary to the Divine Word. He also read from the 7th chapter of Romans and the 19th of Matthew to the same purpose. Though in the latter passage Our Saviour allowed a man to put away his wife for adultery, the hon. gentleman called attention to the fact that in a succeeding verse it is stated that whosoever marrieth her that is put away doth commit adultery.

Though she was, therefore, in a sense free, the tie binding her to her husband remained unbroken. After developing at some length his argument based upon the Scriptures, the hon. gentleman concluded by proposing an amendment to the bill, the preamble of which should declare any marriage validly contracted to be strictly indissoluble by any earthly authority, and the bill itself to grant the petitioner separation from his wife as far as all civil obligations were concerned, but prohibiting either of them from marrying again during the lifetime of the other.

HON. MR. BELLEROSE therefore moved, seconded by the HON. MR. ARMAND, that this bill be not now read a third time, but that it be committed to the Committee of the whole House.

HON. MR. LETELLIER DE ST. JUST could not approve the amendment of his hon. friend, and thought the Catholics ought not to throw obstacles in the way of the majority legislating for a Protestant. He believed the Protestants were quite ready to appreciate the peculiar position of the Catholic members in regard to this question, and the latter did not need to insist in their opposition in order to show their disapprobation of the principle of divorce. They had shown this quite sufficiently in voting against the second reading of the bill. He thought it would be more dignified in them to make only a formal opposition to the further progress of the bill. He knew the hon. gentleman did not wish to make this a religious question, and therefore advised him to drop his motion.

HON. MR. VIDAL was exceedingly pleased with the courteous and temperate manner in which the Hon. Minister of Agriculture had just favoured the House with his views. The hon. gentleman who first spoke must be well aware that the views entertained by the other branches of the Church of Christ on this matter were in no way inferior to those held by his own Church. There was in all the branches of the Church of Christ an earnest desire to regulate their life by the precepts laid down in that sacred volume which, with great personal gratification, he had heard his hon. friend lay

down so fully, and he should rejoice when that volume was accepted by all Legislatures as their supreme guide in all their conduct. But he would remind his hon. friend that very different views were entertained with respect to those passages of Scripture he had quoted, and the present was not the place to enter upon their discussion. (Hear, hear.) He would also remind his hon. friend that any action proposed to be taken by this House did not in the least interfere with any man's conscience or his responsibility towards his Maker.

HON. MR. TRUDEL, though agreeing with his hon. friend who had just spoken that this House was scarcely the proper place for a discussion of this nature, still wished to observe that it was not only the right, but the duty of this Legislature to oppose any measure which they considered to be prejudicial to the moral and social welfare of society. Of this character he considered the bill in question to be. But as those opposed to it had already sufficiently marked their disapprobation of the principle of divorce by voting against the second reading of the bill, he thought it wiser under the circumstances, and in order to conciliate the different opinions prevailing on the subject, that his hon. friend (Mr. Belle-rose) should not persist in his motion. Of course the opponents of the bill would still be adhering to their principles if they allowed it to pass the third reading on division.

HON. MR. BELLEROSE said he would consent to withdraw his motion (Hear, hear).

HON. MR. DICKEY moved, seconded by Hon. Mr. Vidal, that the bill be read a third time. Carried on division.

HON. MR. CARRALL rose to speak on the bill and was called to order. He, however, proceeded to say that it was impossible for him to keep order, inasmuch as being neither a palæontologist, nor an archæologist, nor an antiquarian, he had never studied that body of ancient parliamentary usages and precedents which governed the proceedings of this House. He desired to say that in this country where Church and State were entirely separate, it was improper to import theological argu-

ments into the discussion of this question. But on another account he wished to express his dissent from the passage of this bill. This body was a Divorce Court, and like all other courts ought to be made as accessible as possible to everybody, but the defendant in the case now before them had not yet been heard before this court. He thought, therefore, that this court did not stand before the Dominion of Canada to-day as a very highly organized judicial tribunal when it was prepared to sit day after day and listen to all the evidence on one side without being able to say *audi alteram partem*. It was extremely unfair that the wife of the petitioner had not been heard in her own defence, and in the future her children would at least be able to say that it was a Scotch verdict, that is "Not proven." (Laughter.)

HON. MR. VIDAL said it was necessary for the justification of the Committee to observe that all due efforts were made to give the defendant the opportunity of being heard in her own defence. The same case had been very carefully tried in another court where she was defended by able counsel, but unfortunately she was unable to disprove the accusation brought against her. The Committee had most patiently and carefully investigated the whole matter, and their report was deserving of the confidence of the House.

HON. MR. WILMOT concurred in the remarks of the last speaker, and was surprised to hear the remarks of the hon. gentleman (Mr. Carrall) on the other side.

The bill was then passed on division, and after some routine business the House adjourned.

On the motion for the second reading of Peterson's Relief Bill, on March 5th, the following remarks were made by two hon. gentlemen, which were inadvertently omitted from the report of that day's proceedings.

HON. MR. BAILLARGEON said—The question of divorce now before us is one of the most important questions we have had to discuss during the present session, it is of the greatest importance as it affects society, it is one which has a tendency to undermine the very

basis of social life, to destroy domestic happiness, to accomplish the ruin of families, to encourage and propagate sin and immorality. The result of divorce, hon. gentlemen, is not only to dissolve and annul a sacred and divine contract, but also to grant to the persons who are divorced full liberty to contract marriage with other parties. As a Christian and a Catholic, I do not recognize the right and power of any Legislature, of any Government, not even that of the Sovereign, to annul a Christian marriage which has been contracted under the authority of the Church. The only cases wherein such a right might be exercised, are those when medical examination has established sufficient natural inabilities to prevent the parties from contracting marriage. These are the only cases in which ecclesiastical authority has a right to dissolve and annul a marriage, on the testimony of disinterested, honest and conscientious medical advice. The civil status of the parties divorced are afterwards determined by the proper tribunal or court of justice. Such are my principles and convictions, hon. gentlemen, respecting divorce, or rather, I should say, the indissolubility of the marriage tie. I shall therefore vote against the measure which is contrary to my conscience and my religious convictions or feelings.

HON. MR. KAULBACH said, the exception just named by the hon. gentleman is in reality no exception. His Church in such cases says that there was no marriage, that the essentials to the compact were wanting, that it was void. We, of the English Episcopal Church, hold our marriages, I am ready to admit, as something more than a civil contract. But it has not been shown that our Church solemnized the banns. But beyond that we are here as judges in these cases, and we must be guided by the laws of the land which acknowledge our right to decree divorce.

Monday, March 15, 1875.

The House met at three o'clock.

After routine business came the discussion of

SUPERIOR COURT JUDGES' SALARIES.

HON. MR. MILLER, on rising to put

the question on the paper in his name, said he desired to ascertain whether the Government had any intention of removing the inequality which now exists, and has existed since Confederation, in regard to the payment of the Judges of the Superior Courts in different Provinces of the Dominion. He looked upon the inequality in the present case as an injustice which should not exist, and one that placed a stigma on the bench of the Maritime Provinces that ought to be removed. He concluded by asking—

“Whether it is the intention of the Government to introduce a measure during this session to equalize the salaries of the Judges of the Superior Courts of the Maritime Provinces with those of the larger Provinces of the Dominion.”

HON. MR. LETELLIER replied—It is not the intention of the Government this session to make any such change, but the subject is under its consideration, and the Minister of Justice intends to bring in a general measure this session to arrange this matter.

HON. MR. BOTSFORD, on rising to move the address of which he had given notice, said that the Standing Orders contained the instructions connected with the authority by which the Governor General gives his assent to the Acts of Parliament, and it was considered desirable that when the Standing Orders were printed again they should also contain the Royal Instructions of such portions of the British North America Act as related to the authority possessed by His Excellency in sanctioning our legislation. He found upon enquiry that the Standing Orders as printed were nearly exhausted. A great many new members had been appointed to the Senate since the Standing Orders were printed, and when the necessary reprint of those orders took place it would be desirable to have incorporated with them the official documents and the Royal Instructions under which His Excellency acted. Moreover, since the B.N.A. Act was printed the new Provinces of Manitoba, British Columbia and Prince Edward Island had been added to the Confederation, and on that account it was desirable to have the Standing Orders revised so that they could see at once on referring to them, the num-

ber of Senators which each Province was entitled to, and the terms upon which these Provinces had come into the Confederation. He would therefore move that an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House a copy of His Excellency's Commission, and of the Royal Instructions which accompanied the same.

After some further remarks the motion was adopted.

HON. MR. MILLER presented the eleventh report on Standing Orders and Private Bills.

AVERILL'S PAINT PATENT BILL.

HON. MR. PENNY moved the second reading of Averill's Paint Patent Bill, which he briefly explained.

The motion was carried.

DEFECTIVE LETTERS PATENT REMEDY BILL.

HON. MR. SCOTT moved the second reading of this bill. He explained that it authorized the Secretary of State to cancel letters patent in cases where an obvious clerical error had been made. It provided under the second clause the mode in which discharges may be given under an Order in Council.—Motion carried.

THE BANKING ACT.

HON. MR. LETELLIER moved the second reading of the bill to amend the Act respecting Banks and Banking. He said the bill, which was a short one, was designed to amend the Act 34 Vic., cap. 5, and to make an addition to clause 40. It was proposed to provide that no bank should, directly or indirectly, purchase or deal in any share of capital stock except when necessary to realise on any share held by the bank as security for any debt. The next following section was intended to change clause 16 of the Act, 36 Vic. He thought this change might be liable to some objection, but if the House consented to a second reading, the matter could be considered in Committee.

THE PUBLIC DEBT AMENDMENT BILL.

HON. MR. LETELLIER moved the second reading of the Public Debt Amendment Bill. He explained that

the object of the bill was to sell or substitute for the old five per cent. bonds of the Dominion, as they matured, bonds bearing only four per cent., in order that all should carry the same rate of interest, namely, four per cent.

HON. MR. KAULBACH said—I understand the object of this bill is to decrease the interest paid, and raise the capital of the Dominion debt; or, in other words, if the Government can get stock taken at four per cent., they may exchange it for debentures bearing a higher rate of interest.

HON. MR. SCOTT said at present the statute provides that in meeting the liabilities of the Dominion, stock should be issued bearing interest at five per cent. A few months ago the Government effected a most successful operation in stock at four per cent. The policy of the Government is to bring all its stock to par at this rate of interest. Hereafter, therefore, it would be issued at four per cent.

HON. MR. ALEXANDER—Will the hon. gentleman explain at what price these new four per cents were sold?

HON. MR. SCOTT—The price depends entirely on the state of the market. At present there is no fixed price at five or four per cent. At present the Government have power to sell stock at five per cent, to redeem old bonds, but deem it advisable that its stock should hereafter bear a uniform rate of four.

HON. MR. ALEXANDER remarked that it was not conducive to the good credit of our Province that any of our bonds should stand at a very large discount on the London market. It would be more advantageous to the country that five per cent. bonds should be issued, standing at par or nearly par, than four per cent. bonds should be issued at 85 or 86, or whatever the market price should be. He questioned the wisdom of the policy pursued by the Government.

HON. MR. SCOTT said the experience of financial men was to the effect that to get rid of a bond by discounting it was the most satisfactory way, because certain houses never could invest in bonds above par, for instance trustees. The largest stock in the world, the English consols, were generally from seven to ten per cent. below par.

HON. MR. ALEXANDER referred to a remark made in this House last session, that the Dominion Government were in the habit of paying our financial agents larger commissions than is paid by the Government of the United States. A statement from Washington reached some gentleman here that a few months ago a loan was effected on the London market at a smaller brokerage than we had been in the habit of paying our financial agents. He thought he was correct in stating that the amount of commission paid to one of our financial agents in London during the past year was \$28,000. Of course he knew the importance of our having such an eminent firm to transact our business as Baring Brothers, but he did not see why we should pay twice as much as the United States to get our bonds floated.

HON. MR. SCOTT agreed with his hon. friend that the subject was one for grave consideration. Some years ago an agreement was made with Glyn, Mills & Co., and Baring Brothers, that they should get a certain per cent., and it had not been in the power of the Government to make any change. His hon. friend must know that it was rather too serious a matter to make a change from one financial agent to another. Both these firms stood very high in London, and it was a special agreement that they should continue to act as agents for this Government, unless we could do better, and up to the present time Government had not been able to make any better agreement.

The bill was then read a second time.

AMENDED GAS INSPECTION ACT.

On the order for the second reading of the bill to amend the Act relating to Gas Inspection,

HON. MR. SCOTT explained that that this bill was to amend the Act of 1873. The only important alteration was the 28th clause, which provides that the testing place shall be at least 500 yards from the gasometer. In the Act of 1873 the test might be made on the premises of the company, and the Inspector making his test had not that absolute control over the matter which he should have, because

the gas might be manipulated by the company for the occasion. In England the test-house was at least 1,000 yards from the premises.

The bill was then read a second time.

HON. MR. MILLER gave notice that he intended to move an amendment to the 28th clause to the effect that in Nova Scotia the standard quality of the gas be raised from the power of 12 sperm candles to that of 18 sperm candles. He stated that he made this amendment at the request of some Lower Province members in the House of Commons, and that it was the desire of the city corporation of Halifax to have this amendment made to the bill. The reason given for the reduction of the standard from 14 to 15 in Ontario, was the expense and difficulty in procuring coal, and for the opposite reason they desired in Nova Scotia to have the standard elevated.

HON. MR. DICKEY was rather surprised to find that the Secretary of State had made no remarks whatever, in his remarks on the second reading of the bill, to the quality and nature of the gas to be supplied, which was really the most important part of the amendment to this Act. The mention of it by his hon. friend from Nova Scotia suggested the idea that this legislation, after all, was entirely on a local matter, although it was an amendment to an existing Dominion Act. But he would take this opportunity of raising his voice against this legislation on a matter purely local. As to the amendment of which his hon. friend had just given notice, he thought it would be in the interest of the people of Halifax.

HON. MR. ODELL asked if the carrying out of this Act was contingent upon an inspection being appointed. He believed nothing had yet been done towards appointing an inspector.

HON. MR. FERRIER remarked that if the bill did not fix the price of gas per thousand feet, this matter might be regulated by the corporation of any city. If the standard remained in one place the light of 12 candles, in another the light of 14, and in another 18, of course the price of the gas could be regulated according to its quality in the various cities.

HON. MR. LETELLIER DE ST. JUST said the reason of the difference of the standard between Ontario and the other Provinces was the difference in the price of coal. In Ontario coals could be had only after a long transportation, and on that account the city corporations and the gas companies were left at liberty to obtain gas giving a less brilliant light than might be required in the other Provinces, where coal was much more accessible and cheaper. The provisions of this bill, however, did not interfere with any agreement made between the gas company of Halifax and the corporation of that city.

FELONIES AND MISDEMEANORS BILL.

HON. MR. SCOTT asked leave to introduce a bill for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario, Quebec and Manitoba. Bill was read a first time.

RETURNS TO ADDRESSES.

HON. MR. SCOTT laid on the table returns to several addresses for information moved for some days ago.

The House then adjourned.

Tuesday, March 16, 1875.

The House met at three o'clock.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. HAMILTON, from the Select Committee on Banking, Commerce and Railways, reported, with certain amendments, the Marine Electric Telegraph Bill.

HON. MR. SCOTT moved that the bill be referred to Committee of the Whole House to-morrow. Carried.

DEFECTIVE LETTERS PATENT REMEDY BILL.

The House then went into Committee of the Whole on the Defective Letters Patent Remedy Bill—Hon. Mr. Bellerose in the chair. After a brief session, the Committee rose, and reported the bill with several amendments. These were concurred in, and the bill was read a third time.

BANKS AND BANKING.

On motion of the Hon. Mr. LETELLIER, the House went into Committee

of the Whole on the bill to amend the Act respecting Banks and Banking.

HON. MR. McMASTER wished to propose an addition to the bill, with regard to the monthly returns made by the banks. The general impression was that the directors were in the habit, especially during times of stringency, of helping themselves liberally, and in order to remove that impression, not well founded in many instances, he proposed that in the monthly returns the liability of the directors should be published. He moved as follows:— That the form of report required be hereby further amended, by adding thereto, immediately after the item numbered 18, under the heading "Assets," as follows:—

"LIABILITY OF DIRECTORS.

"The aggregate amount of the direct and indirect liabilities of the bank, of its directors, and of the terms of partnership in which they or any of them have any interest."

The amendment was agreed to.

The bill was reported as amended, and read a third time.

THE PUBLIC DEBT AMENDMENT BILL.

The House went into Committee of the Whole on the Public Debt Amendment Bill, Hon. Mr. McLelan in the chair.

In answer to Hon. Mr. WILMOT,

HON. MR. SCOTT explained that the bill was meant to provide for taking up the old liabilities with stock at a lower rate of interest.

HON. MR. DICKEY—Is it intended that the stock shall be converted from five per cent. into four per cent., and is it prospective in its operations?

HON. MR. SCOTT—Entirely so.

HON. MR. WILMOT thought this feature might be objectionable as regards reducing interests upon investments already made in Dominion securities, or on deposits in Government savings banks. The people should be induced to save their money and to loan it to the Government at five per cent., because he did not think that five per cent. was an unreasonable rate. It was much better to borrow money from our own people than to go abroad for it. He thought it better that the Government should issue no more five per cent. stock.

HON. MR. BOTSFORD said it seemed to him from reading the bill, that it only applied to a loan that the Dominion Government might effect, or in renewing debts which had become mature. He did not think it would apply to the Savings Bank Department.

HON. MR. SCOTT said it was just possible that the bill might apply in that direction. The object of the bill was to have the loans withdrawn on their maturing. For instance, there were some five or six millions maturing this year. By this bill, our securities, as they became due, would only be renewed at four per cent. instead of five per cent., as had been the practice.

HON. MR. WILMOT—They can issue their bonds at four per cent. and take par for them. But what I particularly refer to now is, that it is for the interest of the people of our country to induce them to put their money by in the form of a loan to the Government. Under the present law they can convert their savings bank money into a Dominion Debenture at five per cent.

HON. MR. DICKEY confessed upon reading this bill there was only one interpretation to be put upon it, and that was the reason he asked if it was prospective. According to the English of this bill, in future, any new stock created must necessarily be four per cent. stock. In other words it says expressly, that wherever in the Act the words "five per cent. Dominion Stock" occur, the words "Four per cent." shall be understood hereafter. Therefore he did not see how they could legally create any five per cent. stock after this.

HON. MR. SCOTT said the conversion of the stock into four per cent. would be at a reduced rate, making the amount really granted equal to five per cent. It would be an equivalent to five per cent. interest on the amount represented by the five per cent. debenture.

HON. MR. PENNY thought this Act was the same as the Savings' Bank Act.

After some further conversation the bill was reported without amendment, and read a third time.

Several bills were received from the Commons, which were read a first time.

The House then adjourned.

Wednesday, March 17, 1875.

The House met at three o'clock.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. DICKEY presented a petition from the Anglo-American Telegraph Company, represented by Cyrus W. Field and Lord Wm. Hay, two of the Directors, praying that they may continue to enjoy the same rights and privileges as heretofore granted them. The hon. gentleman proceeded to say that he had been entrusted with a petition to the House, dated this day, which contained some important information for the Government. The gentlemen presenting the petition had received a message from London, dated this day, which was as follows:—

"Field & Hay, Ottawa:

"Permission was obtained from the local authorities in Canada and in Nova Scotia in 1872, to land the 1873 cable of the French Atlantic Telegraph Company at Halifax, and land was transferred to the company and a cable-house was built for the purpose. The shore ends and the underground work connecting the cable to the hut there, duly laid under that authority.

(Signed)

"WEAVER."

HON. MR. DICKEY stated that the petitioners were unacquainted with the foregoing facts until to-day.

HON. MR. SCOTT said that this was a very unusual proceeding. His hon. friend knew that the company had a whole year to collect information for the Government in this case, and he scarcely thought it was fair to spring anything of this kind upon the House with a view to make an impression on it. If they had any authority or evidence to point to, it would have been an easy matter to have brought it before the Committee. Government were ready to take the responsibility if the company had any legal claims against the Dominion.

HON. MR. AIKINS suggested that it would be a very easy matter if there were any further papers relating to the matter, to have them brought down to-morrow.

REPORTS OF COMMITTEES.

HON. MR. SEYMOUR presented the report of the Select Committee appointed to examine into and report upon the contingent accounts of the Senate. The report recommended

several appointments and the salaries attaching to each.

HON. MR. MILLER presented the report of the Committee on Standing Orders and Private Bills.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. DICKEY wished to call the attention of the House to a motion he was about to propose, and trusted no objection would be taken to its being moved to-day, or, in other words, to the standing orders being suspended for that purpose. It was in reference to the petition read a few minutes ago, respecting the passage of the Marine Electric Telegraphs Bill. His hon. friend, the Secretary of State, had been good enough to observe that he (Mr. Dickey) had taken a very unusual course in presenting that petition, but if his hon. friend had had as much experience in this House as some other members, he could have remembered a great many instances of petitions, under circumstances corresponding to the present, being read.

HON. MR. SCOTT—I have no objection to reading it, but not to take action upon it.

HON. MR. DICKEY was quite sure that the Hon. Secretary of State would see the propriety of his calling the attention of the House to it, in view of the important information affecting a public measure that is now before the country; and he trusted his hon. friends on the Treasury benches would not offer the slightest opposition, but on the contrary they would show a disposition—as he expected they would—to lay before the House any information with regard to that important bill affecting the rights of those parties who were here as supplicants before this House. Here was a statement of facts as regarded this landing of the cable—leave being given by the authorities in Canada, and acted upon and enforced, and a cable laid, which is there to this day, on the shores of Nova Scotia. Under these circumstances, he did not wish to argue the matter at all, because the simple statement of facts would induce them—as it would induce any Government—to let the House and the country have this information. The House should have all the information possible before pro-

ceeding to the discussion of this bill, and therefore he would ask the indulgence of the House to suspend the rules, in order that he might make the following motion, seconded by the Hon Mr. Botsford:—

“That an humble address do pass to His Excellency the Governor General, praying that His Excellency will be pleased to lay on the table of this House copies of all letters or applications to the late Government, or any member thereof, from Captain Mayne or Captain Halpine, on behalf of the French Cable Company, or the Anglo-American Telegraph Company, for leave to land a submarine cable in Nova Scotia; as well as of any answer thereto, and of any minute or Order in Council relative to the same.

“Also, of all despatches between the Government of the Dominion and the Colonial Secretary, and all legal opinions upon the subject of the Marine Electric Telegraphs Bill, passed last session, which were not included among the papers already laid upon the table.”

HON. MR. DICKEY said he would not add another word in comment, but simply leave the matter in the hands of the Government and the House.

HON. MR. MILLER desired to ask his hon. friend whether, after the discussion had proceeded at such great length, and after they were called upon to consider the bill in Committee of the whole House, and when his hon. friend had had the whole session to ask for this information, whether it was dealing fairly with the House, at this stage of the discussion, to ask for a further prolongation of the time for the consideration of the bill in Committee. He really hoped the Government would not entertain the motion.

HON. MR. LETELLIER DE ST. JUST—This petition is not in order. We have let it be read, but it cannot be received by this House. (Hear, hear.) But to show the hon. gentleman that we have been dealing fairly in this connection, I may tell him that though we have allowed this petition to be read, it might have been sent away without being read at all. Government had granted all the papers that could be granted, and no more delays ought to be asked for. We had already seen that a delay had been granted in a certain other place, and it turned out that the petitioners did not bring anything before the body granting the delay to justify it—that is, delay was simply asked for to stave off a decision.

HON. MR. TRUDEL did not think this question ought to be considered in the light hon. gentlemen opposite were disposed to consider it. Of course no notice of this motion having been given, the House had a perfect right to refuse to suspend the rule as asked for, but he did not think the request ought to be treated in the same way as the request from a private individual coming before this House and asking that the rules might be suspended in his favor. In the present very important matter the party chiefly interested in arriving at a knowledge of all the facts was this very House itself. They were now called upon to pass a bill which might involve a wrong principle of legislation, or which might injuriously affect private interests, and it was clearly their duty to proceed very cautiously, so as not to commit either of those faults. If the House had reason for supposing that there might be further facts relating to this matter which were not yet before it, it was their duty to obtain these facts, even though the parties interested had not observed due diligence in laying them before the House. It had been remarked by one of the hon. ministers that whatever might be the action of the Government in this matter, the Government were quite ready to take the responsibility and assume the consequences thereof. For himself (Mr. Trudel), at least, this reason was not a peremptory one. Upon the House itself rested the responsibility of the legislation adopted here. The Government directed the legislation and the action of the House, but the responsibility of any legislation adopted here rested upon all the members of the House. (Hear, hear.) So that, if they adopted a bad principle of legislation, it would be no excuse for them to say they were advised to do so by the Government. He doubted if sufficient steps had been taken to secure all the information accessible. If, as had been affirmed, some rights had been acquired by the parties on the shores of the Dominion, it was a very important fact, and one which would have a bearing on the decision of this question.

HON. MR. BOTSFORD trusted there would be no opposition to this motion.

It was just one of those cases which called for the suspension of the rules. If there were correspondence or documents in the archives of this Dominion which might materially affect the passing of this bill or influence members in their consideration of it, it would take but a short time to procure these papers and lay them before the House. It would show a spirit of justice to let this motion pass, although no notice had been given of it. He trusted the Government would see that in this matter, where the Dominion might be called upon, under the provisions of the bill, to pay large sums of money in compensation of the rights of parties which might be interfered with, it would be the course of simple prudence and caution on the part of the Government to lay before the House all the information in their power respecting the claims of these parties.

HON. MR. KAULBACH thought, if ever there were a case justifying delay, it was the present. The legislation last session had been very hasty. Under the influence of the Government they were led to believe there were no vested rights, but now they find the bill recognizing them and providing for many of the objections of last session. He urged that ample time be given to procure all the documents requisite to enlighten them before giving a decision upon this question. It was the duty of the Government to have known before of the existence of these documents.

HON. MR. SCOTT would be the last one in the House to attempt to pass an important measure if the House really had not before it all the information necessary to enable them to come to a wise and a sound conclusion. But could they think for a moment that there really was any justification for this motion; last year it might have been said that the House had not sufficient notice, but this year Government took very good care to enable people possessing stock to bring forward their objections. Hon. gentlemen were fully aware that this matter had been discussed in the press between the two sessions, and that it was very well known the bill was to be returned to Canada, and that the Company on the other side of the Atlantic fortified themselves in every

possible way to oppose and defeat this bill, and no one could rise in this chamber and say that the fullest and most ample opportunity had not been given those parties of being heard. Every delay asked for had been granted; the unusual course of referring the bill to them had been granted, and he scarcely thought it fair now to ask for still further delay. The bill would have to go back again to the Commons, and if any error had been committed it could be remedied in the other chamber. As to the latter part of the motion, asking for the despatches and correspondence between the Imperial authorities and the Canadian Government, he could inform the House that they were in possession of all the papers in that case. There were no minutes or Orders in Council which were not before the House. He thought that at least the bill should pass the third reading to-day, after which the Government would not press it to the last stage until the archives were examined, to see if there were any more papers existing relating to this matter. He had just sent to the Executive Office and to the office of the Secretary of State to search for documents.

HON. MR. DICKEY—My hon. friend speaking in the first person, says "I will not do this; I will not do that." He has charge of this bill but he has not charge of this House, and it will be for this House to state whether, under the circumstances, they are prepared to go on with the bill. He proposes to try the case first, pass the bill, and get the evidence afterwards. (Hear, hear.) He says—If you will let the bill pass Committee—let it go through all its stages—we will get the information afterwards. The information is necessary to get the bill through Committee, and that is the reason I ask for it. He says there are no minutes or Orders in Council which have not been brought down, but the minutes asked for do not relate to the Marine Electric Telegraphs Bill at all. My hon. friend says you have all the information, and then he admits that he has not got the information yet, and he asks the House deliberately to go on with the consideration of this measure in this hasty manner. There has been no obstruction in this matter. I deny the state-

ment of my hon. friend that a delay was granted the other day to no purpose. He ought to have paused before making that statement.

HON. MR. LETELLIER DE ST. JUST rose to a point of order. The hon. gentleman had no power to relate a fact personal to a Committee.

HON. MR. DICKEY—Then the Hon. Secretary of State has broken that rule first himself, because he did state what took place in that Committee. My hon. friend cannot expect to corner me in that way. The members of the Committee know that this information now asked for was not in the possession of members of the Committee. Already, in consequence of an adjournment, new information has been laid before the Committee—that from London and New York. Every day we have been receiving important information upon a subject in which a mistake in our legislation will affect the honour and character of this House, and of every man who votes for this bill. Up to the very last day of the meeting we have been receiving information, and in consequence of that information hon. gentlemen have altered their opinion as regards the passage of this bill. The Government are seeking to drive this matter through before even asking the House whether they desire to have information on the subject.

HON. MR. SCOTT said he had not been asking the House too much to allow the bill to go through Committee, pledging himself at the same time that if there were any further information it should be brought down before the third reading. He had just now received a package of papers which he had sent for while his hon. friend was speaking, and which he would now read.

The Hon. Mr. SCOTT, Secretary of State, then presented to the House certain papers, which were read by the Clerk, as follows:—

“Ottawa, June 3rd, 1872.

“Sir,—As the representative of the Société du Cable Transatlantique Français (limited), I have the honour to request that you will be pleased to have the Government of the Dominion of Canada to grant that company the right to land a telegraph cable on the shores of Nova Scotia, near Halifax, and to connect it in such manner as may be arranged with the existing land lines.

“My company proposes, with the consent of your Government, to lay a cable between the south coast of England and Nova Scotia, in 1873. My company does not seek any special or exclusive rights or privileges, but trusts that the Canadian Government will not grant to any other companies any privileges which would make competition unequal.

“I have the honour to be, Sir,

“Your obedient servant,

“(Signed,) RICHARD C. MAYNE,
“Captain, R. N.,

“Managing Director of the Société du
Cable Transatlantique Français,
(limited).

“The Honorable
The Secretary of State,
&c., &c., &c.”

“DEPARTMENT OF JUSTICE, CANADA,
Ottawa, June 4th, 1872.

“(S. S. O. 947 : D. of J., 765.)

“The undersigned recommends that Captain Mayne should be informed that no power or authority exists in the Government of Canada to grant the right to land a telegraph cable in Canada, and that such power exists alone with Parliament, and it may be added that, even if such power existed in the Government, it would not seek to grant to any other companies of a similar nature to that represented by Captain Mayne, any privileges that would make competition unequal.

“Captain Mayne should also be informed that the proper course to be adopted by the Société du Cable Transatlantique Français (limited), would be to apply at the next session of Parliament for a private bill extending the corporate powers which it now possesses in England to Canada, and conferring power to land a cable at such place or places as the company may desire.

“It is most probable that the same would be viewed favourably by Parliament, as tending to promote direct telegraphic communication between England and the shores of Canada.

“(Signed,) JOHN A. MACDONALD.

“(487 on 947.)

“5th June, 1872.

“Sir,—With reference to your letter of the 3rd June instant, requesting the Government of Canada to grant to the ‘Société du Cable Transatlantique Français’ (limited), the right to land a telegraph cable on the shores of Nova Scotia and to connect it in such a manner as may be arranged with the existing land lines, I am directed to inform you that no power or authority exists in the Government of Canada to grant such right, and that such power exists alone with Parliament, and it may be added that even if such power existed in the Government, it would not seek to grant to any other companies of a similar nature to that represented by you, any privileges which would make competition unequal.

“I have also to inform you that the proper course to be adopted by the society would be to apply at the next session of Parliament for a private bill extending the corporate powers which it now possesses in England to Canada, and conferring powers to land a cable at such place as the society may desire.

“It is most probable that the same would be received favourably by Parliament, as tending

to promote direct telegraphic communication between England and the shores of Canada.

"I have, E. P., M.P.P.
"Captain Mayne, R.N., C.B.,
"Managing Director, Société du Cable
"Transatlantique Français (limited).
"26 Old Broad Street, London, E.C., England."

"HALIFAX, N.S., June 10th, 1872.

"SIR,—Since leaving Ottawa, I have seen it stated that a petition had been presented by some members of the Dominion Legislature, praying the Government to consider favourably the proposition made this session of subsidizing a company which proposes to lay an Atlantic cable, *via* Anticosti and the Gulf of St Lawrence

"In the letter I had the honour to address to you on the 2nd inst., I stated that the French Atlantic Cable Company had already contracted for a new Atlantic cable, which we proposed to lay from England to Halifax, for the express purpose of giving the Dominion that direct communication with Europe which it so naturally desires to possess.

"In the same letter, I expressed a hope that the Government would not give any privileges to other companies which would put any company at a disadvantage in competing with them

"In view of the petition now made, though I cannot believe the Government will grant it, I venture to point out the great hardship it would be to my company should a subsidy be given to another company, for doing what we are prepared to do without a subsidy, and without any special rights or exclusive privileges whatever.

"I am given to understand that the proposal for the subsidized line finds favour with some statesmen in Canada on account of the connection it would give with certain points of the Dominion, to which telegraphic communication does not now extend; but I feel sure further consideration of the subject will convince these gentlemen that the desired object can be attained at much less cost, by extending the existing land lines to the nearest approachable distance from such place, and connecting them by short lengths of cable. I earnestly trust that you will show this matter in its proper light to those gentlemen appointed to deal with such questions, in which case I feel sure they will not recommend—or the Government or House sanction—an Act which would virtually close the shores of the Dominion against my, or any other, company proposing to land an Atlantic cable, by putting us in the unfair position of having to compete with a subsidized line

"Indeed, it is highly probable that if the subsidy be granted, my company will relinquish the notion of landing in the Dominion, and go to Newfoundland, or some other place not requiring so long and expensive a cable.

"In adopting Halifax as their landing place, my company believed that they would confer to some extent a benefit on the Dominion; and that their scheme would meet with the approval of the country and receive every assistance at its hands.

"I trust this confidence is not misplaced.

"I have the honor to be, Sir,
"Your obedient servant,

"RICH. C. MAYNE, Captain, R.N.,
"Managing Director of the French
"Atlantic Company (limited.)"

"To the Honorable

"the Secretary of State, Ottawa.

"Endorsed :—J. S. S. 774 with 947 of 1872."

"Managing Director of the Société du Cable Transatlantique Français :

"HALIFAX, 10th June, 4th July.

"Further for right to land a telegraph cable on the shore of Nova Scotia, near Halifax."

"To the Honorable The Privy Council :

"In connection with 947 of 72, already before them for report, O.S.S., 4th July: Returned 24th August."

"SOCIÉTÉ DU CABLE TRANSATLANTIQUE FRANÇAIS (limited.)

"26 OLD BROAD STREET, LONDON, E.C.,
"19th June, 1872.

"SIR,—In the absence of Captain Mayne, who is now on a voyage from America, I have the honor to acknowledge your communication, 487 on 947 of the 5th June, and to inform you that the same shall be submitted in due course.

"I have the honor to be, Sir,
"Your most obedient servant,
"(Signed) EATON T. CUMMINS,
"Secretary.

"The Right Honorable

"The Under Secretary of State,
"Ottawa.

"Indorse to these papers:—D. of J.—8—774—765."

"[No. 947.]

"OFFICE OF THE SECRETARY OF STATE, 1872.

"Managing Director of the "Société du Cable Transatlantique Français :

"OTTAWA, 3rd June.

"For right to land a telegraph cable on the shore of Nova Scotia near Halifax. This requires no action.

"(Signed), J. A. McD."

"OFFICE OF THE SECRETARY OF STATE,
"3rd June.

"Referred to the Honorable the Minister of Justice for report.

"By Command,
"ET. PARENT,
"Under-Secretary.

HON. MR. SCOTT said he thought no hon. gentleman could complain that the Government had not done its best to furnish all the information accessible.

HON. MR. VIDAL—Are Ministers able to assure the House that the papers brought down are the only ones on the subject existing? Those produced did not appear to bear out the statement that permission was given the Company to land. It would almost appear there must be some more papers.

HON. MR. LETELLIER—No; unless Mr. Weaver should have said something that was not correct.

HON. MR. RYAN said the fact was admitted that, for the purpose of landing at Halifax, the Company had the

use of some buildings and land, the property of the Imperial Government. Was it to be assumed, then, that they landed without permission?

HON. MR. SCOTT—It would appear so from these papers. Sir John Macdonald said they required the permission of Parliament.

HON. MR. DICKEY said he confessed that, after the production of these last papers, he could hardly understand how these two statements could be reconciled unless there had been some further action. It was perfectly incredible that the Company, after having been refused permission to land, should have landed their cable, and obtained permission from the Imperial Government to erect a hut on the ordnance or crown lands, and make a trench all the way into Halifax, by the leave of the City Council, for the purposes of the cable, which was there to this day. He urged the Secretary of State to endeavor to ascertain whether there were any more papers. Those produced were entirely inconsistent with the telegrams he had read, for whose statements there must be good foundation. There might be other papers in the Public Works or Marine and Fisheries Department.

HON. MR. MILLER thought that landing their cable, without authority, after having asked it, was just the course the French Cable Company would have adopted, with the intention of afterwards soliciting ratification. That was the very course taken by the Newfoundland Company, who landed their cable at Cape Breton, and by the Direct Cable Company, who landed theirs at Whitehaven, without authority, expecting future sanction by the Legislature. Such approval would not be refused, but only exclusive rights. He was not sorry this motion was made. The opinion of the Minister of Justice clearly showed that his (Mr. Miller's) views all along was correct, namely, that no act of the Government could supersede the authority of Parliament.

In reply to HON. MR. AIKINS,

HON. MR. MILLER said there was a minute in Council on this subject, and he assumed that contained the opinion of Government.

HON. MR. AIKINS replied there was a note on the back of the paper by Sir

John Macdonald, stating no action was required, but there was no minute of Council.

After some further remarks on this point, by different members,

HON. MR. SCOTT promised to have further search made for any documents that might exist. If the House would allow the bill to pass through Committee to-day, any further papers procurable might be submitted at the third reading to-morrow.

HON. MR. BOTSFORD said he could not assent to the bill passing through Committee; because after any further information was produced, the Legislature might think it should not take such stage.

HON. MR. DICKEY said he would put his motion as a notice of motion for to-morrow.

DEFECTIVE RETURNS.

HON. MR. READ said the motion he was about to propose was one which he thought every member must feel interested in. He had, in quoting the *Canada Gazette*, on two occasions, imagined he was using reliable authority, but had afterwards found within one year's numbers, two gross mistakes. Consequently there was sufficient reason to bring this matter to the notice of the Government. He would hereafter be careful in trusting any of the *Gazette's* statements. He had been in the habit of watching the returns of the receipts and expenditures of the country, for the different months; but last year, to his surprise, he could not find in the *Gazette* one penny of receipts and expenditures reported for May, 1874. He then wrote to the department on the subject, and received a reply thanking him for bringing that matter to its notice. But the defect had not been remedied. The *Gazette* returns of the receipts and expenditures for February, did not agree with those published in some of the newspapers. He had asked himself which were right and which were wrong? Had the Government one return for themselves and another for the papers? He had found that for October last, in the item of customs receipts, the *Gazette* was wrong to the amount of \$776,645. Now they ought to have better authority

than this publication. He called the attention of the Government to this matter, in the hope that a system of checks and correct reports might be devised. He recommended the publication, at the end of each month, of the gross receipts from all sources, from the commencement of the financial year to that time, and then the expenditures, as likely to correct the present evil. He moved—

“That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, returns of the receipts from customs and excise for the months of May and October, in the year 1874.”

HON. MR. SCOTT—I have no objection to the motion. I only regret the item having escaped my attention. I have been unable to get any information from the Minister of Inland Revenue, or the Finance Department. I assume there has been a clerical error. I have no doubt the matter is susceptible of explanation.

APPOINTMENTS AND DISMISSALS FROM OFFICE.

With reference to the question on the orders, in his name,

HON. MR. KAULBACH said he found since giving notice, that the papers he desired had been brought down; but he had not had time to look into them. The following was the question:—

“Why the Government has not submitted the papers in answer to an address from this honorable body to His Excellency the Governor General, of the 17th February last, in reference to all appointments to, and resignations and dismissals from office, since 1st October, 1873, in the County of Lunenburg, Nova Scotia?”

HON. MR. SCOTT said that the enquiry, in the first instance, was so general as to involve considerable delay in the search for papers in the different departments. All that could be found had been brought down.

AGRICULTURAL STATISTICS.

HON. MR. RYAN said the object of the questions, of which he had given notice, was to ask the attention of the House to certain figures which were given at page X V. in the “Tables of the Trade and Navigation Returns” for the year ending 30th June, 1874. On looking over the report of the Commissioner of Customs he found it contained statistics as to the quantity of wheat and other cereals produced in Canada,

which it was stated were in accordance with the estimates made in the forthcoming (third) volume of the census for 1871. In looking through these statistics, he was naturally led to ascertain what progress Canada had made with regard to her productions of grain in the interval between 1851 and 1872, and he confessed that the figures at first sight surprised him, and led him greatly to doubt their correctness. For instance, the returns given as those of the census for 1871, show one year's production of wheat throughout the Dominion to be, “in round numbers,” 16,300,000 bushels, while the returns of the census of 1861 make the production 27,500,000 bushels. It is possible an error may have been made in 1861, but if so, it must have been a very gross one, for the comparison of the two returns would show, in the important item of wheat alone, a falling off of no less than 11,200,000 bushels. Peas, also, which form an important part of the productions of Canada, show a falling off of 2,800,000 bushels, making in these two items alone an apparent deficiency of 14,000,000 bushels for 1871 as compared with 1861. On the other hand, in comparing these statements, he must not omit to notice certain other cereals, which show an increase in favor of 1871. For instance, Indian corn has increased 1,200,000 bushels, beans 150,000 bushels, barley 6,000,000 bushels, oats 600,000 bushels, buckwheat 1,000,000 bushels—making, in round numbers, an increase in certain items of 9,000,000 bushels against a decrease of 14,000,000 in certain other items; or, to sum up, a total falling off in the ten years from 1861 to 1871 of 5,000,000 bushels, notwithstanding that in that period Nova Scotia and New Brunswick, three rich and prosperous provinces—(a laugh)—had been added to the Dominion. He did not know whether buckwheat grew in those Provinces, or whether it was owing to their entrance into Confederation that we could point to an increase in that grain; but it was evident that, notwithstanding this enlargement of our territory, if those tables be correct, we had fallen off in the production of two great staples. That fact was very much to be regretted, if there was not some compensating benefit not re-

cited in the Trade and Navigation Returns. He thought there was, and that we had turned our attention to other productions perhaps equally profitable to the country. He regretted that those partial returns should be published in advance of the census returns, and should go into the hands of those in Europe who studied the progress of Canada, and would thus receive false impressions on the subject. He wished to correct those deficient statements which had gone abroad, and it was in the hope of obtaining a statement from the Ministers who represent the Government in this House, which would counteract, in some degree the omissions in these tables, that he wished to put his question to-day. He believed there was a large increase in the cultivation of hay and pasture lands, of roots and green crops such as go to feed cattle and sheep, and which tend to the manufacture of butter and cheese, of which, he believed, the increased quantity now produced would show most favourably when the census returns were completed. Still, it would have to be shown that there was a vast increase in those descriptions of produce to counterbalance the falling off in grain to the extent of five million bushels. Besides this, the progress in natural productions which we should have made in the ten years was to be taken in account, to say nothing of the addition which New Brunswick and Nova Scotia should have given us. With the view of eliciting information on the subject, and, in the hope of correcting any false impression which these imperfect tables might create, he would ask the question on the paper, namely :

“ Whether the statement at page XV of the report of the Commissioner of Customs prefixed to the ‘Tables of the Trade and Navigation of the Dominion of Canada for the year ending 30th June, 1874,’ to the effect that one year’s production of wheat in the Dominion is, in round numbers, and according to the census returns of 1871, only 16,300,000 bushels, has been verified and found accurate; also, whether the statement on the same page of same report respecting the yearly production of barley, oats, rye, buckwheat and Indian corn, corresponds with the census returns of 1871?”

HON. MR. LETELLIER thought the fault, if any, lay with the preceding census of 1831, with which no such pains were taken as with the census of 1871. He could not speak with autho-

rity upon the subject of the grain productions of the periods contrasted. The question was almost one of speculation, since our statistics had not been very creditable to us. But there were several things which might account for this apparent change in the volume of our products. As to wheat, much of the land of Upper Canada had been exhausted by successive crops of the same grain—by overcropping and the neglect of a proper rotation. There were also the ravages of the fly. In this and other ways the change might be accounted for. Barley had been raised on lands previously devoted to wheat. Thus, barley increased 3,000,000 bushels and oats 600,000. Buckwheat was a favorite crop in New Brunswick, and since the union this important staple showed a large augmentation in Canadian returns. He could not state positively the cause of the discrepancy remarked upon, with regard to which all could form their own opinions. At any rate, the census returns had been copied correctly.

HON. MR. BROWN said that there was an unusually large crop in 1861, while that of 1871 was unusually small. Perhaps this did not account for the discrepancy noticed, but certainly the change called for the closest attention to the subject of the wheat crop of Canada. In other countries, of late years, great improvements had been made in the cultivation of grain, to which the notice of our farmers might not have been directed. It was the duty of the Bureau of Agriculture to turn the attention of our farmers to this matter. New processes, manures, and so forth produced great effects in the raising of grain crops. If there had been a falling off, perhaps it arose from our agriculturists not having kept pace with the discoveries made elsewhere. As to calculations, however, the country appeared at a great disadvantage, considering the smallness of the crop of 1871 as compared with that of 1861.

HON. MR. MACFARLANE suggested a system of crop estimates and reports similar to that of the United States, which prove so serviceable. In Nova Scotia, by the combined efforts of agricultural societies, they were able to get pretty accurate estimates of the crops, and judge in what branches of

agriculture they were making progress. The Minister of Agriculture might devise a system of crop reports, to furnish information respecting the probable yield or failure in this or that locality, and no further. This would be of very great value to the country.

AN EXPLANATION.

HON. MR. DICKEY rose to make a personal explanation. He said that in calling the attention of the House to the telegram he read a little while ago, he spoke upon information he had obtained as to the permission given to the Telegraph Company to land their cable in Nova Scotia. He stated on the authority of the telegram, a copy of which was on the table, that permission was secured from the local authorities in Canada. This was a general statement, made by the manager, he presumed, without having access to the papers. At all events, it was not accompanied by particulars. So far as the papers produced by the Secretary of State went, they might assume there was no permission given by the Government of Canada, the parties being told if they wished to land in the Dominion, they would have to apply to Parliament for an Act. It turned out from a telegram he (Mr. Dickey) had received since, that the permission was received from the Imperial Government to land on the Imperial property, or ordnance lands in Halifax. They were thus authorized to land their cables at Point Pleasant, Halifax, and to occupy as much of the Imperial land as was necessary for a building connected therewith. The cable was accordingly landed, and a building erected. The telegram from the manager at Halifax concludes: "I am not aware of any arrangement existing between the Government of Canada and the Cable Co." Nobody would dispute the Imperial Government had power to give this authority to land on their property, which is theirs to this day. Having got permission to extend their wires from the cable, on the beach, they carried them through a trench they were allowed to open, into Halifax. Therefore the French Atlantic Cable Co., acquired their rights from the Imperial Government, who had the right to empower

them to land the cables on their property and occupy it for this purpose.

HON. MR. MILLER contended that the Imperial Government as regards this case, in exactly the same position as an owner of private property in Nova Scotia. If he owned a farm on the coast of that Province, he would have the same right to permit a Cable Co. to land on his property as the Imperial Government possessed in relation to its property. In a matter of this sort, affecting the public interest, in the face of the Nova Scotia law, approved by the Imperial Government, they had not the power to authorize any Company to land a cable on its soil, any more than any private owner of land had. (Hear, hear.) Were we to be told that the Imperial Government could violate the law of a Province or of the Dominion? A Province of the Dominion could give as valid a title to land on any portion of the Dominion as the Imperial Government. But Sir John Macdonald had decided the Company had no such powers, and that they rested with the Parliament of Canada.

HON. MR. DICKEY argued that the Imperial Government, which occupied one-third the water frontage of Halifax, had riparian rights, and could authorize a Company to land on and make use of their property, and that the present Company had rights Canada should respect.

HON. MR. MILLER replied, in support of his argument, and after some further discussion between the hon. gentlemen, on the legal point, the subject dropped.

GAS INSPECTION AMENDMENT BILL.

The House went into Committee of the Whole on the Gas Inspection Amendment Bill.—HON. MR. MONTGOMERY in the chair.

In answer to various inquiries, HON. MR. SCOTT explained that the principle improvements of the Act were that the gas should be free of any excess of sulphuret of ammonia, and that the testing place should not be less than 500 yards from the works. The bill would enable Government to appoint an inspector, and he presumed one would be appointed. Gas companies could not recover pay for gas of a

lower quality than required by the standard.

HON. MR. HOWLAN did not understand why there should be such a difference between the standard in Halifax and that in Ontario, being seventeen sperm candles for Halifax and twelve for Ontario. He failed to see the reason for reducing the standard in Ontario. If coal was scarce in that Province, the price of gas could be increased, and the thing could be settled commercially.

HON. MR. SCOTT said that on the first introduction of gas the illuminating standard had been much lower than it is now, and had been gradually increased. In the report of the Metropolitan Gas Company in England it was shown that the scale is a sliding one, clearly showing that it was only fair to the gas companies that the highest standard should not be arrived at immediately. From 1868 to 1870 inclusive the illuminating power required was not less than twelve, after which the standard was increased to sixteen, which seemed to be the highest in England.

HON. MR. AIKINS remarked that the interest of the public in this matter ought to be consulted before that of the gas companies. In some places the gas was so bad that it could scarcely be used. Unless the law was made stringent enough to reach the companies it would be ineffectual.

HON. MR. SCOTT replied that the bill did not provide for the better quality of the gas. Before it provided that the gas should not contain an excess of sulphuretted hydrogen, whereas now it contains a provision also against an excess of sulphuret of ammonia.

HON. MR. MILLER said that in Halifax, under regulations with the Gas Company, the standard was twenty-one sperm candles, and if it were reduced to sixteen it would be very much against the public interest. He had been requested by the City Corporation of Halifax to represent this fact to the Government to ask that the standard be reduced to not less than eighteen.

HON. MR. SCOTT said the Inland Revenue Department were opposed to make such a change, on the ground that it would be unfair to the gas companies without giving them notice. If

his hon. friend from Nova Scotia would accept of a compromise and make the standard sixteen, the Government would make the change.

HON. MR. MILLER accepted this amendment.

HON. MR. DICKEY moved that this Act shall not affect contracts for supplying gas existing at the passing of the Act. Adopted.

The Committee then rose and reported the bill with the amendments, which were concurred in.

FELONIES AND MISDEMEANORS BILL.

HON. MR. SCOTT moved the second reading of the bill introducing into the Province of Manitoba some portions of the criminal code respecting the more speedy trial of felonies and misdemeanors. Carried.

The House then adjourned.

Thursday, March 18, 1875.

The House met at twenty minutes past three o'clock.

Several petitions were presented in favor of a Prohibitory Liquor Law.

THE LAND PURCHASE BILL.

HON. MR. SCOTT laid on the table, in return to an address, copies of correspondence between the Government of the Dominion and Prince Edward Island and the Imperial Government relating to the Land Purchase Bill of 1874.

THE GATINEAU RIVER BOOMS.

HON. MR. READ, in rising to move the motion in his name, said he had been led to believe there would be no objection to his proposition, and, consequently, would simply move, seconded by the Hon. Mr. AIKINS, for the appointment of a Special Committee to enquire into all matters connected with the construction of booms, piers and other works on the Gatineau River during the spring of 1874, with power to send for persons, papers and records.

HON. MR. SCOTT had no objection to the address passing. Tenders for the work were called for, and those that came in within the time limited were considered. Others came in after, which were, of course, not entitled to be considered.

The motion was adopted, and a Special Committee was appointed, consisting of Hon. Messrs. Flint, Bureau, Chaffers, Benson, Cornwall, Botsford and Read.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. DICKEY said he presumed the first part of his motion on the subject of any applications from the French Cable Company, to the late Government, was rendered unnecessary by the papers which had been laid on the table. He would like to be informed, however, whether any papers could be produced on the subject of the second clause of his motion, touching any despatches between the Government of the Dominion and Colonial Secretary, and all legal opinions with regard to the Marine Electric Telegraphs Bill, passed last session. With respect to the first part of the motion, since the House last met, he had ascertained by telegraph that there really was a written agreement between the City of Halifax and the French Company, authorizing them to lay their underground cable through its streets, and also a regular indenture giving this company power, through the Secretary of War in England, to land their cables at Point Pleasant, on the ordnance lands of the Imperial authorities.

HON. MR. SCOTT—What is the date of the agreement?

HON. MR. DICKEY—13th of January, 1873, for Halifax, and the date of the indenture with the Secretary of War, 20th March, 1873. The indenture also granted leave to erect a testing-house on the ordnance property, for the purposes of the cable. The leave granted by Halifax was acted upon, and the underground lines were carried, after the necessary excavations were made, a mile or two into the city of Halifax. Subsequently, the company changed its plans and removed the shore end of the cable from this place, deciding, instead of landing it there, to carry it to the shores of the United States. They laid their shore cable, or land line, through the streets of Halifax, where it remains to this day. They carried their direct cable to the New England coast, instead of landing at Halifax,

and landed the cables at Sydney, Cape Breton, from St. Pierre, which still held and were used in transmitting messages across the Atlantic. There was such an agreement, and it was acted upon. If Ministers declared there were no other papers but those mentioned, he would not press the motion; but if there were, and Ministers were not in a position to make the statement, he would ask that the motion be amended so as to include any letters and telegraph despatches that had not been laid on the table.

HON. MR. SCOTT said there were none except those brought down. There were no papers in the Privy Council but those relating to the disallowance of the bill of last year. He did not think his hon. friend's explanation improved his case, as it appeared that it was after the Company had been notified that they had no power to land that they did land, and enter upon other operations. That they had no power was the opinion of Sir John Macdonald, and that they could not have, except conferred by Act of the Dominion Parliament. After that announcement the Company seemed to have given themselves no further trouble, but to have taken the law into their own hands, made arrangements with private parties, and landed their cables, and this with full knowledge of the consequences.

HON. MR. DICKEY replied that the opinion of Sir John was given with regard to the question of private lands, and not of public lands, under the control of the Imperial authorities. The hon. gentleman would surely not say the British Government had no power with regard to the ordnance lands, which they owned, for the purpose of landing a cable on them. If so, why was it that all the legislation of this country could not force a way through the dockyard of Halifax, Imperial property, for the Intercolonial Railway. The Canadian Government could not touch it, because it never was conceded to this country. It was conceded to the Sovereign, whose property it remained to this day; and surely our inability to go upon those lands, when we had power, by legislation, to cross the lands of private individuals, proved there was a distinction between private

and Imperial rights in matters like the present. The moment the French Company ascertained their application for leave to land at Halifax was refused by the Canadian Government, they communicated with England, to know the exact state of the case. The result had been put before the House by the papers produced. Instead of these people going on with their operations at Halifax, after they found their application was rejected—that they were wrong, and had no power to land—they did the reverse. They did not infringe upon the opinion of the Premier, but went to the British Government for authority to land their cable—a great international cable—upon part of its land. They procured permission to land, and did land without invading the rights of anybody.

HON. MR. MILLER congratulated the House upon the altered tone in which the hon. gentleman presented his case to-day, compared with that of yesterday. They were then given to understand that there did exist most important papers which would mark this legislation as a gross violation of precious vested rights. They all knew the contents of the papers that had been brought down. As to the agreement with the city of Halifax, to allow the land line to go through its streets, it had no more power than any private individual to confer that right. (Hear, hear.) Nor had the Secretary of War any more power than that city to give such rights in Nova Scotia, especially in face of the express legislation to the contrary—in face of the Act of 1848, assented to by the British Government, and which declared that no country, community or company should establish telegraphic stations on or upon our soil without express legislative enactment to that effect. What, then, was the value of an agreement of this kind either with Halifax or the Secretary of War. He admitted the Canadian authorities could not take the Admiralty lands without the consent of the Imperial authorities; because this Parliament could not pass an Act not liable to be vetoed by the Imperial authorities, and therefore their consent has to be obtained to the taking of their property. He thought his hon. friend (Mr. Dickey) had not improved his

case in the slightest by the manner in which he attempted to put it before the House. The Minister of Justice told the company the Government of Canada could give them no power to land their cable; and was it to be asserted the Secretary of War had any more right to interfere? His hon. friend said yes; but he (Mr. Miller) trusted this doctrine would not be maintained by any party in this House. In face of the opinion of Sir John Macdonald, the Minister of Justice of that day, the company landed in Cape Breton—not on the Admiralty property. If there was any permission granted by the Secretary of War, it had been lost by non-user; and the company had landed their cable where they had no right whatever.

HON. MR. PENNY said his hon. friend from Nova Scotia stated the French Company had obtained permission from the British Government to land their cable in that Province. If that Government had the right to grant this leave, we could not dispute it or affect it in any way by the present bill. In that case, we could go on with perfect safety and pass this measure, and there was no good ground for the hon. gentleman's opposing it. (Hear, hear.)

HON. MR. DICKEY, in reply to his hon. friend who spoke lately (Mr. Miller), said, as to the argument touching the Imperial Government's power to veto any such legislation as would affect the Admiralty, or any other property it owned, it was well known the Intercolonial Railway Act gave the most extensive powers expressible in language, and yet that Government assented to it as well as all other railway acts. After the explanations of the Secretary of State, he (Mr. Dickey) would not press his motion.

The House then resolved itself into a Committee of the Whole on the Marine Electric Telegraphs Bill.—Hon. Mr. Shaw in the chair.

HON. MR. SCOTT moved the adoption of the first clause.

PERSONAL—THE RIGHT OF VOTING.

HON. MR. RYAN wished to submit to the House what was, perhaps, a matter personal to himself. He did not know what the rules of the House

were on the subject, but it had been intimated to him that being a shareholder in the Anglo-American Company, and this bill, if passed, being calculated to affect that company very materially, it was a question whether he had a right to vote on this bill. If he had not such a right he would be very sorry to vote contrary to any rule of this House, and he wished to have the opinion of the House upon the subject. He had looked up some authorities on the subject and it appeared to him rather a doubtful case. The hon. gentleman proceeded to read from May's "Parliamentary Practice" on the subject, and then went on to say that after reading these precedents he thought it but right to acquaint the House with the circumstance that he was a shareholder in that company, whose interests would be affected by that bill. He wished to lay the matter before the House to take any step they might think proper on the subject.

HON. MR. BUREAU thought the customary plan in such cases was to leave the matter to the decision of the Speaker. He recommended that Committee should rise in order to submit the matter to the Speaker.

HON. MR. DETELLIER DE ST. JUST thought there was no need for the Committee to rise. In general, this question of the right to vote under such circumstances as those in which the hon. gentleman from Montreal found himself, was left to the honesty of the parties themselves. The matter rested entirely with the hon. gentleman himself.

HON. MR. SCOTT—No one should be a better judge than the hon. gentleman himself whether he ought to vote on this question, and I am quite sure the House would concur in any action he might take. I have always understood the rule to be that if a gentleman has a direct pecuniary interest in a measure he is not entitled to vote.

HON. MR. MILLER thought the hon. gentleman had a right to vote.

HON. MR. DICKEY thought the hon. member had taken a very proper course, and it was scarcely fair for the House to ignore his case entirely. He had placed himself in the hands of the House, and asked the House to deal with the matter. There might be other

gentlemen affected by this bill, and it would be well to come to an understanding about it.

HON. MR. WILMOT said such questions should be left to the hon. gentlemen themselves. Take the case of bank bills; were gentlemen holding bank stock to be disqualified from voting in this House? He would leave it to the sense of honor of the hon. gentleman himself whether he should withdraw or not.

Upon motion of the Hon. Mr. SCOTT, the Committee rose, and reported the point of order to the Speaker.

THE SPEAKER—There is no express rule of the Senate on this point; but Rule 113 provides that in all unprovided cases the rules, usages and forms of proceeding in the House of Lords should be followed. The only reference which I can find in May is on page 372. In 1796 a resolution was proposed in the House of Lords that no Peers should vote who were interested in a question, but it was not adopted. It is presumed, however, that such a resolution was deemed unnecessary, and it was held that the personal honor of a Peer would prevent him from forwarding his own pecuniary interest by his votes in Parliament. There is an order of the House of Lords, No. 178, by which the Lords are exempted from serving on any Private Bill Committee where they have any pecuniary interest. But that only relates to private bills, while the present is a public bill; so that the matter rests entirely with the hon. gentleman. (Hear, hear.) I see nothing to prevent him from voting, because the resolution proposing to prevent was disallowed by the House of Lords.

The House having again resolved itself into Committee of the Whole,

HON. MR. SCOTT moved the adoption of the first clause of the bill.

HON. MR. DICKEY said that clause lay the whole question whether this Act shall be made applicable retrospectively to the Anglo-American and any Company having existing lines. This was a very important part of the bill, which had two aspects, one of its objects was to regulate generally, prospectively, the construction and maintenance of electric telegraphs, another object was a special object

affecting particular companies, while a third was embodied in the 16th clause, excepting certain companies from its operation. As to the first, he apprehended there could be no difficulty, and he should take no course that would impugn the principle of the bill. He was perfectly prepared to support the principle, namely, that it was wise that the Government and Legislature of the country should have control with regard to electric telegraphs, subject, of course, as in all other legislation, to existing rights. The exposure which he (Hon. Mr. Dickey) had felt it his duty to make, of the object of the 16th clause, in specially exempting the notorious John Young Company, had forced the Government to strike it out of the bill. (Hear, hear.) This brought him to the question of the exceptional legislation marking this measure. His hon. friend (Mr. Miller) had asserted most vehemently that the Anglo-American Company had no rights—in fact, none in Prince Edward Island—itsself. Yet we found that, under the suggestion of Earl Carnarvon, the Government here had thought proper to respect those rights, and protect them by a special clause. While that hon. gentleman was denouncing the pretensions of the company to these very rights, 200 miles of land lines along the Government railway in the island were being worked under the control of this odious monopoly. This company went to Nova Scotia, with their cables, under an agreement with the United States Company. It was argued that the United States Company had no right to connect with the cable company; but the United States Company took the place of the Government of the country in the ownership of the telegraphs. By the Act of 1848, the Government was authorised to build lines of telegraph, and, in order that competing lines might not be built without the consent of the Government and Legislature, a clause was inserted providing that hereafter it should not be allowed any company or persons to construct any telegraph without the leave of the Legislature. In 1851 certain persons were incorporated as a company, known as the Nova Scotia Electric Telegraph Company, to take

the place of the Government, and it was enacted that on that company's connecting Yarmouth, on the one hand, with Sydney, Cape Breton, on the other, they should become owners of the line from Halifax to Amherst, and should pay the Government the sum they had expended on that line, with the necessary bonus. The Government further required the company to purchase and pay for the line between Truro and Pictou, the only other line in the Province. In fact, the object of the legislation of that day was to vest all the telegraph lines with all the privileges and appurtenances for the present and future in the United States Company which, under that Act, was obliged to build lines all over the Province, and did so. He had already referred to the repeated legislative recognition of the rights of the United States Company in the Act respecting the Transatlantic Submarine Company in 1855, in the Act of 1857, connected with the New York and Newfoundland Companies, and in the Act passed in Nova Scotia, the very last year of its separate existence, 1867, which was made conditional upon the assent of the Nova Scotia Company. All these were Acts for the landing of Atlantic telegraph cables. From first to last there was distinct legislative recognition of the fact that the Nova Scotia Company had, subject to the power of the legislature, in cases of paramount importance, to establish competing lines, exclusive rights or privileges. After all these acts and everything bearing upon this question had been submitted to the late Judge Rolt, then the most eminent equity Queen's Counsel in England, for his opinion, he stated after examining all these facts, that "the Nova Scotia Company had, under the Acts referred to, the exclusive right contended for." This, therefore, was the legal position of the Nova Scotia Company; they had those exclusive privileges in consequence of this very clause which was put in as a principle of electric telegraph legislation and it was perfectly understood. When the Company took the place of the Nova Scotia Government, they had the benefit of that with other legislation. It was held by Mr. Rolt that, on

a new line being built, in the case of paramount public policy, the old company should receive consideration or compensation. It was said the Nova Scotia Company had no power to connect with the Atlantic Cable. Now, the agreement made by this company in 1855 with the New York, Newfoundland and London Telegraph Company, showed an express consent to their landing their cable on any part of the Island of Cape Breton, and building land lines through it to connect with the Nova Scotia Company's lines in Nova Scotia proper. The hon. gentleman said the Nova Scotia Company was only empowered to construct land lines. That was not the case. The 11th clause of the Nova Scotia Act of 1851, set forth that the company might "build lines of telegraph from any point or place to any place in the Province, and through, across or under any stream, gulf, strait or body of water." That was a power they might look in vain for in any other Telegraph Act except a Cable Act, and it is almost this identical language used in this very bill. This company could not in any other way have crossed the Strait of Canso, since it was a navigable water, a mile wide, with the ships of all nations passing through it. This cable was landed on a part of the shores of the Gulf of St. Lawrence, and the United States Company, having taken legal advice on the subject, assumed they had a right to connect, in that gulf, with the lines of any company coming from another part, and not interfering with navigation. They, therefore, entered into this arrangement with the New York, Newfoundland and London Company, who also acted in good faith in the matter. Under the powers granted the Nova Scotia Company, they could connect in the gulf with any cable. Could they not connect in the Gulf of Canso with a cable from any part of the world? Why not? If not, their operations would be useless, except in the Province, and they were now speaking of these very claims after twenty years' user. That was the claim they put before the New York, Newfoundland and London Company, and which satisfied their counsel of its correctness. Whether it was legal or not, the House

must admit they acted in good faith, and with a colour of right, in which they should be protected, after their enormous expenditure under it. (Hear, hear.) His hon. friend had said the New York, Newfoundland and London Company that made this arrangement was not incorporated with the object of connecting the two continents at all, and that, so far from that being their intention, the idea did not strike them, or take shape, till 1854. Why this was the very year of their incorporation in Newfoundland, April, 1854. They commenced there, went on under the Act, and, after expending an immense amount of money, they then had to go on to the larger project of connecting that Island with the United Kingdom. Their very name, "New York, Newfoundland and London Company," implied their object of spanning the Atlantic. It was scarcely for his hon. friend to deny this Company was the pioneer of marine telegraphy. He (Mr. Dickey) had stated there were several marine telegraphs before; the largest being some 140 miles, and in no greater depth of water than 30 fathoms. But the hon. gentleman could not deny they were the pioneers of ocean telegraphy. He must ask whether his hon. friend took a becoming course towards them in using the terms "rings," "wire-pullers," "greedy speculators," and "Yankee tricks." The hon. gentleman had thus taken an unfair advantage of his position in this House to attack these people in this way. He would, perhaps, afterwards regret that, in his ardour, he did them an injustice, not a tittle of evidence being shown to justify these unwarrantable assertions. (Hear, hear.) Further, he stated it was clear the company had taken the advice of counsel before the Newfoundland Act was obtained, and that he believed they had managed the Legislature in such a way as to completely overreach that Island. In 1857, two years after the first Act of Incorporation was passed, the Legislature of Newfoundland authorized the New York, Newfoundland and London Company to amalgamate with this other company. It was said that the company took good care to manipulate the Legislature of Newfoundland in

way to get the better of it, by getting the opinion of counsel beforehand. Strange to say he had himself stated that this opinion was given in May, 1867, ten years after the Act was passed. He (Mr. Dickey) believed in fact, the opinion was not given till 1873. The Committee, therefore, would see how difficult it was to deal with such distinct but most unfounded assertions, made to affect the opinion of the House in a question of this description. (Hear, hear.) The hon. gentleman partly grounded his opposition on the assertion that a telegram from Ottawa to Cape Breton cost three times as much as a message to Halifax. Suppose it were so, what has that to do with the bill? The fact was they only paid half as much more; a despatch that would cost 50 cents to Halifax costing but 75 cents to Cape Breton, the difference resulting from there being three lines to pass through. As to the position of this Company in 1857, in that year they obtained an Act from the Imperial Parliament—"The Atlantic Telegraph Act." The Company, with all its obnoxious exclusive privileges, was empowered to make arrangements with other telegraph companies and agreements with the Imperial Treasury which were made and recognized in the General Telegraph Act of 1868, and also to make arrangements with the Government of the United States, all of which was done on the faith of these Acts. Now, you were not only asked to interfere with the private rights of this company, but to break up the arrangements for carrying on telegraphic communication between the Government and people of the United States and Europe over these wires, so that you were importing into this legislation an international difficulty, as well as a mere question of the rights of private individuals. He would ask the House whether this was wise. The propriety of passing this Act, as to its general principle, was not in question. We were not discussing the principle of regulating marine telegraphs, but the propriety of exceptionally taking away the existing rights of a company. In all such legislation, the principle of respecting existing rights had been invariably respected. He meant by

rights of this company, their legal, equitable or moral rights. If they were absolute legal rights, his hon. friend himself (Mr. Miller) would hesitate to override them; but surely neither he nor the Government would desire to interfere with the existing rights of parties who had enjoyed them for the very long period of nineteen years! At present there were some six cables landed between Newfoundland and the mainland of Nova Scotia, and one cable on the Island of St. Pierre, connected with the United States on one hand, and on the other with France. He now came to the question, what ought to be done? It had been contended that Newfoundland was of a necessity, a half-way house between England and America in this marine telegraph system. That was either true or not. If it be a necessity, why propose to cut ourselves adrift from this island? If it was not a necessity, there was no occasion for this bill; that it was not a necessity, was clear as a matter of fact; for at present there was a cable with a much longer circuit, by several hundred miles, working from Brest, in France, direct to St. Pierre, and from that point to the United States. If this line could be worked, surely a shorter line, from the western coast of Ireland, could be landed at St. Pierre and carried to the coast of Cape Breton, one-fifth of the distance to the United States. Hence, there was no necessity for passing this Act, and thus breaking up the communication with Newfoundland. If only cheap telegraphy and competition was desired, it might be had by landing cables on St. Pierre, and connecting with the coast of Nova Scotia, even if it should be said the circuit between Nova Scotia and Ireland was too long, which he denied. We had now the experiment of a cable about as long that had proved a success, and which was, at one time, the only cable on which the public relied for telegraphic news between England and America for several months, while the other cables were cut. Therefore, there was no right to say we were dependent upon Newfoundland, which had its own system and policy; and if we should succeed in creating a quarrel with Newfoundland, he feared we

should not be much better off. We had fair notice in the papers on the table that it was intended to levy toll on messages over that island, which, even in case of our succeeding in obtaining permission to land and work lines across that island, would, to that extent, raise the price of our messages. (Hear, hear.) He wished to impress upon the Committee the necessity of keeping up the telegraph lines and cables we had, and, at the same time, allowing the most free competition from all parts of the world, with liberty to all to land cables in Nova Scotia. It had been said in some quarters that this Company was attempting to retain some exclusive privileges in Nova Scotia. Not at all. That Province was open to the world for cables, and would continue to be unless this bill passed; and why, in the name of competition, desire to cut off all existing cables at Newfoundland, or force the company either to do that, or give up something they have fairly acquired in Newfoundland, with which we had nothing to do except indirectly; or, on the other hand, compel them to take their cables to New England. We should thus be cutting ourselves off from a sister Province, which it was desired to bring into the Union some day. In such case the shipowners, bankers, merchants, and others in the Maritime Provinces would be dependent upon a single line, or would have to send their message through the United States, and have no means of communicating with the Island of Newfoundland except in this roundabout way. Was that desirable in the interests of this country? He held it was not; that while they required competition, which he was willing to carry as far as anybody, they did not require we should cast aside the existing opportunities for this competition, and substitute for it another monopoly. The moment we secured competition, there could no longer be said to be a monopoly, and the objection to it—even if it existed—was gone. (Hear, hear.) In this case there was no monopoly on the coast of Nova Scotia; and if competition was secured there surely would be no reason for complaint. While there was no claim of exclusive privileges here, there was no pretence for interfering

with a monopoly abroad unless there was an absolute necessity; and he had shown in this case there was no such necessity for the means of communication with Europe. Under these circumstances he contended this legislation was necessary. He therefore proposed moving an amendment, in the sense of not allowing this Act to apply to existing marine telegraph lines, in order that the question might be fairly brought up; and he did it upon the ground that, in this way, they would avoid invading any private rights, while securing the interests of the public by that competition which they all desired. Let the House say they would not interfere with existing arrangements until they saw whether Newfoundland was going to pre-empt, and that in the meantime we should avail ourselves of the means of communication with the outer world, and not cut ourselves off from any intercourse by a measure like the present. We should thus be doing what was right to the parties interested, and acting in harmony with all past legislation; we should not be setting a bad precedent of legislation, while, at the same time, we should secure what was so much desired by all—cheap telegraphy. (Hear, hear.)

HON. MR. MILLER said he did not purpose to follow his hon. friend over the whole ground he had travelled, since the prolongation of the discussion would shed no new light whatever on the subject. It appeared to him that the object of the opponents of the bill was to provoke discussion and waste time, and he would do as little as possible to aid in that respect. He was willing that his (Mr. Miller's) remarks on the second reading should go to the country, side by side with the special pleading of the hon. member, whose arguments were based, for the most part, on the most absurd assumptions. He alluded to the attempt made yesterday to put off the consideration of the bill in committee, and commented on the ludicrous figure the hon. member was placed in when the papers asked for had been submitted. He then took up several points of Hon. Mr. Dickey's speech, replying fully at some length, and citing the law and journals of Nova Scotia and despatches from the Colonial Office in

support of his position. He repeated his charge of lobbying and wire-pulling by "rings," or their agents outside the House, and he retorted keenly on this point. He read extracts from various documents, and contended that the hon. member was a very invaluable guide on the question, and apologized for occupying so long the time of the Committee.

HON. MR. DICKEY said his hon. friend had just stated that he was willing to leave his language to the judgment of this House, and he (Mr. Dickey) was willing that it should be judged by that tribunal; but he could not believe that honorable gentlemen of this House could approve of the furious tirade in which he had indulged. As to the opinion quoted from the *New York Herald*, if his hon. friend would go back a few years he would find in the *Herald* columns, articles just as strong on the other side. This, it was well known, was the character of the *Herald*. For what object this paper decried whilst other papers applauded these men, he was not here to inquire into. His hon. friend had quoted a despatch from the Duke of Newcastle, but he had quoted it unfairly, because he had forgotten to read the whole of it. His hon. friend must recollect that he (Mr. Dickey) had stated distinctly on a former occasion, that this question was not whether they had an exclusive privilege at all, but whether Nova Scotia had a right to maintain a telegraph in Nova Scotia. This despatch from the Duke of Newcastle referred to an Act which was passed in the time of the *Trent* difficulty, and consequent excitement in this country to establish a military telegraph through Nova Scotia solely for military purposes, and the Duke of Newcastle was waited upon in relation to that matter, on behalf of the Nova Scotia Company by himself (Mr. Dickey.) They took the ground that they did not claim the exclusive privilege, but an exclusive privilege that the Legislature would not interfere with them without compensation. Upon that his lordship gave no opinion; yet so tender were the Duke of Newcastle and the British Government of the rights of this company, that they never put that Act in force, and they never built any telegraph line. (The hon. gen-

tleman here proceeded to read from the despatch of the Duke of Newcastle, to show his Lordship's consideration for the rights of existing companies.) He (Mr. Dickey) hoped the action of this Parliament would be equally honourable with that of the Duke of Newcastle in respecting the rights of the parties interested. His honourable friend had challenged him to notice the opinion of authorities given in another place. All he would say about that was this—those gentlemen gave their opinion and he gave his, and it was not the first time, as the House was aware, that he had been obliged to differ from those gentlemen, and had turned out to be right, at all events, in the estimation of high authority. They gave their opinion upon all the evidence they had before them, but they had not all the evidence which was now before this House. They had not all the facts, and if they had been in possession of all the facts, he doubted if any one of those gentlemen would have said that this company had no rights which ought to be considered and protected by the Legislature of this country.

Upon the question being called for the adoption of the first clause, Hon. Mr. Dickey said he would submit his amendment in another section, and the first clause was carried.

The succeeding clauses up to the 12th were adopted without discussion.

On motion for the 12th clause,

HON. MR. KAULBACH remarked that no provision was made for reducing the rates.

HON. MR. SCOTT said he had consulted with his colleagues, who thought it would be unwise at present to introduce such a clause.

HON. MR. SMITH said there was nothing to hinder the company now applying for a charter to amalgamate with the other company and raise the rate to a dollar a word.

HON. MR. LETELLIER DE ST. JUST said lower rates would inevitably follow from competition. It would be in the interest of new companies to underbid the old ones for public patronage.

HON. MR. KAULBACH moved that after the word "Company" in the 26th line, be inserted "Not exceeding the rate of fifty cents per word."

HON. MR. DICKÉY thought this bill was wholly in the interest of a rival company. (Hear, hear.) At this moment the Anglo-American Company were preparing to reduce their rate. They now sent a message to any part of England at a fixed rate and paid the companies themselves. They proposed to do it at fifty cents a word and pay the companies here. If this amendment should not be carried, he would propose an amendment like this, that the cable rate should be limited. He had seen a suggestion in certain leading journals in this country that the rate should not exceed twenty-five cents a word.

HON. MR. SCOTT said when this question was before the Committee he thought it was due to gentlemen representing a rival interest in cables to ask their opinion. The gentlemen who were present on the part of the Direct Cable Company immediately said that they were prepared to accept it. The gentlemen representing the Anglo-American Company declined to accept it.

HON. MR. MILLER was opposed to the amendment, as it was opposed to the principle of leaving the thing open to competition, which would reduce the rate much below fifty cents, whereas by this clause they might keep it always up to fifty cents.

HON. MR. BROWN was surprised to see hon. gentlemen opposite so willing to attack the privileges of these companies who had just before been saying that this bill was a great interference with their vested rights. He thought the amendment was not safe; the companies might conspire together to keep the rate up to fifty cents. No one could tell what the companies might do; therefore let us throw this open, let us break up this monopoly. It would be far better in the interests of the public that the matter should be left open to competition upon the free trade principle.

HON. MR. SMITH explained he did not ask that the rate should be fixed, but merely that it should not exceed fifty cents. The present company had given no notice that they could not take messages for that price, therefore we were not interfering with their rights in any shape. They could bring the

rate down to fifteen cents a word if they saw fit. He did not wish to see the Dominion imposed upon by any amalgamation, and now was the proper time to fix a rate which could not be exceeded.

HON. MR. PENNY thought the object of this bill was to do away with the monopoly. For himself, he believed in free competition. Where we had free competition we had things at the lowest paying prices. He was not in favour of putting a maximum rate, because this was a thing that would work itself out in the course of trade. It was said that perhaps these two companies would amalgamate. Suppose they did; suppose they put up their rates to a high figure, a great many new companies would be formed to share their advantages, and the inevitable result would be competition and a reduction of rates. This amendment did not propose to touch the Anglo-American Company at all, but it proposed to limit everybody else. It seemed to him that the true way was to leave all this thing to take its own course. His hon. friend opposite talked about Government being able, by some favouritism, to license one or two companies under this bill, but that hon. gentleman knew perfectly well that the Government could not favour any company. Every company that complied with the conditions could get a charter. No one imagined that Government restricted this to one company or to two companies.

HON. MR. DICKÉY—It was to prevent Government from favouring any company that we propose to put it in the bill.

HON. MR. PENNY rejoined, that Government had nothing to do with fixing the tariff. If this bill passed, any company starting and complying with these conditions could get a charter.

A POINT OF ORDER.

HON. MR. BUREAU rose to a question of order. He contended that such an amendment could not be put, as it imposed a certain rate per word on telegraph companies for transmitting messages, a function that belonged exclusively to the House of Commons. He therefore moved that the Committee

rise and report the point of order to the Speaker. Carried.

THE SPEAKER, having taken the chair, said the question raised by the hon. gentleman he understood to be in reference to the amendment proposed in Committee of the Whole, to the effect that a rate not exceeding fifty cents a word be the rate. His opinion was that the Senate had not the right to impose rates or taxes, this being solely the prerogative of the House of Commons. In support of his opinion the hon. Speaker read from May's "Parliamentary Practice."

HON. MR. BOTSFORD begged to differ from the opinion of the Speaker. This bill did not propose to put any tax upon anyone; its operation would be rather to prevent this or any other company from imposing burthens upon the people of this country. The late practice in the English Parliament had been for the Commons, in many instances, to permit the House of Lords to amend bills which related to taxation. In fact, the Commons in England had given up the extreme privileges which they claimed in former years. He thought this Senate should hold all the rights which belonged to it.

HON. MR. BUREAU said this House could not even establish a toll tax on a bridge; how then could it pass the amendment proposed?

It being now six o'clock, the House resolved itself again into Committee, in order to report progress and ask leave to sit again, and it was resolved that the consideration of this bill should be the first item on the Orders for tomorrow.

The House then adjourned.

Friday, March 19, 1875.

The House met at three o'clock.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. SCOTT moved the House go into Committee of the Whole on the Marine Electric Telegraphs Bill, as amended in the Committee on Banking, Commerce and Railways.

HON. MR. BOTSFORD said the question of order raised yesterday as the rights and privileges of the House, had not been decided.

HON. MR. BUREAU said he withdrew the question.

The House then resolved itself into Committee of the Whole—Hon. Mr. Shaw in the chair.

HON. MR. DICKEY said his construction of an article in the *Toronto Globe*, on the subject of the rates for cable messages and the proper policy towards such companies, was disputed yesterday by the hon. member, not now in his place, Mr. Brown. The article appeared on the 27th of February, and after saying the present Telegraph Company could not maintain their monopoly, it went on to advise: "Let it reduce its rates still further, and let Canada insist on no higher charge being made by any company than, say 25 cents per word, and then, whether there be one company or ten, it will matter little to the general public." (Hear, hear.) The article added: "At the same time it would not do to let the present opportunity pass without making sure that the public should, for all future time, be guaranteed against exorbitant charges." (Hear, hear, and laughter.) Further, we are told, "When extravagant charges are impossible, the great temptation to coalition is withdrawn, and the great evil of such coalition is obviated." This article, besides sustaining the position he (Mr. Dickey) took yesterday, went a great deal further, because it implied the present company had an enormous advantage over others in doing business, and, if it had, it showed the utter folly and absurdity of our wiping them out of existence, and preventing the country from having the benefit of their competition. This editorial went a great deal further, and showed that if this change was to be made, it was to be now or not at all.

HON. MR. ALEXANDER was surprised that the promoters of this bill, who professed themselves anxious for competition and cheap telegraphy, should oppose the amendment before the chair—that the maximum rate should not exceed 50 cents per word. Without it, what was to prevent the Direct Cable Company, or any other, arranging with the Anglo-American to fix any rate they thought proper?

HON. MR. MILLER said at first he thought this a very reasonable and

desirable amendment. (Hear, hear.) But when he saw, afterwards, the warmth with which it was advocated by the foes of the bill, he became suspicious as to their objects, and as to the probable effect of this amendment on the ultimate fate of the measure. He would not wish to do anything that would cause its rejection by the House of Commons. Representatives of the Direct Cable Company expressed themselves perfectly satisfied this maximum rate should be established. There was a very serious question at the back of all this; by the 18th clause Parliament was to bind itself to compensate the Anglo-American Company for any interference with their rights. At present it could charge what it liked for messages. He was informed it had given notice of its intention to reduce the rates on the 1st May next, to 50c. a word; but we had no official notification of this purpose; and before that date the company might say that, no further investigation, they could not make that reduction, or to less than four or five shillings. In addition it might be alleged, after competition had commenced with a consequent loss of business, that it had been caused by the reduction to 50 cents, and they might under this clause, claim compensation from Canada. He did not mean to say this might be the legal effect of the amendment, but he feared it. He thought the House would hesitate before putting the Government in the position of being called upon—not one year only, but year after year, as long as the Anglo-American Company existed—to pay large sums in damages, in consequence of this limitation of their tariff. The amendment might have other undesirable effects. For these reasons, although he would prefer the maximum fixed at fifty cents, however contrary to the principle of the bill, which designed to encourage competition, to avoid exposing Canada to serious claims for damages, and rather than endanger the bill, he would accept it as it was and vote against the amendment.

HON. MR. READ said if there was no other reason for his voting for this amendment, one would be found in the opposition to it of the parties inspiring

this bill. (Hear, and laughter.) Other parties were inspiring it besides members of the House. Another reason lay in the question—what excuse could we give to the tax payers of the country for the large amount of damages that might be imposed upon them by the passing of this measure? He quoted remarks of the Secretary of State, when the House was going into Committee, on a former occasion, to show that, under the bill, more than one company might claim damages. He thought Canada should not have to pay for the reduction of telegraph rates to all the people of this continent. If this amendment was objected to, he thought the title of the bill should be changed to “A bill for stock jobbing operations.” He had no doubt fortunes were being made out of it.

HON. MR. BUREAU said that since this clause had been introduced by an adversary of the bill, the House might reasonably suspect that something extraordinary was contemplated. It was necessary to bear in mind the difference between English and American legislation. In the former, whenever the interests of individuals were touched in any necessary legislation, the right to an indemnity was always acknowledged, but the rights of individuals were never allowed to stand in the way of the public necessities. In the United States, whenever a private company acquired rights it was much more difficult to interfere with them. The hon. gentleman proceeded to read from a decision of the Lord Chancellor, who laid down the principle that Parliament has the right to change, alter or abolish the rights of any company, but only on condition of giving compensation. He (Mr. Bureau) characterized the amendment as contrary to the spirit of the bill, and might have unfortunate consequences. He hoped the House would not consent to an amendment so unjust and so contrary to the general tenor of the bill.

HON. MR. MACPHERSON said he believed the object of the supporters of the amendment was to limit the cost of telegraphing by the cable, but he feared it might have the very opposite effect. He was free to admit that nothing Parliament could do could prevent the two companies, or any num-

ber devising means of uniting. Now, if we fixed a low maximum rate, we might deprive ourselves of the only remedy against the continuance of a monopoly—that was the establishment of a new company, and healthy competition, the only sound way of establishing a true rate—that was fair compensation for the work. He had no faith in any other mode of keeping down rates, and competition could only be secured by leaving the companies perfectly free to charge what they saw fit—namely, the lowest possible charge that would pay; below that we could not expect rates to be brought. The Anglo-American had promised to reduce their charges 50 per cent. next May. That might be an experiment; they might find them too low, and were they to be prevented, even if we had the power, which he did not believe, from raising their charges if they should find it necessary for fair compensation. Surely not. He thought the passing of this amendment might interfere very seriously with the carrying out of the objects of the bill, and would, furthermore, be an infringement of sound commercial principles which we ought to avoid committing ourselves to in this House. He hoped the amendment would not pass.

HON. MR. WILMOT said he was decidedly in favour of putting in this restriction.

HON. MR. McLELAN opposed the amendment, which would, he believed, conflict with the original object of the bill, and tend to render it ineoperative. The object sought—cheap telegraphy—would best be secured by free trade, nor did he think that restricting the charges on telegraphy would reduce its cost.

HON. MR. KAULBACH said the object of his motion was to promote cheap telegraphy, and protect the public against imposition. He read the article on this subject in the *Globe*, inspired, no doubt, by the hon. gentleman sitting opposite me, and his remarks fully agreed with his own views. The article not only favoured the fixing of a maximum of twenty-five cents instead of fifty cents, but the encouragement of competition in every way. Now, this company, speaking

from long experience, after having accomplished so much in telegraphy that was beneficial to the world, declared they could send messages for fifty cents a word. Their policy had been one of gradual reduction, in accordance with which this last change was to be made—and not, as unfairly imputed, because of the prospect of competition through this bill. The company should be the best judges of what they could do the work for. They had studied their own interest, no doubt, in making these reductions. He was surprised how some hon. members could have changed their views as to the propriety of this amendment since yesterday. His hon. friend (Mr. Miller) had argued this company had no vested rights, and now objected to this amendment—having changed his mind in a day—on the ground that it would enable them to obtain cumulative damages. If they had no rights, why fear damages? (Hear, hear.)

HON. MR. MILLER—You are going to give them a right.

HON. MR. KAULBACH—The question of right must be settled before an action for damages could be instituted. The hon. gentleman had gained nothing by his change of opinion. The first view was more in the direction of the public interest. We had a duty towards this company which had done so much for the country. They should be fairly and justly dealt with, which would not, or need not, prevent competition. Both companies would probably carry on operations. He contended that it was the duty of Parliament, in the public interest, to prevent either company charging more than a maximum rate.

HON. MR. DICKEY replied to the arguments of Hon. Mr. Miller and other opponents of the amendment.

HON. MR. BOURINOT said when the bill first came from the Commons he supported it, and would support it now, but he had stated the maximum charge ought to be limited to fifty cents. He had heard nothing to convince him that he was wrong in taking that view, which he still entertained, and should vote accordingly.

HON. MR. BENSON said he had not heard enough to change his opinion in favour of a maximum rate, but would

not vote for anything that would imperil the bill, and, seeing the earnestness of its opponents in their advocacy of the amendment, he doubted the prudence of accepting it. He would give no vote that would endanger the bill in any respect, and for that reason would vote against the amendment.

HON. MR. TRUDEL replied to the remarks of the hon. gentleman who had spoken in French (Mr. Bureau). He could not understand that hon. member's argument that this amendment would have the effect of obstructing or killing the bill. The principle question discussed was as to the power of this Legislature to take the means recommended by the advocates of the bill to put an end to a monopoly, and, if it was, was it in the interest of the public to do so? It was held by the hon. gentleman opposite that the bill might be passed without injury to the Anglo-American Company, but this was inconsistent with the views of himself and his friends on this question, who professed their anxiety to abolish a monopoly, which was sought by practically telling the company—"if you don't renounce the privilege you enjoy in another country, we will take away the rights you enjoy in the Dominion." He thought, as to the question of damages, Canada would run much less risk in fixing a maximum tariff than in refusing the company permission to land on her shores, unless they abandoned rights elsewhere. Establishing this maximum seemed a surer mode of reducing tolls than encouraging a new company which would have to sink millions in laying cables and other works, and make enormous efforts and sacrifices to beat or compete with the present powerful, well-established company. It was evident that when four shillings a word was necessary to pay a modest dividend on six millions sterling, a larger price would be necessary to afford a dividend on eight or ten millions that might be required by a rival company. The public business would be required by the heavy rates needed to produce returns upon this enormous capital. He contended there was no reason to doubt the statement of the present company's intention to reduce the charge to fifty cents in May. There was a contradiction between the

allegations that this company was very rich and powerful, and that it was not able or likely to make this reduction. Considering the principle of this legislation was not sound or wholesome, he believed it his duty to vote for the amendment, which would improve the bill, should it pass.

HON. MR. GERARD said that, though at first in favour of the amendment, he now thought it would be imprudent to adopt it, as it might lead to excessive claims against the Dominion for damages. Let them wait for the promised reduction by the company, and not risk demands for compensation for loss by a compulsory reduction.

HON. MR. LETELLIER replied, in French, to HON. MR. TRUDEL, denying his assertion that the bill would have the effect of destroying the rights of the Anglo-American Company. The law of the Dominion did not authorize them to land on our shores, nor confer more rights than any other company was entitled to. This company had a monopoly, however, in Newfoundland and the Government deemed it their duty to say to the company—"if you don't consent to place other companies in the same position on that Island, you shan't have the right to use our shores." The hon. gentleman went on to reply to various remarks and arguments hostile to the bill, contending that the present company, by reason of its long existence, experience and extensive business, had an advantage over any new companies, and had no reason to competition, or make excessive demands upon the Dominion. He said the Government had endeavoured to meet the wishes of the House in every way, by the utmost latitude to the advocates of the company's claims, by frequent delays, and by the concession of certain amendments designed to protect every existing private right. He thought it was now the duty of the House, in the public interest, to pass this measure, which had been agreed to in Committee, without further opposition or loss of time.

HON. MR. DEVER said he rose to say he opposed this amendment, as he thought every hon. member should who was consistently in favor of the principle of free trade in telegraphy on either side of this question. From his

standpoint, he thought the amendment, if carried, would destroy all chances of the formation of companies in other countries more distant than Great Britain; and he appealed to the Opposition, was not the object to destroy the whole force of the bill and leave it worthless to promote free competition, which every member professed to have no objection to. In fact, he could not believe that the gentlemen who gave such valuable information on the history of submarine telegraphy before a Committee of this Chamber, and who are in opposition to this bill, could feel other than that, even from their own showing, no injustice is being done them by securing to our own people what belongs to them justly. He would further say, that he felt satisfied no loss could be suffered by those people, as alleged, having the Government of Newfoundland, the mother country, and our own Government to fall back on, for any proper grievances they could make out. He therefore would vote against the amendment, and hoped the bill would pass, as he certainly believed no injustice could be done to anybody, from all he heard.

HON. DR. CARRALL briefly stated his reasons for opposing the amendment, fixing the maximum charge per word at fifty cents.

The Committee divided, when it was lost:—Contents, 16; Non-Contents, 38.

HON. MR. SCOTT then moved the adoption of the 12th clause, which was carried, and also the 13th. He then moved the 14th clause with the amendment agreed to in Committee some days ago, requiring as a preliminary to action under this provision, the publication of the Order in Council in the *Canada Gazette* for three months.

HON. MR. ALEXANDER said there were two ways of abolishing this monopoly and securing free trade in telegraphy, which they all desired—one a reasonable, fair and honorable way, and the other the contrary. He went on to argue that the whole power of dealing with this question rested with Newfoundland. After the efforts of this Dominion Legislature, in the face of the exclusive rights granted this company by another colony to do away with its privileges, could we blame

Newfoundland if she determined to stand on her right and act solely with a view to her own commercial interests, independent of Canada altogether? We might, by this legislation, provoke Newfoundland to put a heavy toll on the company's messages or exact a portion of its earnings. Should we act thus towards the company before another was established, and if another could not get powers from Newfoundland, of what use was the bill? He thought the Government had made a great mistake in regard to this bill, which was one neither fair nor creditable.

HON. MR. LETELLIER — (Hear, hear.)

HON. MR. ALEXANDER proceeded to remark that the fair, just and honorable course for Canada would have been to propose to the Mother country and the United States that the three should treat with Newfoundland and the company, with a view to a reasonable proposition for the settlement of the difficulty, and for free trade in telegraphy. They should strive to maintain the honor and reputation of this country for justice, and to imitate the example set by England. The Government should withdraw the bill till next session. (Ironical cheers and laughter.) At any rate he would favor a compromise—something to counteract the evil effect of this clause. (Hear, hear.)

HON. MR. LETELLIER replied to the last speaker, saying the numerous regrets to which he had just given expression would have to be increased by a fresh regret, arising from the Government's determination not to withdraw the bill.

In reply to HON. MR. DICKEY,

HON. MR. LETELLIER said if the bill passed through Committee to-day, Government intended moving the third reading to-morrow unless the House objected. On the motion for third reading his hon. friend (Mr. Dickey) or any other hon. member would have the opportunity of proposing any amendment or recording his vote.

HON. MR. READ strongly deprecated any infringement or disregard of the vested rights of the company in this case, and cited the action of the British Parliament on a similar occasion to show its keen appreciation and

liberal recognition of private rights when the claim of the parties interested was presented.

HON. MR. VIDAL said he would like, not in an unfriendly spirit to the Government or the bill, to call attention to what appeared an omission, which, if it was, could be remedied without difficulty or delay. Possibly it was the intention of the framers of the bill to exclude from its provisions any company desiring a charter of incorporation from Newfoundland; at any rate, should such company exist, it was entirely prohibited from coming under any of its provisions. This appeared to him an omission. Companies with charters from the Dominion, from any of its Provinces, or the Imperial Legislature might take advantage of the bill, but not any possessing a Newfoundland charter.

HON. MR. SCOTT—Yes; they also could come in; there is no difficulty in applying for a charter. Anybody could obtain one.

HON. MR. VIDAL—But why should Newfoundland be excluded in that very direct and marked manner from the privileges granted to the other Provinces of the Dominion?

HON. MR. SCOTT repeated there was no obstacle to any such company availing themselves of the bill, to which he saw no objection on this ground. Getting a charter would depend upon a very small fee.

HON. MR. VIDAL said he would like to see where or how a Newfoundland company could come in under the bill. Any Imperial organized company would come in, but he could not see any reason for a company outside the Dominion, not so organized, having to apply by petition. He thought leaving a distinction of this kind was a serious omission, at least.

HON. MR. DICKEY said the 15th section, under which companies might be incorporated, seemed to be confined to companies authorized by any special Act of the Parliament of Great Britain. The 15th clause did not, apparently, provide for any cases of incorporation except those therein specially mentioned.

HON. MR. SCOTT—The hon. gentleman desired that any company incorporated in Newfoundland, should be

placed in the same position as those companies referred to in the fifteenth section. (Hear, hear.)

HON. MR. VIDAL—Yes.

HON. MR. SCOTT—I see no objection at present. I will consider the clause, though I see no reason for the change.

The fourteenth clause, as amended previously, was adopted, as also those following, and the preamble, when the Committee rose and reported the bill with amendments, which were concurred in.

The bill regulating Gas Inspection was read a third time and passed.

THE NORTH-WEST POLICE.

HON. MR. SCOTT, in moving the second reading of the bill, explained that it was to regulate the police of the North-West Territories, more effectually to prevent desertions and to prevent the men from obtaining spirituous liquors. It also gave to minor officers, in certain cases, powers attaching ordinarily to stipendiary magistrates.

The bill was read a second time.

THE IMMIGRATION AMENDMENT ACT.

On the order for the second reading of the bill amending the Immigration Act,

HON. MR. LETELLIER DE ST. JUST said that by the Immigration Act of 1852 there was a provision made by which a capitation tax was charged on every passenger coming into the ports of the Dominion. But when Government determined to abolish that tax the inter-oceanic companies combined together and had raised the rate of passage to £6 6s. When the Government found the companies acting in this manner, they concluded to take steps to secure a reduction in the rate of passage, and so as to facilitate immigration to this country, an arrangement was entered into with members of those companies, which was of a confidential character, but by the arrangement it was provided that the capitation tax should be abolished in Canada, and that a certain sum should be paid to reimburse the companies who had paid the capitation tax after 1872, and in consideration of this compensation, the rate for passengers was to be reduced to £4 15s. Un-

der these terms emigrants were carried by the Canadian companies into our Dominion ports. At the same time, he found that these companies were trying to form new combinations. The American companies were unwilling to reconstruct an association, and the Canadian companies—the Allan, the Dominion and the Temperley lines—proceeded to form a new combination to increase the rates. Under the arrangement made with the companies last year, emigrants were offered a passage to this country at the rate for laborers of £2 5s., and that for others better able to pay, £4 5s. It became consequently his duty as a member of the Government, to see that the promises made in Europe to immigrants should be fulfilled on the part of this Government and its agents; and when they became aware of the intention of this new combination, they thought it their duty to take steps to prevent a rise in the rates, if possible. With this object, Government proposed to re-enact the capitation tax, which was not chargeable against emigrants, but only against the ships, because the law provided that the companies could not charge emigrants anything, except the price of their tickets. By that combination the emigrants would be obliged to pay a larger sum than that arranged for last season. The proposal of the Government to reinforce the capitation tax was sufficient to bring the Canadian companies to agree to bring emigrants for the same rate as last year. Notwithstanding this last agreement, the Government thought it prudent to have power to prevent any future combinations from conspiring to raise the rates with the consequence of diminishing emigration to this country, and this was one of the objects of the present bill.

The bill was read a second time.

Several bills were received from the House of Commons, and were read a first time

AVERILL'S PAINT PATENT BILL.

HON. MR. SIMPSON presented a petition from the Montreal Board of Trade against the bill to permit Damon Rivers Averill to take out a patent for improvement in paint.

It being six o'clock, the House rose.

OTTAWA BOOM COMPANY.

After recess,

HON. MR. SCOTT moved the second reading of the bill relating to the Ottawa Boom Company. He explained that this bill was much required. Some danger was anticipated of the booms interfering with navigation, and impeding steamers and boats, but the public were amply protected against such a difficulty by the third clause, which provides that before the Company proceeds with the construction of booms, piers and other works, the plan for such works shall be submitted to and approved by the Minister of Public Works.

The bill was read a second time.

"INTELLIGENCER" PRINTING COMPANY.

HON. MR. READ, in moving for the second reading of the bill to incorporate this Company, explained that it was urgently needed, and though it was one properly belonging to the Local Legislature, it was brought here because the Ontario Legislature does not meet again till next fall.

The bill was read a second time.

FELONIES AND MISDEMEANORS BILL.

The House went into Committee of the Whole on this bill—Hon. Mr. Allan in the chair.

HON. MR. SCOTT explained that it was a very short bill, and intended to extend to Manitoba certain provisions of the Criminal Law now applying to Ontario and Quebec, for the more speedy trial in certain cases of persons charged with felonies and misdemeanors.

The bill was reported without amendment, read a third time and passed.

THE POSTAL SERVICE BILL.

On the order of the second reading of the bill relating to the Postal Service,

HON. MR. SCOTT said this bill was of great importance to the people of Canada, and involved important changes in the postal arrangements of the country. The principal change involved was the pre-payment in all cases of mail matter. It was assumed that would be a great saving to the Department in doing away with the keeping of accounts, and it would simplify the whole work of the De-

partment. Pre-payment in all cases to be by stamps. Another feature of this bill was, that under arrangements made with the Postmaster General of the United States, all mail matter from that country should be prepaid, so that parties receiving letters or papers from across the line would always receive them free. Another important item was that making large deductions in the postage upon newspapers, pamphlets, &c., reducing the amount per pound from four cents to one cent. Publishers of journals, periodicals, &c., now had the privilege of weighing their mail matter in the aggregate, irrespective of the place to which they might be going, that is, the publisher was not obliged to weigh each separate parcel sent to each post office, but he might weigh the whole together, and pay the aggregate weight. Another feature was the return to the sender of all letters not taken out of the Post Office within a certain time. Heretofore the practice had been to advertise the uncalled letters, and after a certain period they were sent to the Dead Letter Office and destroyed. But hereafter, if the letter is not called for within a reasonable time—two or three weeks—it is sent to the General Office, there opened, and returned to the sender. He believed the Department would ere long introduce the custom now prevailing in the States of having printed directions on the outside of the letter to return the same to the sender if not called for within a reasonable time. Under the old system the advertisement of letters not called for cost at least \$10,000 a year, which would be saved under the new system. Another important feature was the free delivery system, extending only to cities. This experiment entailed considerable expense, but it was thought the advantage to the people would be very great, and the Postmaster General now believes, from the experience already gained, that within a few years the system would amply repay the increased expense.

HON. MR. READ asked if the Government did not intend to extend the free delivery system to other places. He thought at least the towns ought to be included in the arrangement.

HON. MR. SCOTT replied that it

was not intended to extend the system at present beyond the nine cities of the Dominion, namely, London, Hamilton, Toronto, Kingston, Ottawa, Montreal, Quebec, St. John and Halifax. He had no doubt, however, that before long the system would be extended to towns.

HON. MR. BOURINOT thought the bill would be a great boon to all the people of the Dominion. He had been for many years a member of the Post Office Committee in Nova Scotia, and was gratified to see that many of the provisions embodied in this bill had already been for some years prevailing in that Province, as for example, the free delivery in towns. He would like to have seen a provision establishing a system of money order offices with the United States, and he was aware that several attempts had been made on the part of this country to get such an arrangement, but the Washington Government had declined to meet them. With regard to the pre-payment of letters exacted by the bill, he thought it might bear rather hard upon some people, particularly in the country where from carelessness, or ignorance of this provision of the law, pre-payment might be neglected. He would prefer to see the duty on newspapers entirely abolished. He considered them as the handmaid of education among the great promoters of civilization, and they ought not to be taxed. He trusted that by and by the Government would see its way clear to remove that tax entirely.

HON. MR. WARK highly approved of the bill, which contained improvements he had vainly urged some years ago in the old Act. With regard to unstamped letters, he thought they ought to be opened at once in the office where they were mailed, and returned to the sender, instead of being sent away to the Head Office. He scarcely thought the present very light impost on mail matter could be called a tax on newspapers.

HON. MR. KAULBACH said it was a wrong principle to tax newspapers. The revenue derived from that source was so small that it ought to be wiped out.

HON. MR. McLELAN thought the bill was an admirable improvement in

post office arrangements, and was glad to see that improvements suggested eight years ago were adopted in the present bill. As to the tax on newspapers, he considered it quite fair. There were such immense quantities of them carried through the mails that they ought to contribute something towards paying their transportation.

HON. MR. FLINT was opposed to any tax whatever on newspapers, and considered the revenue from that source so small that Government could well afford to dispense with it. Moreover the exaction of prepayment by the publisher would have the effect of causing them to send the papers to their subscribers by some other means than the Post Office carriers. For instance, the *Globe* and *Mail* of Toronto were almost entirely carried to subscribers' offices by express agents and stage drivers, and had very little to do with the Post Office Department. And in the case of many country publishers, whose receipts were small, they would generally seek some other way of sending their papers to subscribers in order to avoid the postage. He was in favour of making the subscribers pay the postage on newspapers, but would like still better to see newspaper postage abolished altogether.

HON. MR. SMITH remarked that it was a great hardship on publishers to make them pay the postage on their own newspapers while, as is often the case with country papers, they lose their subscription into the bargain.

HON. MR. MACPHERSON said the postage on newspapers had been greatly reduced, and he did not see why the Post Office Department should be expected to carry newspapers free any more than letters. The whole charge of the Department was made as moderate as it was possible to be, and he did not think the carriage of newspapers ought to be made a burden upon the general revenue of the country. He asked whether it was necessary to prepay mail matter coming from the United States?

HON. MR. SCOTT—In all cases; and the same on mail matter going from here to the United States.

HON. MR. READ said this bill was in the right direction, and he had been looking forward to it for years. But

the free delivery system ought to be extended to towns as well as cities. The postal delivery of letters was one of the greatest luxuries that could be given to the people. In England this system prevailed throughout the whole country, in rural parts as well as in cities.

HON. MR. LETELLIER DE ST. JUST called attention to the 34th clause, which provided that the Postmaster General might extend the free delivery system wherever and whenever he deemed it expedient.

HON. MR. BROWN though the country was greatly indebted to the present Government for this measure, which was as much in the interest of the publishers as of the people. He did not see why newspapers should be carried for nothing any more than letters, and thought Government had fixed the rate of postage upon newspapers at a correct and reasonable figure. He apprehended that the deduction made on postage would eventually produce as much revenue as the Government had before, by encouraging increased use of the mails. Under the present system of charging newspaper postage a great many small sums were lost in each office. The bill was a great boon to the journalists. All Canadians in the United States would now have largely increased facilities for subscribing to Canadian journals. The Post Office Department was doing well in confining the free delivery system at first to the cities.

HON. MR. BENSON wished that towns of ten thousand inhabitants should be included in the free delivery system; that would include only about three more places. He suggested to the Government an amendment to that effect.

After some more discussion, the bill was read a second time.

UPPER OTTAWA BOOM COMPANY.

HON. MR. SKEAD, in the absence of the Hon. Mr. Hamilton (Inkerman), explained that the object of this bill was to give the Company power to construct some nine or ten booms, at various places on the Upper Ottawa. The plans would be submitted for the approval of the Minister of Public

Works, before the works were constructed.

The bill was read a second time.

The House then adjourned.

Saturday, March 20, 1875.

The House met at three o'clock.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. SCOTT moved the third reading of this bill.

HON. MR. DICKEY said he had an amendment to propose. While the bill contained one principle with which no one in the House was disposed to quarrel—that of regulating marine electric telegraphs—it also contained two exceptional principles with which the House might be disposed to differ. The first of these was one which protected, specially exempted, one particular company from the operation of that act. He thought it his duty, on the second reading, to expose what was, to his mind, the injustice, the one-sidedness of endeavoring to exempt from the operation of the Act that particular company. The Minister of Agriculture took a very strong stand in favor of that clause, and warned the House that if they did not so exempt that company, the well-known John Young Company, the effect would be to put this country in for a very large amount of indemnity. He was happy to say the Government re-considered their position, in view of the very strong expression of opinion elicited on that point, and that the clause had been struck out. The other exceptional portion of this proposed legislation related to the Anglo-American Company, with regard to which he would only say that the arguments of himself and friends on the same side had not been answered, nor attempted to be answered. But, in order that there should be no mistake as to the position of the matter, and as to his own views on the subject, he would take the liberty of putting, in the shortest possible form, the grounds upon which he contended the Anglo-American Company had rights, and that they ought to be respected by the Legislature of this country. As to the want of necessity for this bill, the Direct Cable Company had a line at this moment to Nova Scotia, which was to be extended

to Ireland; and, after that, could it be said that it was impossible to run a line from Nova Scotia to Ireland? This cable was landed on the mainland of Nova Scotia, some hundred miles west of the point that might be reached in Cape Breton; and yet it was to be found practicable, and expected to be worked under this Act. (Having read the 14th clause, Mr. Dickey went on to say:) Under this Act, under the next clause, the Company which would be incorporated by the Government would be, practically, a monopoly, because no other Company could be incorporated by the Government, unless previously chartered in England. The effect would, therefore, be to deprive us of the free competition of any lines coming from the West Indies, Newfoundland, France, the Azores or the United States, and to make Nova Scotia a close borough; and other nations would be obliged to depend on the submarine lines running from the United States. It was provided that the companies should be allowed the benefit of the Act unless those mentioned in the first section, those entirely incorporated in Canada. The 15th section, the only one giving the Government power to grant a charter, expressly stated to what companies the grant should be made; and consequently, when a company was established under this Act, they would be masters of the situation. The provision was made worse by the fact that nothing more than a single line of telegraph wire, which might break at any moment, was required by this Act, before the present competing Company, the Anglo-American, with its five or six cables, could be stopped. Therefore, he hoped the House would see the need and force of his amendment. In the 14th clause, after the recital of the parties prohibited from taking advantage of the bill, it is provided that "nothing in this section shall be construed to prohibit any existing telegraph companies or associations from continuing to receive or transmit messages over its lines of marine telegraphs." He proposed to adopt that provision, and strike out all the words after "that" to the end of the section. That would test the opinion of the House as to whether it intended there

should be compensation or a close monopoly. The effect of this amendment would be most important in another particular. If carried, it would render unnecessary the compensation clause, which might, or might not, involve this country to an untold amount for indemnity to the Anglo-American Company. As to the amount of that compensation, he would merely repeat what an hon. member said the other day—that it would not only include the amount of loss sustained in Canada, but all that the company would suffer as regards its business all over the world. Therefore this was a serious matter. The adoption of the amendment would have only this effect—for the present it would leave this company with competition. The last clause enabled Parliament at any time to alter or amend this Act; and if Parliament hereafter thought it in the public interest to change these provisions in any way, they were at perfect liberty. But it would be a most suicidal course at present to destroy this competition, and leave us at the mercy of a single company, and possibly a single wire. Under these circumstances, he hoped the House would be disposed to press the amendment. He moved, seconded by Hon. Mr. WARK,

“That the 14th clause be amended by striking out all the words after ‘Marine Telegraph,’ in the 12th line.”

HON. MR. BOTSFORD proceeded at some length to express his objections to the bill, and his reasons for supporting the amendment submitted. He felt a strong repugnance to the principle of the measure, believing that the records of the Imperial Parliament might be searched in vain for its parallel. He was convinced, moreover, that it would not accomplish the objects of its promoters, but produce a contrary effect. Did they suppose they could in this way coerce 6,000 British capitalists, who fancied that the Act of a British Legislature, giving them privileges that induced them to risk their capital in this enterprise, could be relied upon—would not be set aside. He would have recommended the Government's approaching the British and United States Governments and the Anglo-American Company, and entering into negotiations with regard to

this matter. Why should the Dominion alone, which was only interested to the extent of three per cent. of the company's business, assume the whole responsibility of doing away with this odious monopoly as it was called? If the British and United States Governments had deemed this company an odious monopoly, would they not have attempted to abolish it? He went on to eulogize the company for their honorable conduct in gradually reducing their rates without any coercion, and in this and other ways rendering great service to the public. He denied that they had acted hostile to the interests of the Dominion and the civilized world, as some had alleged. As to the Direct Cable Company, was it not a notorious fact that its stockholders had not raised their capital on fair commercial principles—that they had paid a very large amount for this capital, which, under ordinary circumstances, subscribers should have furnished? Was it not likely that these speculators would use every opportunity to recoup themselves for their risks and outlay? The moderate character of the profits of the Anglo-American Company proved they had conducted their business fairly, satisfactorily, and to the advantage of the world. The exposure of Canada to damages for abolishing an enormous business between the two continents, only three per cent. of which she supplied, was a very serious feature of this measure. A provision should have been inserted in the bill protecting any moral or equitable rights. He did not see that the bill was much improved by the amendments. He was astonished that the Government, who were ready to give so much power to capitalists who might incorporate under this bill, were not disposed to accept the amendment, which met with the approval of the representatives of the Anglo-American and Direct Cable Companies. Why was it that when the Government proposed to assume all the burden of indemnifying this company, they did not provide for cheap telegraphy across the Atlantic? (Hear, hear.) Having refused that amendment, they neglected to ask power to control the Telegraph Companies in any form. The refusal of

the amendment placed the public in a more disadvantageous position than before, because after this no other Government would seek to modify any rates of these companies, no matter how injurious they might prove. It was clear that the favorable action of Nova Scotia and British Governments towards this Anglo-American Company, including Mr. Gladstone's permission, so late as 1873, to land the cable on the Ordnance lands at Halifax, proved they did not consider it an odious monopoly, but that the stockholders had conferred substantial benefits on the civilized world. Why should we grant this partial legislation, and hand over the dear bought privileges of this company to another, the Direct Company, whose original intention had been to avoid our shores? Why should they get these privileges without purchase—without a fair and equitable payment? He contended the bill was in the interest of the Direct Company, who, if they incorporated under it, should be compelled by this legislature to pay any damage sustained by the Anglo-American; and, farther, that this bill, if passed, would cast a stigma upon Parliament which it would take years to efface. (Hon. Mr. Letellier: Oh, oh!) If he (Mr. Botsford) voted for it, he would violate that sense of justice implanted in him, while, if he supported the amendment, he could always look back to it with pleasure.

HON. MR. LETELLIER said the amendment was, in principle, entirely opposed to the bill, and would destroy it. He denied the bill would cast any stigma upon Parliament. They could pass it conscientiously, knowing it would not injure any private or vested rights. He thought the measure had been amply discussed, and the sooner the vote was taken the better. (Hear, hear.)

HON. MR. WARK said though his sympathies were with the Government, he would have to vote against their bill. He agreed with preceding speakers, that their proper course would have been to enter into negotiations with the Governments of the mother country and the United States, when, if they agreed it was desirable to end this monopoly, they could have

been asked to assume a part of the responsibility. He would call attention to one important feature of this case that had been overlooked, namely, the interest that Newfoundland had in this question. We had here 150,000 British subjects, almost within reach of our coasts, as loyal as any people in this Dominion, or in any other part of Her Majesty's empire. He had always found them strictly honorable in all their transactions; and were we to discuss a subject in which they were so deeply interested, and never mention their name, their privileges, or the relation they bore to this country? They were our fellow-subjects, and had rights that ought to be considered. The hon. gentleman referred to the difficulty of effecting Confederation, arising out of the original unwillingness of the people of New Brunswick, Nova Scotia and Prince Edward Island—a feeling which gradually disappeared. The question had been discussed in Newfoundland, and led to the overthrow of a Government, and although there was not visible in that island the full re-action in favouring union, which took place in the other provinces, he believed it had set in. If that was the case, no better weapon for the defeat of this desirable movement could be supplied than this bill, with explanations as to how it was proposed the Dominion should treat Newfoundland. (Hear, hear.) The people of Ontario were more deeply interested in bringing Newfoundland into Confederation than any of the other provinces. Our commerce with the island amounted to one-fifth of the whole. Her exports reached a little over \$6,000,000, and her imports about the same total. If that colony was in the Union, with its industrious, hardy population, it would supply a valuable market for the lumber, the manufactures and the agricultural productions of Ontario. In 1871, we sent Newfoundland \$1,280,000 worth of our products, taking back, of hers, \$333,000, the balance being paid in cash. Unlike other peoples, they could not raise their revenue from luxuries, but had to tax the necessaries of life. We sent them from our mines, \$125,000; fisheries but \$4,000; forests, \$176,000; animals and their products, \$340,000; agricultural produce, \$595,-

000; and manufactures, \$243,600. Now, if these people were assured that their entering the Union would result in the remission of the duties on their cottons, woollens, articles of leather, and the necessaries of life, a great impetus would be given to the reaction in favor of this movement, and, probably, of the six millions now sent abroad, for the benefit of outsiders, five would be kept within the Dominion. The productions of these islanders were a cash article in almost every market in the world. If in the Union, Canada would supply them with what the United States now furnish, and, in fact, with almost everything they wanted. It was desirable to bring those 15,000 people into the Dominion, but they had rights if they never were to enter it. They gave us rights over their highways, and were we to be told they should be cut off from our coasts? They were British subjects, as well as ourselves, and had as good a right to access to our coasts, and to those of the St. Lawrence and all other parts of the Continent as we had to those of Europe. How could our Legislature put a stop to this company unless they were willing to pre-empt all its claims? Now, their lowest value was one million dollars. Were we to say to the Newfoundland people that they could not communicate with the Dominion or any part of the Continent unless they pre-empted those claims, borrowing a million for the purpose, and paying for it \$6,000 a year, or a tax of forty cents on every man, woman and child on the island? That was the question.

HON. MR. SCOTT—The property is worth the money.

HON. MR. WARK went on to point out the sympathy that must be felt on the island for this company, which, after receiving certain privileges from the island, had surrounded its coasts with telegraph wires, and in this and other ways largely increased its facilities for business and benefitted its people. Would they tamely submit to be cut off from intercourse with the other Provinces of British North America? They would not, but would make their complaints known at Downing street, where Her Majesty would be as willing to hear them as those of any of her other loyal subjects. Were

the company to be obliged to take their cables to St. Pierre, and thence to Duxborough, Mass., and were the islanders to have to telegraph away round to New England to reach Sydney, where their ships were loading, or other places almost at their doors? The whole thing seemed to him unreasonable and preposterous. He thought that if a deputation from Canada discussed the matter with the Government of Newfoundland in a friendly way, and questioned them as to whether, if assisted from outside, to pre-empt, they would be willing to do so, a satisfactory settlement might be reached, while our people would have opportunities of addressing the Islanders and making a good impression on them. But, in his opinion, the present legislation could do nothing more than cause a great deal of agitation in Newfoundland, and elicit a strong protest against it. The hon. gentleman repeated his argument that this legislation was calculated to turn the Islanders against Canada, which, by a conciliatory course and a skilful exhibition of the advantages they would receive from Confederation, might do much to bring them into the Union. He concluded by eulogizing the chief promoters of this great enterprise, and its representatives here, Lord Wm. Hay and Mr. Field, and insisting upon fair treatment of a company possessing such powerful claims upon the consideration and gratitude of the Dominion.

HON. MR. KAULBACH spoke strongly in favour of the amendment, entering into the general question of the principle of the bill and discussing the various arguments for and against it. He contended that it would be unfair in its operations to the company, and that the honor and interest of Canada demanded a different policy towards this deserving corporation. He appealed for justice to the parties interested, whose rights deserved consideration as well as those of the public. He held that this company was no monopoly, and therefore the arguments on this ground had no application; but, at all events, right and justice should be done, the legislature standing upon no legal quibble or technicality—*fiat justitia ruat cælum*.

He would be recreant to his duty if, after the rights derived from Nova Scotia, and the benefit the Province and the world derived from its operations, he should assist in cutting them off from our shores, and driving them to a foreign country. The great services of this company—their enormous risks, labors and achievements in ocean telegraphy—demanded not only just but generous treatment at our hands. The Direct Company, which would benefit by this bill, to the prejudice of the other, had no claim upon us whatever. The Anglo-American did not extort money from Canadians, having, on the contrary, been moderate in its charges, and willing to meet their wishes to the utmost possible extent. (Hear, hear.) They had disseminated intelligence in the Dominion at their own expense. They had gained rights in Nova Scotia by acquiescence and direct legislation, and those rights should be religiously respected.

HON. MR. TRUDEL proposed to deal with two questions in connection with this subject; first, were there any rights acquired by the company on our shores; and, second, would it be well for us to deal with them in the manner proposed by the bill. He contended that in the present case Government had recognized the company in a way which at least constituted an equitable right by using its cables. In a matter of this nature this House ought not to accept as final the legal opinion given in the other branch of this Legislature, but they ought to be guided solely by their own sense of right and justice in this matter. He did not say this in any way to disparage the eminent legal attainments of the gentlemen in the other House who had pronounced upon this question, but we ought not to allow ourselves to be too much influenced by their opinion. The bill proposed that we should take advantage of our power to force parties enjoying certain privileges in another country to abandon those privileges. This, he considered, was a wrong principle of legislation, and we ought not to adopt it. It had been said that this bill was in the interest of the public, but that was not sufficient to justify us in committing a wrong upon private

parties and in adopting a vicious principle of legislation. At an expense of several millions of pounds this company had acquired certain equitable and moral rights, and were we now to force them to abandon those rights without any indemnity?—for he held that this company did possess certain equitable rights, and that they had been recognized by the Government in a clear and definite manner. And now the Government proposed to deprive this company of those, and give them to any other company who might ask for them. In accordance with the legal opinion of hon. gentlemen in the other House, it was held that there were no legal rights but mere equitable rights. If so, it is a further reason to recognize said rights, because to this House belongs the duty and the power to make justice and secure equitable rights. The courts of justice to which it is proposed to leave the settlement of the matter, while recognizing a right in equity, will object that they cannot award damages on equitable grounds, in absence of legal rights. The hon. gentleman continued at some length to argue against the bill and to expose its injustice.

HON. MR. VIDAL thought this measure was one of such great importance that every opportunity should be given for its discussion. In his own action on this bill he was guided entirely by his zeal for the honoured fair fame of this country, (hear, hear,) and he could not help thinking that if this bill passed it would inflict a severe blow upon our commercial credit as well as upon our reputation for just and honourable legislation. As to the propriety of the general regulations for the management and the construction of marine telegraphs for which this bill ostensibly provided, the House was doubtless entirely agreed, but he felt constrained to say that the bill having had a private origin last session, although now a Government measure, to his judgment had and still has a private end, and would be rather for the advantage of individuals than for the country at large. (Hear, hear.) The proposed object was stated by the title of the bill, but the real object not discernible in its innocent unobjectionable title, had been frankly stated by

the hon. gentlemen having charge of it. They admitted that the bill was not so much designed for the regulation and maintenance of marine electric telegraphs as to do away with what was called a monopoly, the exclusive rights held by the Anglo-American Company in Newfoundland. No one had ever complained that this monopoly had been productive of harm to any interest whatever; no petition had been presented to this House asking for this legislation against it; on the contrary, all admitted that it had resulted in great good to the people of both continents. For a number of years after the cable was laid the company sunk immense sums of money before they could begin to make it self-sustaining, and this justified the high tariff of charges for the earlier years of its operations. He objected to the 14th and 15th clauses of the bill that they were wrong in principle, unjust in their proposed mode of operation, and utterly powerless to secure the object desired. This was an act discriminating against an existing company. We had no moral right to say that the shores of the Dominion should be open unconditionally to every company to land marine electric telegraphs except the Anglo-American Company. That this company had rights of some kind all must admit. For eighteen or nineteen years they, with the express recognition of their enterprise by Imperial, Provincial and Dominion Governments, had enjoyed rights on the shores of Nova Scotia, and though they may have no legal rights recognized by statute, they have moral and equitable rights which ought not to be ignored; and cases were not wanting in British legislation of certain privileges for a long time enjoyed being recognized as constituting an equitable claim, and being converted into legal right by special statute to that effect. The proposition to compel the Anglo-American Company to give up their privileges in Newfoundland as a condition of landing on our shores had been characterized, and he would not say whether too harshly or not, as similar to the act of a highwayman who calls upon the traveller to "stand and deliver." But he would say this, that the bill proposed to commit an act of gross

injustice to the shareholders of the Anglo-American Company by an unwarrantable exercise of the great power of this Parliament. What business had the Dominion of Canada to legislate against the existence of a monopoly in the island of Newfoundland? It was alleged because it was necessary that in the interest of the public, the island of Newfoundland should be open to other telegraph companies. Well, if this was so, the island of Newfoundland was a necessity to the maintenance of telegraphic communication between Europe and America, then this provision which the amendment now before the House proposes to strike out was an unnecessary and useless one. It provides that so soon as a rival company shall have opened up communication with Europe then the rights of this company to use its lines in Canadian waters shall come to an end. If the Anglo-American Company has a monopoly on that island, how could this competition ever come into existence? Those taking this ground must either admit that Newfoundland is necessary to European communication, and if so that no rival company could possibly come into existence, while the Anglo-American has the exclusive rights, or that it is not necessary, in which case other companies could carry their cables direct to Europe, and there is no necessity whatever for this very questionable legislative interference with those exclusive rights on the Island. Members of this House should look upon the matter from the standpoint of a Senator of Canada, who could have nothing whatever to do with legislating against a monopoly authorized by and existing in a country beyond our jurisdiction. This House, in fact, was not the proper battleground of this question; it was in the Legislature of Newfoundland this question should be settled. It was Newfoundland that granted the exclusive privilege, and it was the exclusive right of Newfoundland to deal with the question, and we were jeopardizing the existence of that friendly feeling we were endeavoring to cultivate in order to induce them to join the Confederation, when we attempted to interfere in a matter peculiarly their

own. Newfoundland, in granting the charter, had reserved the right of terminating its exclusive privilege after twenty years. That time having now elapsed, if the interests of Canada demand this termination, let the Canadian Government enter into negotiations with the Governments of Great Britain and Newfoundland, and endeavor to accomplish it by a just and equitable arrangement with the company in terms of its charter. Such a course would not bring our Legislature into disrepute, nor reflect dishonour upon our country, a result that, he feared, would surely follow, if we allowed the bill to pass in its present shape. They were here as judges bound to decide this question on principles of justice and honor, and as guardians of private as well as public rights; and he now asked honorable members to determine, without fear or favor or partiality for any individual or company, whether they as legislators jealous of the unstained honor of our country would allow such objectionable legislation to be put upon the statute book of the Dominion?

Upon cries of "question," the members were called in and the vote taken upon Hon. Mr. Dickey's amendment, which was lost by 34 to 18, as follows:—

CONTENTS—The Honorable Messieurs Allan, Bellerose, Botsford, Chapais, Cornwall, Dickey, Guevremont, Hamilton (Kingston), Holmes, Howlan, Kaulbach, Read, Reesor, Ryan, Skead, Trudel, Vidal, Wark—18.

NON-CONTENTS—The Honorable Messieurs Alexander, Baillargeon, Benson, Bourinot, Bureau, Carrall, Chaffers, Chinic, Christie (Speaker), Cochrane, Cormier, Dever, Fabre, Girard, Haythorne, Leonard, Letellier de St. Just, McClelan, McLelan, McMaster, Macdonald, Macfarlane, Macpherson, Miller, Montgomery, Odell, Paquet, Penny, Price, Scott, Seymour, Smith, Sutherland, Wilmot—34.

HON. MR. WARK wished to take the sense of the House on the alteration of a single word. This company had now only one line through the Dominion, that from St. Pierre to Duxborough. The amendment provided that the Government should publish in the *Royal Gazette* three months' notice,

which he considered quite insufficient; for in case the wires of this company were separated from the Dominion, there would be only one wire to do all the business. The company ought to have a reasonable time to manufacture new cables, and he moved, seconded by **HON. MR. HAMILTON** (Kingston),—

"To leave out all the words after 'that,' and insert in the amendment made by the Committee of the whole House in the fourteenth clause 'twelve' instead of 'three.'"

The question of concurrence being put thereon, the House divided, and the names being called for, they were taken down as follows:—

CONTENTS—The Honorable Messieurs Alexander, Allan, Bellerose, Botsford, Chapais, Cornwall, Dickey, Flint, Guevremont, Hamilton (Kingston), Haythorne, Holmes, Howlan, Kaulbach, Macfarlane, Price, Read, Reesor, Ryan, Skead, Trudel, Vidal, Wark—23.

NON-CONTENTS—The Honorable Messieurs Baillargeon, Benson, Bourinot, Bureau, Carrall, Chaffers, Chinic, Christie (Speaker), Cochrane, Cormier, Dever, Fabre, Girard, Leonard, Letellier de St. Just, McClelan, McLelan, McMaster, Macdonald, Macpherson, Miller, Montgomery, Odell, Paquet, Penny, Scott, Seymour, Smith, Sutherland, Wilmot—30.

HON. MR. DICKEY wished to call the attention of Ministers to a passage in the 14th clause, reading, "until such time as another company, under the authority and within the provisions of this Act, has constructed and is operating a line or lines of marine telegraph." He could hardly suppose it was the intention of the Ministry that this country should be dependent upon a single wire. Although the expression was "lines" as well as "line," the Act gave power to the Governor in Council to enter into a contract with a company who had only a single line in operation. He therefore moved, seconded by **HON. MR. ALEXANDER**.—

"That the 14th clause of the bill be amended by adding after the word 'telegraph' in the 15th line, the words, 'comprising two or more transatlantic telegraph cables,' so as to show that the Governor will have to require, before the company could obtain a charter, at least two cables."

The amendment was put, and lost by 19 to 33, on the following vote:—

CONTENTS—The Honorable Messieurs Alexander, Allan, Bellerose, Botsford, Chapais, Cornwall, Dickey, Guevremont, Hamilton (Kingston), Holmes, Howlan, Kaulbach, Read, Reesor, Ryan, Skead, Trudel, Vidal, Wark—19.

NON-CONTENTS—The Honorable Messieurs Baillargeon, Benson, Bourinot, Bureau, Carrall, Chaffers, Chinic, Christie (Speaker), Cochrane, Cormier, Dever, Fabre, Girard, Haythorne, Leonard, Letellier de St. Just, McClelan, McLelan, McMaster, Macdonald, Macfarlane, Macpherson, Miller, Montgomery, Odell, Pâquet, Penny, Price, Scott, Seymour, Smith, Sutherland, Wilson—33.

HON. MR. KAULBACH moved, seconded by HON. MR. ALEXANDER, that this bill be amended by inserting the words "not exceeding fifty cents per word between Canada and any part of the United Kingdom of Great Britain and Ireland, and France," after the word "company," in the ninth line of the twelfth clause. The hon. gentleman explained that this clause could not possibly involve this Government in damages, for the Anglo-American Company could in no case lay claim to damages until ejected, and, if ejected, the price of telegraphy could in no way affect their claim for the past, and for this reason, that the maximum rate was just what that company gave notice that they intended to charge after the last day of April next. Moreover, the clause only applied to companies incorporated under the Act, and if it affected the Anglo-American it would only be by the competition of other companies, and in that case there could be no claim for damages.

The amendment was then put, and lost on the following vote:—

CONTENTS—The Honorable Messieurs Alexander, Bellerose, Botsford, Cornwall, Dickey, Guevremont, Hamilton (Kingston), Holmes, Howlan, Kaulbach, Macfarlane, Read, Reesor, Ryan, Skead, Smith, Trudel—18.

NON-CONTENTS—The Honorable Messieurs Allan, Baillargeon, Benson, Bureau, Carrall, Chaffers, Chapais, Chinic, Christie (Speaker), Cochrane, Cormier, Dever, Fabre, Flint, Girard, Glasier, Haythorne, Leonard, Letellier de St.

Just, McClelan, McLelan, McMaster, Macdonald, Macpherson, Miller, Montgomery, Odell, Pâquet, Penny, Price, Scott, Seymour, Sutherland, Vidal, Wilmot—35.

HON. MR. HOWLAN said that in the Committee on Banking and Commerce he had moved an amendment but withdrew it on the understanding that he should bring it up again in Committee of the Whole House. And, in the first place, he desired to protest against the abuse that certain hon. gentlemen had taken the liberty of heaping upon the Anglo-American Company. Gentlemen connected with that company had been closely examined, and nothing whatever had been elicited to show that this company deserved the appellation of monopolists. No attempt had been made to show that it was a monopoly. No petition had been presented to show that it bore hard upon any interest in this Dominion. No Board of Trade in any city of the Dominion had come forward complaining that this Anglo-American Company had not acted fairly and justly with them.

It being now six o'clock, the House rose.

After recess,

HON. MR. HOWLAN continued his argument. He said at the inception of this cable undertaking—twenty years ago—almost every intelligent man—not only in but outside Parliament—in Great Britain and the British North American Provinces favoured it and wished it success. The different Provinces gave every facility to the company in its efforts to connect the two continents. (Hear, hear.) This sympathy and aid were necessity, too, for he will remember that the company, particularly the promoters of this scheme, were taunted as Quixotic, as embarked in an enterprise almost impossible. This feat was performed after years of the hardest labour, after an almost exhaustive exercise of energy, amid risks, perils and anxieties sufficient to beat down the vast majority of men. The distinguished promoters had to combat all sorts of difficulties, including the adverse opinions of the English press, and other leading journals of the world,

and those of most eminent electricians and engineers. The question was then an open one, and if the chief projector had been carried off by sickness, the world might have had to wait many years for the completion of this great work. For over thirteen years repeated failures and delays well nigh proved it was next to impossible to lay an ocean cable that could operate; yet the result of all this toil and energy was success, after an immense expenditure of time, labor and money. The Governments of England and the United States aided the promoters with their sympathy, their ships, and the best nautical skill at their command. It was fair to presume, then, that those Governments not only wished well to the enterprise, but deemed it practicable and worthy of encouragement. Besides, Nova Scotia and Prince Edward Island gave the company exclusive rights, and he believed New Brunswick also. Her Majesty's congratulatory despatch to the President of the United States proved what keen interest and joy the success of the cable had created in Britain as well as in the States. The hon. gentleman, recalling his own experience as a Minister in Prince Edward Island, corrected some misapprehensions as to the policy of its Government towards the company, and the encouragement it gave the cable people. The attitude of the island had been sympathetic and friendly, as its acts plainly showed. As extracts from the *Globe* and *New York Herald* had been read, he proceeded to read one from the *London Times*, magnifying the achievement of the laying of the cable, in these words—"Since the discovery of America, by Columbus, nothing has been done comparable to the vast enlargement this gives to the sphere of human activity." This language illustrated the feelings of England on the occasion. He protested against the accusations and insinuations of the advocates of this bill touching a "ring" in connection with the company. He considered the authors of such remarks took an undue advantage of gentlemen who could not appear before Parliament, and violated the principle which exempted men from accusations before tribunals

where they could not appear to defend themselves. We had evidence there was no "ring" element here, such statements being designed to create in Britain and the States a prejudice against this company. (Hear, hear.) The speaker went on to argue that this company had rights and privileges in the Provinces, conceded by public opinion and the Legislatures; in every Province of British North America exclusive privileges were conferred upon them. In Prince Edward Island they received an unconditional grant of a tract of land, and the right to erect telegraph lines on the island, and extend a cable to New Brunswick. He was a member of the Island Government for ten years, and took part in the arrangements made with this company. The Newfoundland Act was passed in the same way as that of Prince Edward Island, granting the company all the rights and privileges required. With regard to the pretension that the Anglo-American Company did not possess the rights granted the New York, Newfoundland, and London Company, he contended that all the rights and immunities belonging to the former were succeeded to by the present company at the time of the amalgamation. Therefore, the Anglo-American, being the successors to the former company, fell heir to their rights and privileges in Prince Edward Island. (Hear, hear.) In September last the Government of this Dominion entered into a solemn contract with the Anglo-American Company in Prince Edward Island to secure the erection or extension by them of a telegraph line of 200 miles along the railway. Now, if the company have no rights and privileges there, why should the Government have stultified itself by entering into a contract with this distasteful company? To this day, the contract for the line along the railway, between the Government and the company, was being carried out. It was very strange that only now, in March, the Government should discover the company had no rights on the island. (Hear, hear.) The hon. gentleman then proceeded to give a history of the action and proceedings of Prince Edward Island in connection with this company, to show that it

had given the company exclusive privileges, and favourably recognized it in every way. He proceeded to show that this company had been constantly lowering their tariff, and, so far as was known, had given universal satisfaction. At least no complaints whatever had been made by any single Board of Trade in the Dominion, who all seemed thoroughly satisfied with the dealings of the company. The monopoly cry was very easy to be raised, and it was correspondingly of little significance. No one having any business with the company called it a monopoly. The Province of Newfoundland, which ought to be a better judge than this country as to whether this company was infringing on anybody's rights, did not call it a monopoly, and did not seem anxious to get rid of it. No evidence whatever had been brought to show that this company was a monopoly. The eminent gentlemen examined before the Committee on Banking and Commerce, had stated that for thirteen years the company had not been able to declare a dividend, and ever during the eight subsequent years of success, they had only been able to declare five per cent. upon the stock invested in this company. (Hear, hear.) Therefore, he left it to any hon. gentleman to say whether the statement was correct that this company had reaped untold fortunes, whether it was an odious and grinding monopoly, and whether this was a combination of gentlemen that ought to be put down. Those who were crying out monopoly turned out to be the very first men who refused to fix a maximum rate of charges for messages, for the reason, he believed, that they might be in a better position to favor a particular company. The fair fame of this Dominion was at stake on this question, the vote on which might send the stock of one particular company up twenty-five per cent., and the stock of another company down twenty-five per cent. He would not charge any hon. gentleman with being influenced by improper motives, but an extraordinary feeling had grown up out of this discussion on the part of some gentlemen, who seemed to believe that this Dominion would be riven in twain if this bill did not pass. He believed

the financial credit of the country was at stake, and if this bill passed, the country would suffer hereafter when it went into the markets of the world to make loans to consolidate its debt. The bill would lead to complications in the future, and far from cheapening telegraphy, would lead to quite a different result. The hon. gentleman concluded a lengthy address by moving, seconded by MR. WARK, an amendment as a rider to the bill, that the following be added as clause twenty to the bill:—

"Nothing in this Act contained shall affect the Anglo-American Company (Limited), until the first day of July, 1880."

The amendment was lost by 14 to 26, on the following vote:—

CONTENTS—The Honorable Messieurs Allan, Botsford, Chapais, Flint, Guevremont, Hamilton (Kingston), Howlan, Kaulbach, Read, Ryan, Skead, Trudel, Vidal, Wark—14.

NON-CONTENTS—The Honorable Messieurs Baillargeon, Benson, Bourinot, Bureau, Chaffers, Chinic, Christie (Speaker), Cormier, Dever, Girard, Haythorne, Leonard, Letellier de St. Just, McClelan, McLelan, McMaster, Macdonald, Macpherson, Miller, Montgomery, Odell, Pâquet, Penny, Scott, Seymour, Wilmot—26.

HON. MR. KAULBACH moved, seconded by Hon. Mr. REESOR, that the following clause be added to the bill:—

"The Parliament of Canada may at any time, at its option, take the lines and submarine cables erected or to be erected by any company under this Act, and work, or authorize the working of the same, for the benefit and under the control of the Government of the Dominion on paying to the said company the net costs of the same, with six per cent. interest thereon, if the receipts have not been equal to pay such interest, or otherwise, with a bonus of ten per cent. on such costs, including such interest, and in such case the same lines and submarine cables shall become the absolute property of the Dominion."

The hon. gentleman proceeded to say that if it was deemed advisable to give unlimited control over fares or rates in the interests of competition and cheap telegraphy, as declared by the vote taken to-day (in which he did not concur), the country have some means of protecting itself against imposition or extortion, which this addition to the bill would give. It would be no novel legislation, there being a precedent therefor in the Nova Scotia Act giving

the Government lines to the Nova Scotia Company, and if we desired at any time to make it a part of the postal system, as in England, it would facilitate such a policy and make a basis for the compensation to be given to the companies.

The amendment was then put, and lost on the following votes:—

CONTENTS—The Honorable Messieurs Botsford, Dickey, Howlan, Kaulbach, Read, Skead, Trudel—7.

NON-CONTENTS—The Honorable Messieurs Allan, Baillargeon, Benson, Bourinot, Bureau, Chaffers, Chapais, Chinic, Cormier, Dever, Fabre, Flint, Girard, Christie (Speaker), Haythorne, Leonard, Letellier de St. Just, McClelan, McLelan, McMaster, Macdonald, Macpherson, Miller, Montgomery, Odell, Paquet, Penny, Scott, Seymour, Wilnot—30.

HON. MR. TRUDEL said he previously took occasion to express his opinion that a certain portion of clause 15 involved a wrong principle of legislation, and he proposed to strike out that part of the clause from the 21st to the 41st lines. He therefore moved, seconded by the **HON. MR. BELLE-ROSE**,

“To leave out all the words after ‘be,’ and insert ‘committed to a Committee of the Whole House,’ with instructions to amend it as follows: Leave out all the words in the 15th clause from the words ‘Act of Parliament,’ in the twenty-fourth line of the said clause, to the words, ‘Provided that any grant,’ in the forty-fifth line of the said clause.”

The question of concurrence being put thereon, the same was, on a division, resolved in the negative.

HON. MR. ALLAN said he did not propose to try the patience of the House by making a speech, since hon. gentlemen were already wearied enough of this debate, and he was as anxious as any one to see it brought to a close. He wished to say, however, that he voted against the bill introduced last session because he did not consider that the parties whose interests were affected by it had had a fair opportunity of representing their case, or being heard in defence of their rights. He was the more moved to take that course because—whether purposely or not—the bill of last session was so framed as, if not actually to mislead, at all events to keep out of

sight as much as possible the real point at issue. He should vote against the present bill, because he considered it tainted with an unjust disregard of vested rights, altogether contrary to the spirit of British legislation. He was the more induced to take this course now because he did not look upon the bill as a *bonâ fide* public measure, but a bill introduced at the instance and in the interest of one company, and directed against the interests and vested rights of another company.

HON. MR. CARRALL wished to give the reasons for his vote. Last year he voted against the second reading of the bill because many eminent gentlemen claimed that the company possessed vested rights. He had now arrived at the conclusion that no case of vested rights had been made out. Furthermore, if the company had any equitable rights, these were provided for by a clause since substituted in the bill. Therefore he could not see that the gentlemen who urged the throwing out of this bill had any grievous cause of complaint against the House. Hence he felt no reluctance in casting his vote in favor of the bill. He highly eulogized Mr. Field for his eminent qualities, and did not think this bill was going to do him injustice.

HON. MR. VIDAL desired to have placed on record in a permanent form the protest of those opposed to the bill. He therefore moved, seconded by the **HON. MR. DICKEY**, in the first line of section 15, to strike out the words “is now or.” He explained that the effect of expunging these words would be to protect the House from the charge of *ex post facto* legislation.

HON. MR. SKEAD said he was almost bewildered as to the course he ought to take, but when he saw eminent legal gentlemen from the Maritime Provinces opposing the bill for a whole week in the interests of this company, he made up his mind that some injustice was being perpetrated against the company. He believed this country had reaped immense advantages from the work of this company, and now were we going to take away all their rights and privileges and give them to another company? We owed a duty to the people on the other side, to the

6,000 stockholders who had money invested in this company, we ought to interfere and not allow this proposed legislation to dispoil them of their property. If this bill passed it would greatly injure the commercial credit of the Dominion in England, which it was particularly important just now that we should keep good; for, with all the confidence he had in the present Government of this country he believed they would have to go to England before long to get money, and the step now proposed to be taken in regard to this telegraph company would prove a very great hindrance to financial interests in that country. He believed it was a patriotic duty to vote against the bill, which he considered an iniquitous one, and one which ought never to have been brought before this House.

HON. MR. REESOR said he voted against the bill last year under the impression that the Anglo-American Company were using extortion, that they had been imposing upon the public, and that their charges were not only too high, but unreasonably so. He confessed that last session the House had not the information before them that they had now, and after the facts stated before the Committee of the Senate during the present session, and from all the evidence he had been able to gather, he had come to the conclusion that under all the circumstances it would be unfair to the present company to pass this bill. He held that the legislation of the various Provinces gave the company rights which we ought not to deprive them of, except under the most pressing circumstances. It did not seem right that the present company, after the enormous expense it had been put to should be subject to competition with another and rival line started at only one-fourth the cost of the present one. The effect of this bill would be to encourage stock-jobbing operations. The hon. gentleman concluded by declaring his intention to vote against the bill.

HON. MR. VIDAL'S amendment was then put to the House, and lost on division.

HON. MR. VIDAL moved, seconded by HON. MR. DICKEY, another amendment to section 15, to insert after the

word "authorized," the words "by the Legislature of Newfoundland or." He explained that this bill discriminated against Newfoundland, as, under its provisions, Newfoundland was utterly and entirely excluded from the privilege of having a company organized or incorporated there. He desired it to be placed on record that there were some in this House who had a due regard for the rights of our sister colony.

The motion was then put, and lost on division.

HON. MR. SCOTT moved, seconded by HON. MR. LETELLIER DE ST. JUST, that the bill be read a third time. Carried on the following vote:—

CONTENTS--The Honorable Messieurs Baillargeon, Benson, Bourinot, Bureau, Carrall, Chaffers, Chinic, Christie (Speaker), Cormier, Dever, Fabre, Girard, Haythorne, Leonard, Letellier de St. Just, McClelan, McLelan, McMaster, Macdonald, Macpherson, Miller, Montgomery, Odell, Pâquet, Penny, Scott, Seymour, Wilmot—28.

NON-CONTENTS--The Honorable Messieurs Allan, Botsford, Chapais, Dickey, Guevremont, Hamilton (Kingston), Howland, Kaulbach, Read, Ryan, Trudel, Vidal, Wark—13.

Several bills from the House of Commons were received and concurred in.

The House then adjourned at half-past ten o'clock, P.M.

Monday, March 22, 1875.

The Speaker took the chair at three o'clock.

REPORTS, ETC.

After routine,

HON. MR. SEYMOUR presented the fourth report of the Committee on Contingencies, and moved its adoption.—Carried.

HON. MR. READ submitted the first report of the Committee on the construction of booms, piers, etc., on the Gatineau, and moved it be referred to the Printing Committee.—Carried.

DISMISSAL OF E. M. PATCHELL.

HON. MR. WILMOT moved that an humble Address be presented to His Excellency the Governor General, pray-

ing that His Excellency will cause to be laid before the House copies of any correspondence or reports between the Directors of Penitentiaries and the Minister of Justice or any other member of the Executive Government relative to the discharge or dismissal of E. M. Patchell, one of the keepers or employees connected with the Penitentiary at St. John, N. B. He was informed that the Chairman of that Board was very much opposed to the dismissal of this man, whom he knew to be an excellent officer. He had, however, committed some slight indiscretion in writing a letter that ought to have been first submitted to the head of the department and hence his dismissal.

HON. MR. SCOTT said he had no objection to the motion. Some of the papers, which were voluminous, would redound to the benefit of the party dismissed.

TREATY WITH THE NORTH-WEST INDIANS.

HON. MR. AIKINS, in rising to put his enquiry on this subject, said:—A treaty was made with the Indians last year by the Dominion Government, which he considered to be highly advantageous to the country as well as the aborigines themselves. The extent of country affected by that treaty was very large. He had no doubt whatever it would be found that, when it came to be thoroughly examined, a very large portion would not be used for cultivation for many years. It is not and would not be sought after for cultivation so long as there were better lands in that section of the country. However, it was important the Government should get control over it for revenue reasons for the benefit of the Indians; and in the interest of our revenue and customs; there was a very large tract of country lying north and west of this portion which had been recently added, and which, he believed, comprised one-half of the cultivable lands in that country. He understood the Indians were anxious for a treaty with respect to this region. Practically the Government had taken possession of that Indian country, by establishing stations without mounted police at various points, and he thought that, if the Indians were desirous of a

treaty, as reported, one should be made with them at the earliest possible moment—it would be very important in the interest of this country that this should be done. If a treaty were made with these Indians, the Blackfeet, comprising, he believed, the largest portion of the most warlike, and with the Crees, occupying the tract to the north, we should then have all our Indian treaties completed, required for many years. Further west, in the region extending from the Rocky Mountains to the Pacific, it was well known that the rights of the Indians to the soil had never been acknowledged, even when British Columbia was a Crown Colony. A tract of land might temporarily be granted to them, on which to reside, but even since that Province obtained Responsible Government the rights of the aborigines had never been acknowledged. This matter would have to be settled by British Columbia, by the Dominion Government, or by both together; he felt satisfied that the time was not distant when those rights would have to be noticed in some way. The late and present Governments had so far acknowledged the rights of the Indians and their duty towards them, as to place a sum in the estimates for the establishment of schools among the various tribes in that country. He had no doubt whatever that it would also be necessary the Indians should have reserves set apart, that would be under their own exclusive control. He asked—whether it is the intention of the Government during the present year to make, or attempt to make a treaty with the Indians claiming the territory lying east from the Rocky Mountains and West and North of the territory, recently ceded by the Indians under the treaty made at Qu'Appelle Lake.

HON. MR. LETELLIER replied the subject had been and was under consideration, but the Government had not yet arrived at any conclusion.

RETURNS.

HON. MR. SCOTT presented the return to an address for a copy of His Excellency's Commission, with the royal instructions accompanying the same.

HON. MR. KAULBACH said the

papers he had moved for with respect to dismissals in Nova Scotia were not complete.

HON. MR. SCOTT said if the hon. gentleman sent him a note of those he wanted particularly, they should be brought down.

HON. MR. HOWLAN asked when the Government intended submitting the papers he had moved for with regard to dismissals from office in Prince Edward Island, appointments, and the railway there.

HON. MR. SCOTT replied the papers with regard to the appointments would, he believed, be ready to-morrow. He did not remember at the moment anything regarding the others.

HON. MR. HOWLAN replied it was rather strange that members of Parliament could not obtain papers with regard to this railway which were in the hands of outsiders. It was the duty of the Government to bring them down in proper time.

THE NORTH-WEST MOUNTED POLICE.

On motion of HON. MR. SCOTT, the House went into Committee of the Whole on the bill to amend the law respecting the North-West Territories Police Force. He explained that clause 23 of the existing law had been re-enacted, and there was an addition to it, extending its provisions to any member of the force having intoxicating liquors in his possession, or concealed; also extending the provision to desertion, which was not provided for in the former bill.

HON. MR. DICKEY—Does that prevent a man having a pocket-flask?

HON. MR. SCOTT—I think so. (Laughter.) The 25th clause of the old Act had been applied, with certain changes. The principle was in the 35th line, giving large powers to officers to maintain the discipline of the force in that wild country. The section he desired to add related to the refusal of constables to obey orders, or the resistance of the authority of the superior officers. An offender might be placed under arrest and detained, to be dealt with under the provisions of this Act; this provision was taken from the Mutiny Act.

The clauses were agreed to, and the third sub-section, when the bill was

reported with an amendment, read the third time and passed.

IMMIGRATION.

On motion of the HON. MR. SCOTT, the House went into Committee on the Immigration Act Amendment Bill, which was reported without amendment, read a third time and passed.

THE ISSUE OF DOMINION NOTES.

HON. MR. SCOTT moved the second reading of the bill to amend the Act relating to the issue of Dominion Notes. He explained the bill, which has to give additional security to the financial position of the country. The measure required that any issue of these notes beyond \$12,000,000 should be represented in gold, dollar for dollar; that the amount above \$9,000,000, which now requires only 35 per cent of a gold reserve, should, hereafter, be represented by 50 per cent. gold. The bill created no special change other than providing additional security against the honour or financial condition of the country being endangered. It was well known that for some time past large quantities of gold had been going out of the country—some ten million dollars at least—therefore, it was important that, while there was no immediate danger, we should protect ourselves from the possibility of it. The banks, as a rule, preferred for reserves Dominion Notes, which were much more convenient than gold and equally as good. It was designed by the bill to check the outflow of gold. The Act, now to be amended, had been in operation nine years. It was assumed that \$9,000,000 of the notes would be a fair amount for the country to bear, and also, that anything above this figure should have a gold representative in our banks.

HON. MR. RYAN said he thought it would be in the recollection of this House that when the discussion on the Dominion Note Bill took place—of which bill the present was an amendment—it was urged that this very reserve, now adopted, would be the proper one, or a safer one than the reserve then proposed. He thought, so far as his experience went, and so far as the experience of the old bill could be taken, that the

change now proposed was one in the right direction. It was strongly urged in this House, that the gold reserve should be placed at 50 per cent.; but he thought it was then reduced to 35. It was afterwards urged it should be fixed at 38, and he believed it was finally decided it should be 35 per cent., and that some proposed even a lower figure. His hon. friend on his left (Mr. Macpherson) observed that the reserve was put as low as 20 per cent. in another place, and that it was by the action of this House that it was advanced to its present proportion. He remembered the strong feeling of this House to have the reserve placed at 50 per cent. and he was glad to see it raised to that point at this time. (Hear, hear.)

HON. MR. WILMOT said he had been consistent with regard to all the measures respecting Dominion notes submitted to Parliament. He supported the policy of the late Government in issuing a national currency. It was quite as desirable in the interest of the country to require this amount of security for the notes of the banks as the Dominion notes, which had placed the currency of this country in a much sounder condition than when Confederation first took place. At that time the notes of the New Brunswick and Nova Scotia, banks which were just as sound as those of the banks of Quebec or Ontario, were subject to a discount of $7\frac{1}{2}$ to $12\frac{1}{2}$ per cent, while the notes of the Bank of Montreal and other Canadian banks were subject to one of 5 to $7\frac{1}{2}$ per cent. Now, however, a Dominion note, which is a legal tender, passes from one end of the Dominion to the other at par. He wished to inform the Secretary of State that there was nothing in the existing Act that prevented the Government holding in gold dollar for dollar of the Dominion notes issued, if they thought it for the interest of the country. Therefore, he considered the present bill entirely unnecessary, and he intended to move the following resolution:—

“Resolved, That the bill be not now read a second time, and that in the opinion of this House the Dominion notes issued under the several Acts regulating such issues have proved very beneficial to the producing, manufacturing and commercial classes, by

supplying them with a currency of uniform value in all the Provinces, and giving unquestionable security to the holders.”

Not only was there a large amount of gold held against those notes, but for the difference in Dominion debentures, and, as further security, there was the whole taxable property of the country, and all its resources and productive labor. He found by a return, for which he had moved, dated 20th February, that at that date the Government had in deposit in some forty different institutions, the sum of \$3,934,177, without interest, and \$5,512,227 bearing 4 to 5 per cent. interest. He had very grave doubts as to the necessity for retaining this large gold basis, because he had seen in the last number of the London *Economist*, the journal of the moneyed interest of London, a proposition to take from the issue department of the Bank of England the power of issuing notes and establish a natural currency, secured by a deposit of the consols and a certain proportion of gold and silver bullion under the control of Commissioners appointed by the Government. We knew that in France to-day, although they had gone through a terrible war, and had paid Germany £212,645,000 sterling, that the notes of the Bank of France, which was a Government institution, were not now redeemable in specie, although they held over £59,000,000 sterling of gold, its notes are a legal tender, and the people were getting the benefit of the interest on the circulation; and he had an idea that the tax-payers of Canada, the producing classes, the farmers, mechanics and laborers, who created all the wealth of the country, and the interchange of whose productions created its commerce, were as good security as could be desired, and should have the benefit of the circulation of national notes and of the interest arising therefrom, instead of leaving the profit of note issues to the banks. They were very useful in their way, no doubt, but were simply in the same position as shopkeepers. If he went to a bank, he expected to pay for any accommodation just as he paid profit to a shopkeeper; but he did not think, as a customer of the banks, he should worship them, or

prefer their interests to that of the country. The Finance Minister, in another branch, condemned this Act as embodying the financial policy of Sir F. Hincks; but it was the policy of Sir A. Galt, who originated these Dominion notes. In Nova Scotia prior to Confederation they limited the banks to the issue of £5 notes, which circulated for the purpose of mercantile transactions; all the small notes below £5 were issued by the Government and cost the people no more than the paper they were printed on; and he had been told that on calling in those provincial notes only \$400,000 of about \$700,000 issued, returned. (The hon. gentleman here read a passage from Lawson's "History of Banking," showing that in the Island of Guernsey notes to the amount of £4,000 issued by the authorities on an emergency, had been accepted as currency, stimulated industry, secured the erection of a building otherwise unobtainable and cancelled in ten years, the Government thus securing the edifice and a rental return, ten per cent. for all time, without spending a shilling. Before leaving home, he read in the "Bankers' Magazine," of the United States, a letter written by John Earl Williams, President of the Metropolitan Board, and one of the cleverest bankers and financiers in the United States, to the Secretary of the United States Treasury, recommending a mode by which a national circulation might be kept up in the Republic, and recommending the withdrawal of bank notes from circulation. They had now about \$400,000,000 of greenbacks that cost the country no interest, and after passing through a gigantic war, and paying one-third of the national debt, having brought down the premium on gold from 90 to 15 or 16. All this was accomplished under a system that our bankers would not listen to. They thought we ought to have gold for every dollar of our Dominion issue. The United States had besides reduced their taxation, and gold stood for a long time at 109 to 110. The effect of President Grant's efforts to bring about specie payments in that country by reducing circulation sixty-three millions of dollars had been to precipitate a crisis upon the commercial, producing

and manufacturing classes, that just originated in the operations of those rings of stock-jobbers and gold gamblers, which had produced so much mischief two years ago. The intention of the present bill was to take away from this Canadian people a circulation emanating from themselves, secured by themselves, by their own debentures, by gold deposits to any amount the Government chose, and to give this circulation to the banks. He had prepared a statement of the varying amounts of the circulation since Confederation. In 1866 the bank circulation was \$9,920,000; specie held, \$6,130,519; adding New Brunswick and Nova Scotia brought the total to \$13,773,466; specie held, \$7,324,743. In 1867 total amount of bank circulation in the Dominion, so far as they could obtain the returns from the banks of the Lower Provinces, as well as from those of Canada, was \$10,513,724; specie and Dominion notes held, \$8,869,608. The bank circulation had rapidly increased, however, till, in 1873, it stood at \$28,333,000, and the Dominion notes and gold together held by the banks to \$14,808,000; the Receiver-General held in gold \$2,529,000. In 1874, Dominion notes reached \$12,245,000; bank circulation, \$29,046,243; amount of Dominion notes held against this vast total by the banks, \$8,504,419; specie, \$7,233,441. Which was most secure? The Dominion notes with the Dominion debentures at their back, and with gold to a very much greater extent than the banks held, or bank notes with their reserves? Was a note guaranteed like the Dominion note not preferable, so far as the agriculturist, the mechanic and laborer were concerned, to a mere bank evidence of debt? If he held £1,000 of them, and in reality did not owe them a dollar, in a transaction with another party, to whom he paid them, and who owed no bank anything, it would simply be a transfer of debt due by the bank to the party holding the notes, for which the banks were securing interest, while if in Dominion notes, the public would get the interest. Which, then, was the best currency? With regard to the question of a circulating medium for home market or home consumption, he had shown that, at the

cost of 1s. a head, the food of the people amounted to some sixty millions more than all the imports and exports put together. There was this difficulty with regard to gold, the country was dependent entirely on the state of the import and export trade. If we imported more of the products of other countries than we exported of our own, the difference had to be paid in gold, and, as the specie went out, paper had to be withdrawn, and the circulating medium, the life blood of commerce, that employed labor, and created wealth, was drained off, and the home trade became paralyzed. (The hon. gentleman here quoted from "Greville's Diary" containing Mr. Baring's remarks as to the effect of the panic of 1826 on the Bank of England.) Baring told Greville that the gold of the bank was drained to within a very few thousand pounds, when it applied to Lord Liverpool to suspend cash payments. The further allegation on this subject was—that the suspension was happily averted chiefly, as it was said, by the accidental discovery of a box of one pound Bank of England notes to the amount of a million and a half, never issued, and which the public were content to receive, although they were illegal.

In reply to a remark by the HON. MR. RYAN, and an observation by HON. MR. PENNY,

HON. MR. WILMOT said that Greville had given the statement, not of his own, but on Baring's authority, and that it was by Peel's Act of 1844 that the Issue and Banking Departments of the Bank of England were separated. The English panic occurred just two years after the resumption of specie payments, which had been suspended from 1797 to 1823, within which period all the wars of Great Britain to prevent the supremacy of Bonaparte were carried on, and the wonderful growth and development of the trade of the kingdom was secured by means of a paper currency issued by the Bank of England, guaranteed by the nation. The progress of Britain was at this time marvellous. She not only maintained her own armies and navies in actual service, but subsidized almost every power in Europe with her gold,

conducting business at home with paper money, resting on her own credit, and paying it out for the labor, material and services which enabled her to prosecute those vast warlike enterprises. (Hear, hear.) This tremendous crash came two years after she had returned to specie payments. Did not this fact speak volumes on this subject? The price of timber at that time fell from 3s. 6d. to 1s. a foot; ships from £13 to £2 10s. per ton; iron from £17 per ton to £6 10s. per ton, and all other things in proportion. In 1837 and 1841 a similar state of things took place, affecting most injuriously New Brunswick, which caused him to turn his attention to this subject. The bank circulation, in consequence of the drain of gold, was reduced four-fifths, bringing prices to less than one-half what they had been, and driving our workmen out of the country to the United States,—the very men who created the wealth of the country. We had to take out of the treasury money to pay good mechanics a quarter of a dollar a day for work to prevent their families from starving—men who earned \$2.50 to \$3 a day the year before. The first year he was in the Legislature he brought in a bill to authorise the issue of Provincial Notes; Nova Scotia, alongside, issued them 60 years ago. The Nova Scotia banks tried to stop those notes, but the patriotism of the Legislature was too much for the banks, which had, thereafter, to cease issuing notes below £5. The Government issues of those small notes went on ever since till replaced by the Dominion notes. So strong were his opinions in regard to this subject that, just before Parliament met, in 1867, he wrote three letters on it to Sir A. T. Galt. He had endeavored in those letters to show that there was no want of capital in the country, but only a dearth of its representative, money, which crippled our operations. Since the issue of these Dominion notes the circulation, bank notes included, had increased from eight to forty-one millions, and he had no hesitation in saying that it was in consequence of this expanded circulation that the revenue of this country had grown from seven or eight to twenty-four millions—that

it was the cause of the increased demand for labor, the enlarged production of the country, by which its trade and commerce had developed to such wonderful proportions. He therefore deeply regretted that his hon. friend the Secretary of State should introduce any measure for the purpose of taking away—for that would be the effect—from the people of the Dominion their own circulation, guaranteed by themselves, and capable of being secured by as much gold as the Government chose to apply to that object. He was sorry it was proposed or designed to hand over this circulation to the banks. He was satisfied that was not the position any Government would long occupy; this was the very first step in the wrong direction. He made his motion at least to put on record his belief, and the fact that the Dominion notes had been the greatest benefit that resulted to this country from Confederation.

HON. MR. MACPHERSON approved of all that had been said in favor of the Dominion notes by the hon. gentleman who had just spoken. If the redemption of these notes depended upon the Government debentures held by the Receiver-General being sold in the market, or upon the taxation which his hon. friend said the circulation should rest upon—if the redemption of the Dominion notes depended upon these two sources of credit, they would be unquestionably very much depreciated, and would become like the greenbacks of the United States. It was this confidence of the public in the immediate convertibility of Dominion notes into bank notes that maintained them at par as a circulating medium, and equal with gold, because the public were satisfied that gold could be had or taken for them. (Hear, hear.) It was not owing to the value of these notes themselves, nor to the confidence that there might be in the ability of the country to redeem them by selling debentures or by using the taxation of the country in that way, but, as he had already said, to the confidence of their immediate convertibility into gold was owing the fact that they maintained the place they did, most happily, in the estimation of the public. The hon. gentleman who had just

spoken said the object of the bill was to give gold to the banks, but he (Mr. Macpherson) could not find any such object as that in the bill. He considered the bill a step in the right direction, although a small step, because it provided for holding a larger amount of gold, and thereby keeping up the public confidence in the immediate convertibility of the notes of the Dominion. The Act that was in force at the present moment, the Act of 1872, contained, in his opinion, a very dangerous feature; it was that of regarding the Government deposit in the banks as a portion of the reserves, and regarding them as equal with gold. This he considered an exceedingly dangerous feature in that Act. The Government deposits in the banks, it was provided, should be part of the reserves and equal with gold. Now, whoever was familiar with the subject must know that treating Government deposits as reserve was the most discouraging feature that could be introduced, because, as the banks desired to convert the Dominion notes, they would come to the Government for gold, and the Government would have to provide gold for the purpose or to supply the place of that paid out, or call upon the banks for their deposits; and altogether the thing worked in a very disturbing manner. Now, the bill proposed here to-day was calculated to diminish that disturbing feature, because the gold reserve itself would be brought up to 50 per cent., instead of 35. The danger of disturbance was diminished by the present bill, and to that extent it was a step in the right direction. He believed himself, however, that the employment of the Government deposits through the banks was itself a seriously disturbing element and the more the Government could do away with that system and cease to employ the public funds in the trade of the country, he believed the sounder our currency and the steadier the business of the country would become. These deposits placed in the banks the banks must employ and would employ, because they paid interest upon a large portion of them. The Government might call for that property at very short notice, and as the banks let out money on much longer notice, they would have great difficulty in getting

it. Until this system was diminished, he thought such disturbances as we had experienced in recent years would still be frequent. Unquestionably a large amount of the Dominion notes could be employed by the banks as part of their reserve, and to that extent the country could have the benefit of finding a gold circulation. He would have much satisfaction in supporting the bill before the House.

HON. MR. WARK thought the bill before the House was just calculated to preserve that state of things which the hon. gentleman on his right (Mr. Wilmot) had referred to when he said our Dominion currency was at par over the whole Dominion. The reason was that holders of Dominion notes know well that whenever they present a note they can get gold for it. But let the system of his hon. friend be adopted. Let it be understood that it was not gold that was pledged for the redemption of these notes, but the productive wealth of the country, and taxes to be raised whenever they were needed; he asked, would any business man feel confidence? Would any importer of goods be willing to wait until these taxes were levied? Because that was the proper construction of his hon. friend's argument. His hon. friend said the property of the country, the taxation of the country, was all liable for the redemption of this bill, but as the redemption of the paper could not take place until the taxes were levied, he (Mr. Wark) thought those who wanted to use money would find the system a very inconvenient one. He thought if the holders of notes had to wait until taxes were levied to redeem them, the notes would soon go down to a low discount.

HON. MR. WILMOT—Government can at any moment desire the taxes to be paid in gold.

HON. MR. WARK said that still the holder of the note would have to wait till the taxes were levied before he could get the note redeemed. His hon. friend had referred to the fluctuations in gold in the United States. But that fluctuation was not of the gold but of the paper. There was too much paper in circulation, and in proportion as this paper circulation increased did it go down in value. His hon. friend had also referred to the panic in England, but

what was the cause of that panic? Simply because there had been a system of overtrading. The people were perfectly wild in all kinds of speculations. Just before the crash came, Mr. Robertson, the Chancellor of the Exchequer, was making glowing speeches about the great prosperity of the country, so that he got the nickname of "Prosperity Robertson," and immediately after the crash came, showing that this prosperity was utterly delusive, and rested on no sound basis. As to the twenty shilling notes referred to by his hon. friend, the fact was that the bank had got so full that every one who held a bank note presented it for payment, and got his sovereign and stowed it away. There were boxes of gold sent from the bank at that time that never were opened. The country banks went to London and endeavored to induce the Bank of England to advance them gold, and boxes of gold went out of London down to the country banks, and came back without ever being opened. But the issue of the twenty shilling notes relieved this state of things, for the circulating medium got so scarce that people were constantly crowding into the banks to get gold for their notes. In order to secure the public confidence in the Dominion notes they must be redeemed in specie whenever the specie is wanted, and they must be redeemable at par, or else the business of the country would suffer.

HON. MR. KAULBACH said that although he did not feel himself entirely at home on the vexed question of currency, yet he started with this principle, that the Dominion had the exclusive right to issue paper as currency, the same as gold or silver specie. That no banking company or individual could claim the capital of this Dominion was evident, and we only wanted to have the representation of it. He, therefore, asked himself this question—was the present circulation enough to meet the requirements of business; if not, we should increase the circulation instead of curtailing it, which, to his mind, the present bill aimed at doing, and by that means adding to the profits of the banks? The Dominion was quite as reliable for its issue as the banks. In Nova Scotia, so long as the Government kept the control of the paper currency

for all sums below twenty dollars, the country felt safe in taking all bank paper, and the country prospered. We neither feared nor heard of bank failures. He felt inclined, therefore, to vote for the amendment of the hon. member from New Brunswick. This bill seemed to throw discredit on our resources and ability to meet our engagements. Holding fifteen per cent. more of gold seemed to him to be an equivalent to a doubt on our ability to pay. We should have more small note circulation. We must look to our revenue. He believed he was correct in saying that the annual average issue of Dominion notes since 1872 was over \$11,000,000, of which \$8,000,000 had been yielding five per cent., equal to \$400,000. The small notes were better than the best bank issue, because they go at par everywhere throughout the Dominion, the people everywhere having full confidence in them. He felt that the credit of the country should be sustained, and believed we had now ample reserves to meet contingencies.

HON. MR. PENNY read from an English financial authority to show that Hon. Mr. Wilmot was in error in certain deductions he had drawn from financial events in that country.

HON. MR. FERRIER expressed his regret that his hon. friend from New Brunswick had thought proper to propose an amendment on the second reading of this bill. He approved of the remarks of the hon. gentleman from Toronto as to the working of the Government circulation being a serious disturbing element with the banks. But this bill was in the right direction, because it would sustain the character of the Government circulation. He was one of those who had great misgivings about the Government undertaking the management of the circulation, and the result had been what he feared it would be. Probably the experience already acquired in that matter had led the Government to take up this bill. The bill contained provisions that were very much needed, to give that public confidence that would place the Government circulation at its true value. It was of no use for us to talk about the theory of the circulation of notes, because when put to the test, it required a

basis of gold. The Government were doing now what he and many other hon. gentlemen in this House thought they ought to have done before—that is, providing for a larger amount of gold to balance the circulation. This bill proposed to do just what was needed, and he was sure the experience of the Government in managing this note circulation had led them to adopt this new principle of the bill, which, he felt confident, would renew the public confidence in reference to the Government circulation of notes.

HON. MR. MACMASTER said the hon. member from Toronto had so fully expressed his own views on this subject that he would merely take occasion to correct his hon. friend (Mr. Wilmot) in regard to notes in the Maritime Provinces. The discount might have been $12\frac{1}{2}$ per cent. in those Provinces, and he had shown it to be as high as 5 per cent., but never more than that, in the West. The difference was attributable to the little intercourse between the Provinces, and the reduction now was quite as much to be attributed to the increased intercourse as to the Dominion notes. No doubt his hon. friend was right in saying the Dominion notes were safe and good beyond all doubt. (Hear, hear.) It was very true, however, that the issue of these notes beyond a certain specified amount would derange the state of the country, and be attended with the most disastrous consequences. In fact any increase, the effect of which would be to change our money basis, would be attended with such results. He was not an admirer of the present system, and thought we might have a better one; still, the bill was in the right direction, and he should vote for it.

HON. MR. FLINT seconded the amendment, because he thought it was in the right direction. He had yet to learn that any danger had arisen, or was likely to arise, from the bill being left as it was before. From the fact that we had a Finance Minister who looked so very carefully after everything connected with that department, and who had this matter entirely in his own hands, he (Mr. Flint) could see no reason why, under such careful management, the Finance Minister

should require a bill of this kind at the present time. The present system had worked well so far, and it would be better to let well enough alone until we found it was positively necessary to make a change. He had heard nothing and seen nothing to prove that this bill was necessary. Under these circumstances, he was prepared to vote for the amendment. He believed we were tampering too much with the legislation of the country, and it would be far better to let it alone until necessity arose for new legislation. Nearly every session we found both Houses constantly occupied in making amendments, by which means the previous confusion was worse confounded. The country was being killed with legislation, and the sooner we attempted to stop it, to a certain extent, the better it would be for us. The country had not suffered under the present issue of Dominion notes. If this bill passed, the trade of the country, in his opinion, would be seriously affected. Gentlemen in business well knew that we had not a sufficient circulating medium. The banks did not or could not issue a sufficient amount of currency for the wants of the country. He believed if anything had a tendency to injure the trade of the country it was continually tampering with our money bills.

HON. MR. LEONARD said this was one of the subjects in which he felt a great interest. He thought the Government were asking them to move in the wrong direction, and though he felt exceedingly averse to vote against the Government, he would be obliged to vote for the amendment. He thought, also, that as far as the real interests of banking were concerned, the banks, like all other corporations, wished to make the best they could out of their line of business. Banking and currency were two different things altogether. A short time ago this principle of issuing Dominion notes was introduced into this country, and he would ask hon. gentlemen to say whether it had been for the interest of this country or not. Everyone must say that it had been for the interest of this country. The Government had taken hold of this matter of issuing paper which was far more security to the

holder than any bank that could organize under any Act of Parliament. The best security we could have for issuing paper was gold; the next best security was the Government of the country itself. Now the Government of this country had issued a certain amount of paper, and why should they so soon abandon that principle? He feared they were going back into the old track, and much against his will would have to vote against the Government. As the hon. gentleman from New Brunswick had properly stated, a very uncertain feeling existed before Confederation in regard to financial affairs. Whatever bank might issue notes, these notes stood at different prices in different Provinces, and that state of things continued until the Dominion note issue went all over the country, and we had a currency that we could rely upon, based upon the entire wealth of this country. We ought to be satisfied with that. Government were now holding 35 per cent. in gold for the issue; that was satisfactory, and why not let it remain so? Had we seen any evil in it? Not at all. During all the financial crashing in the United States, we had gone on well. Everybody was ready to take a Dominion note. In the United States, in case of runs upon the banks, the big banks assisted the little ones, and when a crash came the big banks had to fall back on the Government. The right to issue paper or an equivalent of value had been held by the Government for hundreds of years, and why should we give this privilege to corporations at the expense of the public itself? He thought the Government should retain that power if they wished to have a sound stable currency that the people could believe in. Our currency now goes at par everywhere. In New York city itself a greenback endorsed by the Dominion would go dollar for dollar—(hear, hear.)—and why should the Government now come down and wish to contract the principle which had given us such credit? It was a wrong step on the part of the Government, and he would have to vote for the amendment.

HON. MR. BENSON did not think that the bill at all interfered with the banks, or at all restricted the issue of

Dominion notes. It left the question entirely open. It simply required that any issue of Dominion notes, over and above a certain amount, should be redeemed in gold. He thought the scheme would work very well.

HON. MR. BELLEROSE said he had been waiting to hear the reasons of the Ministers for proposing this bill before he made up his own mind about it, and now, after having listened to the explanations of the Hon. Secretary of State, he was still at a loss to understand why this bill had been introduced. The question involved in the bill was this: Was the Government of the day less responsible than the banks? (Hear, hear.) If not, why should the Government allow itself to be placed in this equivocal position, as if its credit was not as reliable as that of the banks? During this session the greatest part of the legislation had been in amendment of the work of the late Government. He failed to see any reason for the change proposed in the present instance, and should vote against the Government.

HON. MR. SCOTT said, if his hon. friend would look back to the legislation affecting Dominion notes, he would find that the last Administration had changed its policy very often on this subject. In 1868, when the policy was first inaugurated, it was a new idea, and required a few years of experience to ascertain how it would work. The Act of 1872 had made it necessary that if the entire amount of Dominion notes issued at any time was in excess of \$9,000,000, the Receiver-General should hold specie for the redemption of the notes above that amount. It had been found that within the last two months \$2,000,000 had been taken out of this country to pay for Dominion notes. We ought not to allow gold to get so low that we would be obliged to telegraph to England to send us gold to redeem our paper. The bill would not affect the bank circulation in the least. It was to enable the Dominion of Canada to have at any time such a reserve that its paper could not be protested. It was simply a protection of the honor of the country by precluding the possibility of its paper being dishonored. It would simply show to the world

that there was this reserve here for the Government in the event of a run upon it or in the event of a run upon our banks. Hon. gentlemen could recollect in the past cases where the Government had had to come to the rescue of the banks. A temporary easing off of the banks during a crisis was of great advantage, and it was therefore of importance that we should have a considerable quantity of gold on hand to meet any possible contingency.

HON. MR. READ thought the bill seemed to throw discredit on our resources and on our ability to pay. If \$2,000,000 came in to-day, he did not see why we should not issue \$2,000,000 in notes to-morrow to pay our ordinary every day outgo. It seemed to him that this bill aimed at throwing doubt on our ability to meet our engagements. If we looked at the amount of money that lay to our credit in England, it would be seen that we were holding 30 per cent. more of gold than we were in the habit of holding.

HON. MR. SCOTT—15 per cent.

HON. MR. READ—As 15 is to 35; he thought it was 30 per cent. increase or thereabouts. He thought there were too few small notes in the country. It was difficult to get change even for a five-dollar bill. The banks were right enough; they issued their own paper and made that go into the circulation. He had brought the subject of a scarcity of small notes under the attention of the late Finance Minister, who promised to regulate it, but up to the present time nothing had been done about it. He concluded by expressing the hope that the Government would withdraw this motion.

HON. MR. MACFARLANE was understood to say that at present there was a great want in the country of a small note circulation. He considered the Dominion notes as good as gold. The credit of even the best banks was inferior to that of these notes, which passed current in every part of the Dominion, for it was known that gold could be collected upon them.

HON. MR. PENNY considered that all that had been said about the convenience of having notes that were capable of being circulated everywhere,

commended itself to every man's mind. But the value of these notes depended upon the certainty that every man felt that they could be redeemed in gold—not that the Government had promised to redeem them in gold, but that the Government would do so when they were presented, and that he took to be the object of this bill. It was all very well to say that the security of the Government was as good as the security of the banks, but the comparison did not stand the test. The security of the bank is in the personal management of its affairs by the officers, but Governments primarily did not manage this business in the same manner. Now, if we wanted proof that this security of the Government was not sufficient, we had only to look to the United States. No one doubted that the Government was solvent. Its debentures were above par, and this could not be if the Government of the United States were supposed to be bankrupt. But where were their greenbacks? Ten per cent. below par and sometimes 200 per cent.—not because any one doubted the solvency of the Government, but because they could not redeem those notes. The moment they had gold enough those notes would be convertible. He agreed with his hon. friend (Mr. Wilmot) that these notes were secured by the whole value of the property of the country. But what did we put upon the face of the note except security for gold? A promise to pay ten dollars, or five dollars, or something of that sort. But suppose he promised to pay the one-hundredth part of an acre of land or something of that sort, what kind of security would that be for currency? In that way we would have to put upon the face of the note a guarantee of our farms or taxes to any amount in dollars. As to the allusion to the Bank of France, his impression was that that bank was like the Bank of England; it was not the Government of England nor the Government of France, but it was a corporation in both countries that managed the business, under certain regulations, but for their own profit undoubtedly. The bill now asked for by this Government was charged with the responsibility of our credit. The

Finance Minister believed it to be necessary, and he was considered to be an able man. He (Mr. Penny) presumed the Minister did that for his own security and for the security of those who would come after him. We should incur a very great responsibility were we to throw out this bill, and if, at some time or another, we should find our notes running down at a discount.

HON. MR. WILMOT replied briefly to the arguments that had been adduced against his amendment, and contended there was no necessity for the bill, because, under the existing law, the Government could provide gold for any sum likely to be required. He thought the bill was made in the interest of the banks, and it was supported chiefly in the House by hon. gentlemen who were interested in banks.

A colloquy ensued between hon. Messrs. Vidal, Wark and Scott in elucidation of the meaning of some of the provisions of the bill.

The vote was then taken on the amendment of Hon. Mr. Wilmot, which was lost.

CONTENTS—The Honorable Messieurs Aikins, Armand, Bellerose, Botsford, Bourinot, Chapais, Cornwall, Flint, Glasier, Hamilton (Kingston), Howlan, Kaulbach, Leonard, McClelan, McLelan, Macfarlane, Miller, Montgomery, Read, Wilmot—20.

NON-CONTENTS—The Honorable Messieurs Alexander, Allan, Baillargeon, Benson, Bureau, Chaffers, Chinic, Christie (Speaker), Cormier, Dickey, Ferrier, Girard, Haythorne, McDonald, McMaster, Macdonald, Macpherson, Odell, Paquet, Penny, Ryan, Scott, Seymour, Shaw, Skead, Satherland, Trudel, Wark—28.

The main motion being then put, it was carried on a division.

It being six o'clock, the House rose.

POSTAL SERVICE BILL.

After recess,

The House went into Committee of the Whole on the Postal Service Bill. Several slight amendments were suggested by the Hon. Messrs. Aikins and Ryan, which Hon. Mr. Scott promised to take into consideration. The Committee rose and reported the bill.

MERCHANTABLE LIQUIDS IN CASKS.

HON. MR. SCOTT moved the second reading of the bill to compel persons delivering merchantable liquids in casks to mark on the casks the capacity thereof. He explained that this bill came from the Inland Revenue Department, and was connected with the management of that Department.

The bill was read a second time.

INSPECTION OF PENITENTIARIES.

HON. MR. SCOTT, in moving for the second reading, stated that this bill proposed to place the inspection of penitentiaries under the jurisdiction of the Minister of Justice, with the object of giving him more absolute control over the management of these institutions. It had been charged that there had been many abuses within the last few years, and it was proposed to alter the present system and do away altogether with the Boards of Directors or Penitentiary Inspectors.

HON. MR. TRUDEL gave notice that he intended to move an amendment to this bill at its next stage.

The bill was read a second time.

COPYRIGHTS BILL.

The House proceeded to take into consideration the amendments of the Copyrights bill made in the House of Commons, which were concurred in.

HON. MR. TRUDEL said there was one point in the bill which gave him special satisfaction, and that was that no work of an immoral or irreligious character could be made legal literary property. He was very glad to be able to compliment the Government on this provision of the bill.

THE NORTHERN RAILWAY.

HON. MR. SCOTT said the Northern Railway Company had been for many years indebted to the Dominion Government, and efforts had been made from time to time to effect a settlement which would be satisfactory to the country, and not entirely injure the railway or its creditors. The Government claim amounted to £475,000, with interest made up. The late Administration proposed to take the sum of £23,000 and give a release, retaining some second and third class mortgage bonds, to the amount of £100,000 altogether, but this arrangement was

not carried out. The proposition now was that if, by April of next year—or the time might be extended by the Governor in Council—the Company paid £100,000 into the Receiver-General's Department, the Company would be released.

HON. MR. BENSON—What is the deduction from their debt?

HON. MR. SCOTT—The debt, with interest accumulated, is placed at about £475,000, for which we take £100,000 sterling. The £100,000 bonds of the Dominion remain in the same position; but with regard to the first lien, they would give it up for £100,000 sterling, cash.

HON. MR. McMASTER said this road had opened up a very important section of the country, and had contributed more to the revenue, perhaps, than any other road in the country. He thought, for this reason, it deserved assistance, and doubted whether any other railroad in the country had anything like the same claims to such a concession.

The bill was read a second time.

PROVINCIAL INSURANCE COMPANY.

HON. MR. ALLAN, on moving the second reading of this bill, explained that it was to incorporate a railway company and give them the same facilities for doing business, by allowing them to make certain deposits, as had been granted to other insurance companies. He proposed to refer the bill to a private committee, where it could be considered.

The bill was read a second time.

INTERCOLONIAL RAILWAY.

HON. MR. SCOTT, on moving the second reading, explained that the bill was to place certain railways in New Brunswick and Nova Scotia, which already form part of the Intercolonial Railway, under the management and control of the Minister of Public Works.

The bill was read a second time.

CIVIL SERVICE SUPERANNUATION BILL.

HON. MR. SCOTT, on moving the second reading of the bill amending the Superannuation Act, said its object was to enable the Government to give a certain amount of superannuation to certain officers who were not entitled

to full consideration. There were some persons in the Civil Service who, from various causes, were not entitled to as large an amount as would ordinarily fall to their share—who had not, in fact, earned consideration. This bill enabled the Government to dispose of their cases according to their demerits.

HON. MR. DICKEY thought it was not a good principle of legislation to ask the House to provide for persons whose services had not been satisfactory.

The bill was read a second time, after which the House adjourned at forty minutes past ten, P.M.

Tuesday, March 23, 1875.

The House met at three o'clock.

After routine,

Several bills were reported from the Committee on Banking, Commerce and Railways, including an Act to Incorporate the London and Canada Bank, and change its name, which was read a third time and passed.

MARINE ELECTRIC TELEGRAPHS BILL.

HON. MR. MILLER said before proceeding to the orders of the day, he would like to ask the Secretary of State if he had read and considered the protest which a minority of this House had thought proper to place upon record in connection with the Marine Electric Telegraphs Bill. It appeared to him (Mr. Miller) to be very strongly worded, and he doubted if it was such as the hon. gentlemen who had signed it were entitled to put on record. He hoped members would be given time to consider it before it was brought up for discussion.

HON. MR. SCOTT said he had not seen it yet, but would look into it.

RAILWAY RETURNS OF ACCIDENTS.

HON. MR. READ, on rising to propose his motion on this subject, spoke of its importance, and re-called attention to the promise of Ministers on the occasion of his question some time ago, that the railway companies should be required to make returns of fatal and other accidents on their lines, henceforth. From the partial returns brought down, he saw that on the Great Western Road, between July,

1867, and December, 1872, the number of persons killed and injured was 240; and on the Grand Trunk, from January, 1866, to December, 1873, 914. There were no returns of later date. The hon. gentleman went on to point out that many of those accidents were preventible, including those due to bridges that were too low, and to comment upon the serious character of a state of things leading to such an extensive loss an injury to life. Defective as were the returns, they showed that 1,500 persons had been killed and wounded in the space of a few years. He argued that these facts justified a consideration of the best means of arresting or diminishing this evil, and, therefore, desired a committee of investigation. He concluded by moving for a Special Committee to enquire into the cause of injuries and deaths, by accidents, to railway employees with power to send for persons, papers and records, and to report from time to time.

HON. MR. MILLER did not think the adoption of the motion at this late period of the session would lead to any practical result, though the question was one that would have to be dealt with by Parliament before long. His hon. friend had, however, taken a step in the right direction.

HON. MR. LETELLIER hoped the hon. gentleman would not press his motion. The only objection to it was that it was rather late in the session to consider so important a subject. It might be brought up next session, and something accomplished.

HON. MR. DICKEY said there was a bill before the House, for second reading, which related to the protection of life and property on railways. He did not see why they might not legislate upon this subject when that bill came up. His hon. friend (Mr. Read) could then propose any amendment securing further protection to life and property.

HON. MR. SCOTT said he had intended, on that bill coming up, moving an amendment to provide for a safer and more efficient mode of coupling cars.

HON. MR. READ said he did not expect to accomplish much this session, but desired to call attention to this important matter. He would withdraw

the motion, while intending to take action next session.

INSPECTION OF BRIDGES.

HON. MR. BELLEROSE said that in giving notice of his enquiry on this subject, he did not expect, at this late period of the session, the Government would propose legislation for the appointment of bridge-inspectors; yet he thought the matter was important enough to justify his drawing the attention of Ministers to the question. It was only seven or eight months since, in the neighbourhood of Montreal, two bridges gave way—that over Rivière des Prairies and that across Rivière des Milles Isles—rivers from 600 to 1,000 feet wide, one of which had a very strong current. In one case it happened that the portion of the bridge that yielded stood above one of the piers, upon which the team crossing at the time alighted; had it been twenty feet forward or backward, both team and passengers would have been lost. In the other case, the accident taking place at a rapid, where there was but a few inches of water; there was, fortunately, no loss of life. These facts showed that those bridge companies were resolved to make money, even at the expense of the lives of the people, who paid them tolls for the use of their bridges, and that something ought to be done to protect the public against accidents of this nature. He put this enquiry—

“Whether it is the intention of the Government to call the attention of Parliament during the present session to any legislation providing for the inspection of public bridges and toll-bridges or the navigable and floating streams of the Dominion?”

HON. MR. SCOTT replied that the Government did not intend proposing any legislation on the subject this year.

In reply to Hon. Mr. SCOTT,

HON. MR. BELLEROSE said he did not allude to new bridges, which were generally very good, but to old ones, not repaired at the proper time. It was the custom with their owners to wait till the bridges fell.

RETURNS.

HON. MR. SCOTT laid on the table returns to addresses for papers relative to appointment of officials in Lunenburg,

and dismissals from and appointments to office in Prince Edward Island, salaries, etc.

THIRD READINGS.

HON. MR. READ moved the third reading of the bill to incorporate the Belleville *Intelligencer* Printing Co., as amended.—Carried.

POSTAL BILL.

HON. MR. SCOTT, on moving the third reading of this bill, said that several amendments were suggested and inquiries put yesterday in regard to it. One was made by the member from Montreal on the subject of increased postage on letters by the Cunard steamers as compared with those by the Portland. The arrangements made for the transmission of the mails *via* Portland was a special and exceptional one—by the treaty between Great Britain and the States. The gentleman who had charge of the late treaty negotiations at Washington a few years ago urged upon the United States Government the importance of reducing the rates to a certain sum on this line. They replied that it would be impossible, as it would disturb treaty arrangements with Britain, and break up trade arrangements with other nations, pressing for it also. Russia was pressing strongly for a treaty of a similar character with the view of sending her mail matter across the States *via* San Francisco.

HON. MR. RYAN—What would be the difference between the two postages?

HON. MR. SCOTT said the difference would continue as before. United States postage was accounted for to England and not to the States by Canada, and they on their part accounted to the United States under the treaty. He did not recollect the difference. One of the enquiries made was in reference to a printed notice that the senders of letters in the United States placed on them, in view of having them returned directly without passing through the head office in case of failure to reach the party addressed. A similar clause would be introduced in the Canadian Act, so that if letters were not called for within a certain number of days they might be returned

in accordance with the printed notification on the envelope.

In reply to HON. MR. MACFARLANE,

HON. MR. SCOTT said there might be a difficulty as regards letters coming from the States, because there was no interchange of postage between the two countries.

HON. MR. MACPHERSON—Perhaps they agreed to carry returned letters?

HON. MR. SCOTT thought they had, but practically there was no difficulty now. With regard to letters coming from the States, the Post Office Department would not fail to make regulations to meet any case of difficulty; the Department seemed to have anticipated every possibility that could arise. He had made some verbal alterations in the 25th clause in regard to letters mailed in Canada for the United States, to make it clearer. He had introduced the word "Manitoba" into one of the clauses, but its omission originally was not a clerical error. It was the intention, as there were no postal laws in Manitoba, not to apply the bill to it. He proposed introducing a clause to provide for the transmission of mailable matter from the seats of Local Governments, to members, after the sessions terminated, and in accordance with the request of his hon. friend from Nova Scotia (Mr. Miller) the bill could stand over till to-morrow.

THE GATINEAU BOOMS.

HON. MR. READ moved that the first report of the Committee on this subject be concurred in—Carried.

THE DOMINION NOTES BILL.

On motion of Hon. Mr. SCOTT, the House went into Committee on the bill respecting the issue of Dominion notes. He moved the adoption of the first clause, and said he proposed making certain changes in its phraseology, to render clear the matter to which his hon. friend from Sarnia called the attention of the House yesterday. (The Secretary of State here read the proposed alteration.)

HON. MR. WILMOT reiterated his views on the principle and object of the measure, contending again that, as the law now stood, there was nothing to prevent the Government holding

the whole amount of its paper issues in gold. He concluded by proposing an amendment to retain the present provisions of a 35 per cent. reserve for issues over \$9,000,000, and another to the effect that the banks be required to hold the same proportion in gold for the redemption of their notes, which it was proposed the Dominion should keep for the redemption of its notes. If the question was to be between the country and the banks, he was for the country.

HON. MR. SCOTT said he did not now think the verbal changes he had just spoken of were necessary, the clause being sufficiently clear. The intention of the Act was apparent, namely, that Government should hold, in gold, dollar for dollar of the amount of notes issued above \$12,000,000, for that between \$9,000,000 and \$12,000,000, 50 per cent. of gold, the old Act to remain for all issues below \$9,000,000.

A general discussion ensued.

HON. MR. DICKEY said he did not see why the Government should be made a banker for the banks, going to the trouble of issuing notes, bringing gold to the banks, and lending them money at four to five per cent. It appeared unreasonable that Government should be obliged to keep the full amount of specie to respond notes above twelve millions. He did not see why this should be the total beyond which the full amount of gold for all paper issues should be held; and if his hon. friend's amendments did not carry, he would move an amendment to make the clause fixing the limitation read—whenever the amount of Dominion notes shall exceed nine millions, the Receiver-General shall hold not less than 50 per cent. of gold.

HON. MR. WARK spoke in favour of accepting the Finance Minister's conclusions on this subject.

HON. MR. MILLER expressed his concurrence in the views of the hon. member for Fredericton (Mr. Wilmot) who was an authority on that question, and whose arguments had not been answered.

HON. MR. PENNY, in reply to the question why the Government should hold gold to meet the total issue of notes beyond a certain amount, called attention to the fact that the Bank of

England Act contained a similar provision, and that this principle was approved of by Sir R. Peel, who introduced that Act in 1844, by Lord Overstone, and all the greatest bankers and financial authorities in England. He (Mr. Penny) took for granted that those men, the highest masters of the science of finance knew what they were doing, and that they had an object, which was the same as the Canadian Government in this case, namely, the retention of a sufficient amount of gold against the notes issued. It was idle to say that anything but gold would suffice to maintain confidence in those notes and redeem them on demand. It was the same with a private trader; if he could not pay gold, or redeem his notes, no matter what his standing or his assets might be, his estate would have to be wound up. The banks, also, must have all the security of a sufficient gold reserve to offer to the Government. The provision of the Bank of England on this subject had been allowed to continue, although much discussed, and therefore he presumed it was looked upon as a necessity.

HON. MR. READ said they should pause before tampering with the present Act. When Sir Francis Hincks became Finance Minister we were entirely in the hands of the Bank of Montreal. He had great faith in Hinck's financial policy.

HON. MR. WILMOT said the Bank of England Act had failed in several cases, and specie payments had to be suspended—notably in 1847, 1857 and 1866. When he came here, a few years ago, the Bank of Montreal was charging 9 per cent. for accommodation only, for bills of exchange—two per cent. more than the cash rate. Was it not strange that the people of this country should have been depending for their financial existence on this bank? Notwithstanding they were allowing \$3,900,000 of the people's money to lie in that bank without interest, and \$5,412,000 at 4 and 5 per cent. If that was correct financing, he did not know what the words meant. Government deposited vast sums in a number of banks, took the risk of their failing, and yet could not issue a certain amount of Dominion notes.

HON. MR. REESOR said the position of the last speaker was illogical. He complained that the country was in the power of the banks, at Confederation, and after stating matters had changed, and that the Dominion had a balance to its credit, and was not now in their power, he still complained. He (Mr. Reesor) would like to know how matters could be changed to suit him. The leading financiers of both the old and new worlds invariably advocated the principle embodied in this bill—that after a certain amount of credit, whether taken by an individual, a bank or the people of the country, there should be gold for every dollar of obligation.

HON. MR. DICKEY desired to answer the hon. gentleman from Montreal (Mr. Penny). The fourteen millions sterling, to which the Bank of England was confined, was put as a maximum beyond which it could not go, unless it kept specie.

HON. MR. SCOTT—It is the same principle here.

HON. MR. DICKEY—This bill put the maximum at twelve million dollars, and he considered its object was to restrict the circulation to that figure.

HON. MR. SCOTT—Not at all.

HON. MR. DICKEY understood the Dominion issues already exceeded twelve millions.

HON. MR. SCOTT—They are over fourteen millions.

HON. MR. DICKEY—That showed the demand for those notes was expansive and expanding. In accordance with the principle of the bill, to simplify matters and take the sense of the House, he proposed simply to substitute in the section the words "fifteen millions" for "twelve millions," so that for all excess of Dominion notes over nine millions up to fifteen, 50 per cent. of gold should be held; that fifteen should be the maximum, in no case to be exceeded unless there was specie to respond.

HON. MR. FERRIER—You are going on the same principle.

After some further remarks from HON. MR. DICKEY, in reply to previous speakers,

HON. MR. WARK remarked that the policy of the hon. member (Mr. Dickey) was quite different from the course of Sir Robert Peel, in his Act

of 1844. He (Mr. Wark) entered at some length into the financial policy of Sir Robert Peel, and contended that it did not justify the allegations of the opponents of the present bill. It appeared that our Finance Minister thought that we were not sufficiently secure. That minister knew what was in circulation, and what was deposited in the banks, and the difference between these sums was what he was liable at any time to be called upon to replace with gold. Consequently he had to be very careful, and if the House was to hold him responsible for the finances of the country, they ought at the same time to pay some deference to his judgment.

HON. MR. KAULBACH thought it was not necessary to keep such a large amount of gold as the Government proposed, simply to prepare for a run which was very improbable.

HON. MR. AIKINS thought this bill was an extraordinary one, and was quite different from the principle of legislation adopted by this and most other Governments. If the Government thought proper they might keep 30, or 50, or 100 per cent. in gold, but that they should actually limit themselves to keep only a certain amount of gold, seemed to him very strange legislation. His conviction was that the Government did not desire to have the circulation of these Dominion notes extend over \$12,000,000. It seemed a most unusual and improper thing to limit the circulation of these notes. He thought there must be some influence behind the Government inspiring this legislation, and that was the banking interest.

HON. MR. PENNY replied to Hon. Mr. Aikins, and some conversation ensued with regard to the limitation in the issue of the notes.

HON. MR. MACPHERSON said the country at large had a great desire to know that there was a sufficient reserve to secure the immediate convertibility of the Dominion notes.

HON. MR. AIKINS—The country has never expressed any such desire in any way.

HON. MR. MACPHERSON said in the House of Commons the representatives of the people had expressed their opinion by the passage of this

bill. Up to a certain amount Government could keep specie for the circulation, and there was little or no chance that any portion would be called upon for redemption. But beyond that it was necessary to have a reserve, for after having passed a certain limit there was almost a certainty that the amount in excess would be sent back for redemption, and it became necessary that all beyond the amount which the country absorbed should go dollar for dollar.

HON. MR. McLELAN thought that within a certain limit the increased liability of the notes being returned for redemption was not sufficient to justify the proposed legislation. But we had not yet got beyond the point in which the country had entire confidence in these notes. Their character had never yet been questioned. He disapproved of the policy of the Government as evinced in the bill.

HON. MR. SCOTT replied to the criticisms of the bill, and insisted upon its necessity in order to preserve intact the financial credit of the country, and to prevent possible disaster. Within the last two months there had been a very serious strain on the country, and Government had been obliged to telegraph to England to send over half a million of gold. If the Government should fail now to keep our notes in as good a state as gold, hon. gentlemen opposite would be the first to blame them for want of care and forethought. If it were known in New York that \$500,000 were passing in at any one point, and that there would be a delay of a week in getting gold therefor, the fact would at once depreciate our currency as the American currency was depreciated. The Government were not introducing any new principle, but simply protecting this country from the possibility of its finances falling into discredit.

HON. MR. McLELAN thought the Government had introduced this bill with the best intention, but he had seen nothing yet to induce him to change the opinions he entertained on the former bill introduced by the late Government. He could not see why we should depart from the scale laid down in that bill for the issue of Dominion notes, though he agreed with other gentlemen

that these notes ought to be as good as gold. With regard to the United States we all knew that their paper currency was made to meet the enormous calls upon the finances of the country. The uncertainty attending the peculiar circumstances of the country and its doubtful future affected the currency at that period. But notwithstanding the enormous expenses of the war and the amount of currency necessarily issued, the resources and the recuperative powers of that nation were sufficient in a short time to raise it from a very low to a very high rate, and it was now almost at par value. That experience had convinced him that the circulating medium could be made so valuable that we had no reason to fear that the issue of twelve or fifteen millions of Dominion notes, with a specie guarantee of 35 per cent., would not continue to sustain the confidence of the country.

HON. MR. TRUDEL thought no sufficient reason had yet been brought forward for this new legislation. The amount fixed being an arbitrary one, and it not having been shown that the amount of gold provided to be kept by the former legislation was an arbitrary amount, while the necessity of new legislation had not been demonstrated, there seemed to be no reason to change the legislation. Still, he considered the bill proposed by the Government was in the right direction. Government were responsible for the credit of the country, and if by any misfortune our notes should happen to fall below par the credit would certainly be very much affected. He thought it was his duty to vote for the bill, leaving to Government the responsibility of the possible loss of interest the country might sustain by keeping more gold than was necessary.

HON. MR. DEVER thought Dominion notes with a basis of gold such as this Act indicated could only be equal to those of the banks, which were always supposed to have sufficient gold on hand to pay over the counter under any excitement. He would ask hon. gentlemen to point out in what way a bill of exchange or gold could be obtained for Government paper if banks found it inconvenient to receive it at their counter? Would not the natural

consequence be a depreciated currency? He would further remind hon. gentlemen there would be nothing to prevent gold rings putting the holders of paper and the Government to great trouble and loss. Hence he held there was no sound basis for any bank of issue,—let that bank be Government or private,—only that founded on a sufficient coin basis to guard against any surprise or demand of the holder. Allowing that a large quantity of Dominion notes were afloat, and were perfectly good, and that the wheat, or any, or all, the products of this country were really the basis of these notes instead of gold, as his hon. friend from Sunbury alleged he failed to see how these commodities of exchange could be equally convertible into gold on demand, and could give equal feelings of relief to the holder, whose object was to have convenient funds for his need. It was a false principle too, to induce the banks of the country to hold large quantities of Government notes as security, instead of gold. Both banks and Government thereby might be caught napping when gold could not be had conveniently. Hence he could imagine the excitement and confusion to business, notwithstanding our ability to send products abroad to draw against and ultimately obtain gold from them.

HON. MR. MACPHERSON believed we were perfectly safe in leaving the matter in the hands of the hon. Provincial Treasurer, as no doubt the responsibility of keeping the finances of the country in a sound condition rested with the Government. No man with a knowledge of our country's resources and increasing volume of trade could think that this six millions, which was all that was not going into circulation, was a sum above and beyond what was required to carry on the business of this country.

HON. MR. LEONARD said the hon. Secretary of State had stated that the principle of this bill had been adopted by Sir Francis Hincks. If that gentleman had given us a currency which did so well, why not allow it to remain? Why destroy the force and effect of that principle? He failed to see that the hon. Secretary of State had made a case at all. The hon. Secretary of State said, we want more gold to make

ourselves secure; that was a most humiliating confession for a Minister of the Crown to make. The basis of an issue of these notes should have been less, and he was confident that the people of this country would be satisfied with less of a gold basis than the banks of the country. But the hon. Treasurer increased it, and that gave the banks a better chance, and for that reason he (Mr Leonard) really thought some influence was being brought to bear to induce the Government to enter upon another policy.

HON. MR. WILMOT'S amendment was then put and lost by a vote of 19 to 26.

HON. MR. DICKEY moved to amend the clause by substituting the word "fifteen" instead of "twelve," so that the clause might read as follows:—

"Whenever the amount of Dominion notes issued and outstanding shall at any time exceed fifteen millions of dollars, the Receiver-General shall hold specie to the full amount of such excess, for the redemption of such notes; and whenever the amount of said notes shall fall below fifteen millions of dollars, and exceed nine millions of dollars, the Receiver-General shall hold in specie not less than fifty per cent. of the amount of such notes above nine millions of dollars, for the redemption of such notes."

The hon. gentleman proceeded to say that the Secretary of State had told us the circulation had gone on expanding from nine millions to fourteen millions, and no stronger reason could be given for putting the maximum, at the very lowest, at fifteen million. He proposed to put the maximum at fifteen million, and to adopt the principle of the bill not only as to amount, but the principle of increased percentage from fifteen per cent. to thirty per cent. for all amounts over nine millions. He thought by the evidence that this fifteen millions was just about the amount required for circulation, and trusted the Government would be disposed to accept this amendment.

HON. MR. SCOTT said he was informed the amount of the Dominion notes in circulation was only \$12,000,000, and not \$15,000,000 as was before stated.

HON. MR. BENSON said the hon. gentleman on his right (Mr. Dickey) had admitted that he did not understand these financial questions, and allowed those who did to discuss them;

yet the hon. member now took up the debate, and offered an amendment to the hon. Finance Minister's bill, assuming that he knew better what was required than the Finance Minister. He (Mr. Benson) was of opinion that the Minister knew best what was wanted, as he had had practical knowledge of the subject, and as long as the bill was in the right direction, giving additional security to the public, he was willing to allow the Finance Minister the responsibility of his position, and adopt his measure.

HON. MR. FLINT said we were here not only to look after the finances of the country, but to look after the Finance Minister also. (Hear, hear.) He thought we had done very well so far, and should be content to let well enough alone.

HON. MR. DICKEY'S amendment was then put and lost by 23 to 25.

The Committee then rose and reported the bill without amendment. It was then read a third time and passed.

THE NORTHERN RAILWAY.

The House went into Committee of the Whole on the Northern Railway Dominion Lien Bill—Hon. Mr. McDonald, of Toronto, in the chair.

HON. MR. SCOTT briefly repeated the explanations of the object of the bill, which were given on its second reading.

The Committee reported the bill without amendment, and it was then read a third time and passed.

THE EUROPEAN AND NORTH AMERICAN RAILWAY BILL.

HON. MR. WARK, seconded by HON. MR. MONTGOMERY, moved the second reading of the bill relating to certain articles of agreement with the above company.

HON. MR. WILMOT said this bill was of rather an extraordinary character. It was, as far as he could judge, legislating to give effect to an agreement between a company in the State of Maine and a company composed of people in New Brunswick. The latter furnished more than the road cost, and the result of the bill would be to give the entire control of the road to the American Company. The Province of New Brunswick had granted \$10,000 a

mile, the city of St. John and certain individuals held stock in it to the extent of \$17,000 a mile. An agreement was made between the company and some American railroad contractors to build the road for about \$39,000 a mile. They sub-let it to the engineer for \$23,000 a mile. He sub-let it to other contractors, at least the most expensive portion of it, for \$16,000 a mile. It had been sub-let still again, and one of the practical men at work on that road told him that the whole thing could be built for \$14,000 a mile. The Americans did not put a single cent into the operation. The thing had led to trouble, and litigation was already going on at St. John about it. He looked upon the bill with very great suspicion.

The bill was read a second time, and referred to the Standing Committee on Banking, Commerce and Railways.

THE INTERCOLONIAL RAILWAY BILL.

The House went into Committee of the Whole on the Intercolonial Railway Bill, Hon. Mr. Chaffers in the chair.

HON. MR. LETELLIER DE ST. JUST explained that it was a very short bill, and provided for placing under the authority of the Minister of Public Works all the sections of the road in Nova Scotia and New Brunswick which were in connection with the Intercolonial Railway.

The bill was reported without amendments, read a third time, and passed.

It being six o'clock, the House rose.

EVENING SESSION.

The Speaker took the chair at eight o'clock.

THE SUPERANNUATION BILL.

HON. MR. DICKEY resumed the discussion on this measure, objecting to the clause allowing a party, who might not have performed his duty properly, superannuation provision, whilst another who had, but had been compelled to retire for any reason before a certain period, would be refused it. There were many cases such as Mr. Carvell's, where persons had performed their duty satisfactorily many years, without receiving a superannuation allowance on leaving the service.

HON. MR. SCOTT—Only a few cases; and Mr. Carvell did not contribute to the superannuation fund.

HON. MR. DICKEY said he had, since the law was passed.

HON. MR. HOWLAN said Mr. Carvell had been in the service fifteen to eighteen years, to his own knowledge.

Bill reported without amendment, and read a third time.

THE LIFE INSURANCE INSPECTION BILL.

HON. MR. SCOTT moved the second reading of the Life Insurance Companies bill, and explained it, saying the first clause provided that a Superintendent of Insurance Companies might be at any time appointed to examine into their affairs, and report to the Government. The Minister of Finance was authorized by all Insurance Companies to make returns. The third clause provided that in estimating the financial condition of a company, the calculation should be made on a basis of 5 per cent., which was the rule in England.

HON. MR. RYAN thought it was requiring rather much of those companies, that they should not only make returns, and render themselves liable to produce them under oath, but also be subject to inspection. If Ministers had a Government Inspector, they might at least depend upon his supervision of those companies, and not put them to the trouble and expense of making yearly returns. By an examination of those returns, Government could estimate the companies' investments just as well as it could be done by an inspector. Besides an inspector might entail on the companies payment of fees—he did not know as to this point.

HON. MR. SCOTT—I think so.

HON. MR. RYAN said Government might as well extend this bill to every institution in the country that dealt in money, as to the Insurance Companies, and thus have an inspector of banks and building societies, which were compelled to make returns. He thought the bill was carrying the check upon Insurance Companies a little too far. He presumed it was not the intention of the Government Inspector to ascertain what the value of the lives insured might be.

HON. MR. SCOTT—No. The bill was designed to establish a uniform basis, upon which all those associations might be judged. They made their returns separately, at present, and on a different basis, and the public had no means of knowing their value.

HON. MR. RYAN argued that they having shown their assets, liabilities and securities under a sworn statement, the Government might as well make their calculations upon them as send round an inspector, who could not visit all the offices at the same time. At present they could call for returns from all the offices within the year. He had pointed out what seemed to him a very obvious objection to the bill.

HON. MR. McMASTER also thought the bill carried inspection, in regard to those companies, too far, especially as a number of companies that required inspection quite as much were over-looked altogether. It had always appeared to him that the inspection of building societies would be exceedingly desirable. Perhaps this should now be provided for.

HON. MR. FERRIER was glad to hear the sentiments just expressed. He was quite sure, judging from letters from insurance companies, which he had received, that this inspection was being made oppressive. We should be careful how we treated the large number of those companies now doing business in our midst. They should not be made feel they were being harrassed or oppressed. They were perfectly willing to make returns on oath as before. Doubtless other corporations needed inspection quite as much as these companies.

HON. MR. SCOTT had not heard of any complaint by the companies. He thought all companies on a sound basis were quite prepared for any investigation. There had been, he believed, a general demand for a bill of this kind. The larger bill requiring superintendents for Fire and Marine Companies had not come up yet, but would, no doubt, soon.

After some further discussion, in reply to HON. MR. DICKEY,

HON. MR. SCOTT said the present bill, by the inspection provision, would afford the Canadian public security against companies in England.

Bill reported from Committee, and read a third time on a division.

CANADIAN NAVIGATION COMPANY.

HON. MR. HAMILTON, in the absence of HON. MR. PENNY, moved the second reading of the Canadian Navigation Company's Amendment Bill, stating that its object was merely to enable this company to amalgamate with the Richelieu Company; the bill had the consent of the shareholders. Carried.

PROTECTION TO LIFE AND PROPERTY ON RAILWAYS.

HON. MR. SCOTT moved the second reading of the bill to afford better protection to persons and property on railways. He explained that it was provided that any person employed upon a locomotive, or in any other position where his error might endanger life or property, should, if ever found drunk, be guilty of a misdemeanor, and the company employing him be liable to a penalty not exceeding \$1,000.

HON. MR. BOTSFORD—Does this apply to Government railways?

HON. MR. SCOTT—To all.

HON. MR. BOTSFORD—Who would be the party subject to the penalty for the offence on Government railways?

HON. MR. SCOTT—Government would have to take cognizance of it.

HON. MR. ALLAN—Who would be fined?

HON. MR. SCOTT—The Minister of Public Works, I suppose. (Laughter.) The third clause enabled the Governor in Council to make better provision for the management of railways. A clause provided the doors of the cars should open outwards and inwards, or be sliding doors.

HON. MR. DICKEY said the bill provided as to details concerning railways belonging to Local Governments, with which the Dominion Government had nothing to do.

HON. MR. ALLAN presumed the Dominion had authority to legislate with regard to the protection of life.

HON. MR. REESOR supported the bill.

HON. MR. FERRIER also spoke in favor of it, particularly the clause as to drunkenness, but he urged that it

would, be next to useless to forbid these employees drinking so long as bars and saloons were allowed to sell liquor along the railways. The Grand Trunk, by closing them a year and a half ago, had effected a great improvement.

HON. MR. SCOTT doubted whether we could close them up, as the power appeared to belong to the Local Governments. (Hear, hear.)

HON. MR. DICKEY pointed out that the second clause prevented a man who had ever been intoxicated from being employed on a railway, under the penalty. This would prove a hardship in many cases, where men had reformed.

HON. MR. FLINT and other members spoke against this disability, saying that some of the best temperance men of to-day had at one time drunk to excess. (Laughter.)

HON. MR. SCOTT promised to consider this and other objections in committee.

Motion for second reading carried.

THE SPEAKER presented a petition from the General Assembly of the Presbyterian Church, praying for a Prohibitory Liquor Law.

The House adjourned at half-past nine o'clock, P.M.

Wednesday, March 24, 1875.

The House met at three o'clock.

THE PROVINCIAL INSURANCE COMPANY OF CANADA BILL.

The Committee on Standing Orders and Private Bills reported without amendment the bill to consolidate and amend the Acts relating to the Provincial Insurance Company of Canada.

On motion of HON. MR. ALLAN, the bill was read a third time and passed.

THE NORTH-WEST TERRITORIES BILL.

HON. MR. AIKINS said he considered the notice which he had placed on the notice paper as a proper one, inasmuch as the Government had introduced a bill for the purpose of appointing a Governor and Stipendiary Magistrates for the Territory known as the North-West. But he regretted extremely to have received yesterday an answer somewhat different to that which he obtained the other day. He saw a bill that had been introduced into the other House which provided

that Government should take possession of all that country, whether it had been acquired from the Indians by treaty or not. He also had seen it stated that there were in that territory several Indian settlements, larger or smaller, and under these circumstances he regretted that the Government were not in a position to say that they were anxious and prepared to make a treaty with those Indians—the Black-foot and Crees. He was extremely anxious that we should have a treaty made with them. Government had said they had the subject under consideration, but, from his experience, when the Government were not prepared to say positively what they intended to do, their action in the matter was likely to be of a negative character. He referred to the territory at the present time for the reason that the Indians were anxious for a treaty, and also from the fact that Lieutenant-Governor Morris was now in that country, a gentleman thoroughly capable of negotiating such a treaty, and who had already had some experience in treating with Indians. He also observed that by the provisions of the bill large salaries were to be attached to the offices which it would be necessary to establish in that territory, and he had seen it stated that no less than two hon. Senators, holding seats in this House, and six members of the House of Commons, had sent in applications for the position of Clerk of the new Council. He had no doubt that some persons considered these positions very important, since even Senators did not consider them beneath their dignity. In connection with this bill, he also extremely regretted to learn that before the Government had really been established in that territory, the First Minister of the Crown had stated that it was the intention of the Government to make provision for the establishment of the Separate School system in that territory. He (Hon. Mr. Aikins) censured the Premier for inconsistency in this regard, when viewed in connection with his previous acts. He concluded by moving, seconded by HON. MR. FLINT,

“That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House a statement or estimate of the number of whites,

half-breeds, and Indians in the country, hereafter by the bill of the Government to be known as the North-West Territory. The statement to set forth where the settlements of the whites and half-breeds are, and where these settlements were formed."

HON. MR. SCOTT said no census had yet been taken in that region, and the population was of such a migratory character, particularly the half-breeds, that there was no possibility of getting anything like correct information, except in the most cursory manner, from travellers or otherwise. Estimations had been made that the Indians in the outside territory numbered something like 15,000, and the whites 1,000 or 2,000. His hon. friend had chosen to make some discursive remarks, and to assume that the Government did not intend to go on and treat with the Indians between the section of country surrendered and the Rocky Mountains. When the leader of the Government answered that he had the subject under consideration, it was a very proper answer, because it was impossible to say anything definite with regard to proposed negotiations with a people of a character so unreliable as the Indians.

HON. MR. AIKINS asked if the Government were attempting to make a treaty.

HON. MR. SCOTT said it was manifestly in the interests of this country that all that territory should be surrendered, more particularly if we were going to penetrate it with lines of railway and telegraph, and the Indians were supposed to dispute the ownership of the country until their rights were fairly recognized. The hon. gentleman had thought proper to make a very deprecatory allusion to that paragraph in the bill proposing to establish separate schools in the North-West. The Administration of which he (Mr. Scott) was a member had already had some experience with the separate school question, and they meant to take precious good care that the coming generation in that territory would not have to make the same complaint that some of the Provinces of the Dominion had occasion to make at the present moment.

POSTAL SERVICE AMENDMENT BILL.

On motion of the Hon. Mr. SCOTT, the House went into Committee of the Whole to consider some proposed

amendments to the Postal Service Amendment Bill. He said that one change he had decided upon was to render free all letters or communications addressed to or sent by the Speaker or Chief Clerk to or by any member.

The bill was reported with amendments.

On motion for third reading,

HON. MR. CAMPBELL said that as he was Postmaster-General himself not long ago, he would occupy the time of the House a few moments on this subject. He felt reluctant to allow the bill to pass without a word or two expressive of his sense of the improvements which the changes now incorporated in the bill had effected in the postal law. The changes in the first bill were brought out clearly, but for some reason the whole postal bill appeared to have been re-enacted. He thought those changes would prove a very great advantage to the public. He thought compulsory prepayment was to a certain extent abandoned, however, and that letters not wholly paid for would be sent forward.

HON. MR. SCOTT said if a letter was insufficiently stamped, it would be sent to its destination, but the amount short would be charged. If, however, it was not prepaid to any extent, it would not be carried.

HON. MR. CAMPBELL said he was glad of that feature. Compulsory prepayment was attended with many advantages, including the great diminution of account-keeping in the Post Office Department, and it favored the new system of free delivery now in operation in some of the cities of the Dominion. It would be very difficult, if not impossible, to carry out that system without compulsory prepayment, because much time would be lost if the postman had to stop at almost every door to collect the postage on letters. Free delivery would be very beneficial to the people. Compulsory prepayment was proposed by himself in 1867, but he thought the members of both Houses disapproved of the scheme, which was dropped. They had also thought of free delivery at that time, but it was apprehended it would involve the expenditure of a very considerable sum in the different cities.

He was glad to know from the remarks of the Postmaster-General in another place, that that apprehension had, in the present instance, to a great extent proved unfounded, and that the augmentation in the number of letters sent had materially compensated the expense of the free delivery. In that respect the apprehensions entertained in the Department, when he was its head, had not been realized. These with other improvements in the Post Office Department, entitle the Government to the congratulations of the Opposition on the efficient manner in which this branch of the public service was conducted, and on the ameliorations secured, which he thought would be attended with great advantage. (Hear, hear).

HON. MR. FLINT said that when the bill was before the House for second reading, he made some observations with regard to an amendment in behalf of the publishers of country newspapers. On this subject he had not altered his opinion. In justice to the issuers of a small number of papers, they should not be asked to prepay the postage. Through the system of credit one-fourth of the issues of those rural newspapers were a loss to the owners; unlike the owners of city journals, they could not get paid in advance. He concluded by moving an amendment in accordance with his views, at least to put them on record. Lost on a division.

The bill was reported with an amendment, read a third time and passed.

MERCHANTABLE LIQUOR CASK CAPACITY BILL.

HON. MR. SCOTT moved the House into Committee on the bill respecting the capacity of casks used for merchantable liquids. He said the first section provided that it should not be allowable to deliver any cask to the purchaser of any merchantable liquid, unless the quantity or its capacity was stamped thereon. The bill was asked for in the interest of honest brewers, who complained that they were at a disadvantage as compared with the dishonest, who palmed off large quantities of beer in casks purporting to contain measures of which they were short.

HON. MR. DICKEY—Then this is a prohibitory liquor law. (Laughter.)

HON. MR. McCLELAN made suggestions with a view to an amendment raising the vessels within the purview of the bill from five to ten gallons, so as to exempt farmers and others in the habit of using small kegs for molasses, vinegar or other commodities, from its operation, which, in such cases, was unnecessary and would be troublesome.

HON. MR. SCOTT, in reply to the remarks of other members, said the bill was devised by the Inland Revenue Department, the officers of which said it was necessary to complete their whole system.

HON. MR. DEVER said he rose at once to oppose this bill, believing it to be another straw indicating whence the wind was blowing. He was one of those who were seriously against any further extension of the ramifications of a certain department of the Government of this Dominion known as the Excise Department. In his belief it was wholly unnecessary in this country, and if allowed to go on from year to year until recognized as an institution of this Dominion, simply through the manipulations of crafty men, whose purpose was office and patronage, there was no telling where it would end. Hon. gentlemen would remember this was a vast country thinly populated, giving everywhere, under high spirit duties, great opportunities of carrying on illicit distillation. When this once commenced—and he did not see why it was not so now, under the present excise of \$1.18 on alcohol per gallon, the first cost of making which was only about 40 cents per gallon—a constabulary force would have to be provided, and hence all the expense and heart-burnings of other countries would be introduced into this, which had not suffered yet any calamity to be compelled to resort to such excessive and expensive modes of taxation. He would pause now, and ask, for what? Was it merely to collect a little revenue on a little alcohol, and on a little manufactured tobacco, the raw materials both of which had to be imported from a foreign country, and could only be manufactured in this under a ruinous protection, the one article getting 41 cents per gallon, and the other 5 cents

por pound, and twelve and one-half per cent. per pound *ad valorem*? And really those two articles were the only two items worthy of notice on which duties were collected by this wonderful institution now being foisted upon the country. And here he would state that he looked on the whole affair as a perfect fraud, an attempt to build up two custom houses in this Dominion, with two sets of officials, where one custom house and one set of officials would answer all the purposes quite as well, and which had been the wise and satisfactory practice in New Brunswick and Nova Scotia before coming into this Union. Merchants then in the cities by the sea imported from the cheapest markets; now they are compelled to pay an unreasonable protection duty of 41 cents per gallon on alcohol, and 5 cents per pound and twelve and one-half per cent. *ad valorem* on tobacco; and all to establish and keep up the appearance of the necessity of this Department and its present and prospective swarm of officials. He would now ask, in all sincerity, of the governing party of this Dominion, would it not be well and reasonable that instead of creating more officials—and Acts of Parliament every day, to give them the appearance of more importance—would it not be wiser to unite and place under one efficient head the three Departments of Customs, Finance and Excise? As all hon. gentlemen must see, there was really no business in this Dominion requiring such extravagance and waste of public funds as was required to keep up these three Departments and their multitude of *protégés*. He would further insist that it was now, in the infancy of these Departments, that this reformation should be made. For, by delaying, officials will become so numerous as to make it very difficult to provide for them. And he was not of those who would wish to see any public official employed in the service at present sent adrift by any means. But as an observer of principles, he certainly thought something must be done to stop the alarming advance of taxation on the people of this country, and more especially on the people of the Maritime Provinces, caused in great measure by a plagiarised and badly-arranged

tariff, not suited to merchants and cities on the sea coast, but wholly preventing them from purchasing goods in legitimate and cheapest markets, and driving them out of the country, for it really had come to that now; and to show that he had strong grounds for this assertion, and that he was not actuated by any unkind motives to any one, he would ask the permission of hon. gentlemen to present to their notice a similar view set forth in the newspaper of a gentleman who was known to be very favorable to the present Government, and who uses the statements, he had reason to believe, for another purpose. It is headed—

“\$2.75.”

“We need not remind the majority of our readers that during the great Confederation campaign, the people of this Province were assured by the advocates of the measure that the taxation of the people of New Brunswick in Confederation would never exceed \$2.75 per head. This was about the average of the taxation imposed by the Province for some years, and was less than the taxation at the time of the great struggle.

“The assurances made on what they regarded as authority were therefore accepted as a promise that taxation would really be reduced, while many great and substantial advantages, direct and material, were promised as certain to follow the proposed Union. It is perhaps of little use to show now how greatly the people were deceived; how enormously their taxes have been increased, and how utterly many of the promises on which they then relied have failed of accomplishment.

“We paid into the Dominion Treasury in the year 1873-4:—

Customs.....	\$1,400,007
Excise.....	219,049
Stamps.....	9,917

\$1,628,973

“In former years we added to these items a considerable sum as the profit on the working of our railroad. This year the accounts say there is a large deficit. But putting this and the newspaper postage aside, and assuming that the amount paid in New Brunswick on goods sent to the other Provinces equals that paid on goods imported by us from the upper Provinces, we find that the people of New Brunswick now pay into the Dominion exchequer \$628,973 more than they paid in 1866, and about twice as much as they paid on the average of the seven years before Confederation.

“We do not now stop to enquire how the account stands as between the Province and the Dominion, which certainly has not proved illiberal in its dealings with us; we only desire to show the amount of the taxation now borne by the people.

“Instead of being \$2.75, as they were promised, it is nearly \$6, taking the population according to the census of 1871.”

He (Mr. Dever) would now add that

New Brunswick only paid, a short time before coming into the Union, about three or four cents a pound on manufactured tobacco, and hence disposed of vast quantities to outward shipping. It also only paid thirty-five cents duty per gallon on alcohol, whereas now, between being compelled to purchase in an illegitimate market, and extra duty, it had to pay about \$1.50 per gallon. Hon. gentlemen might see from these statements the necessity of a great change required somewhere, it being out of all reason that such a hampering system could be continued against the natural laws of trade of the Maritime Provinces.

HON. MR. BOTSFORD said there was a good deal of force in the objection of his hon. friend opposite (Mr. McClelan), with regard to the size of the cask. A great deal of trade was carried on with the inhabitants of villages by means of these five and ten gallon casks, which were used for carrying a variety of articles. By the bill, every time a merchant sent out a five-gallon cask, unless it was marked and gauged, he would be subject to the penalties prescribed. The bill would impose fines on persons who, in the course of trade, had not been subject to such supervision.

HON. MR. READ spoke in favour of the bill.

HON. MR. DICKEY suggested an amendment to meet the objection as to the five-gallon cask.

HON. MR. SCOTT said the bill did not apply to the parties using them described, but to dishonest brewers and the like. He thought, however, of making an amendment at the third reading, limiting the provision to casks of ten gallons and upwards.

HON. MR. DICKEY said that would meet his views.

The bill was reported without amendment.

THE UPPER OTTAWA IMPROVEMENT BILL.

HON. MR. SKEAD moved concurrence in the amendments made by the Committee on Banking and Commerce to the Upper Ottawa Company's Improvement bill.

HON. MR. DICKEY having claimed credit to the Upper House for the amendments made in the bill, which

came from the Lower House, said the Act gave power to the parties interested, to acquire under the General Railroad Act, the lands and so forth wanted. He would ask, for the satisfaction of the parties, whether it was in contemplation, under this proposed Act, to take their lands first and put buildings, or booms on them, and pay them afterwards, or pay for them before going so far.

HON. MR. SKEAD said the bill gave every protection to the landowners. The promoters of this Boom Company could not touch any land till they acquired the right by purchase or arbitration, under the Railway Act. Then their plans and specifications had all to be submitted to the Minister of Public Works—a provision which had been amended by adding the words "Governor-in-Council." This company, some eight or nine years in operation, had had no difficulty about private lands or rights. They did not seek to appropriate any land till they got to the head of the Dechené Rapids, some eight or nine miles from Ottawa. Then the Chaudière Company belonged to the Blaisdells, who wanted no more land.

Motion carried, and bill read a third time.

HON. MR. SKEAD next moved concurrence in the amendments to the bill respecting the Lower Ottawa Boom Company.

Carried, and bill read a third time.

The House then adjourned.

Thursday, March 25, 1875.

The House met at three o'clock.

THIRD READINGS.

The bill from the House of Commons to amend the Act incorporating the Canadian Navigation Company, was, upon motion of Hon. Mr. Penny, read a third time and passed.

The Committee on Banking, Commerce and Railways reported, without amendment, the bill to amend the several Acts incorporating and relating to the Richelieu Company, and to change its corporate name.—Read a third time and passed.

The same Committee reported, without amendment, the bill to incorporate the Board of Trade of the Town of Lévis.—Read a third time and passed.

THE EUROPEAN AND NORTH AMERICAN
RAILWAY BILL.

The Committee on Banking, Commerce and Railways reported, without amendment, the bill from the House of Commons, entitled an Act to confirm articles of agreement and consolidation between the European and North American Railway Company for extension from St. John westward, and the European and North American Railway Company of Maine.

HON. MR. WARK moved, seconded by HON. MR. HAMILTON, that the bill be read a third time.

HON. MR. WILMOT said he hoped this bill would be allowed to stand over, in order that parties in his own Province interested in this measure might have an opportunity of learning what the bill meant. He had just received a telegram from the Mayor of St. John stating that certain interests of the city connected with the Western Extension Company might be jeopardized by the bill, and, although provisions had been made in the other House to protect all rights and privileges, he (Mr. Wilmot) thought under the circumstances the bill had better lie over until another session. He had stated, when the bill was brought up the other day, that the building of this Western Extension Railway was, in his judgment, attended with a good deal of what he should call corruption. The Province of New Brunswick had furnished \$17,000 a mile for building that road. There had been a resolution passed in the Legislature that the Government should do the work; the resolution passed the House of Assembly by a very large majority, but in the meantime arrangements were made by which the company entered into a contract with some Americans to give them \$37,000 a mile to build the road. A sub-contract was taken by Mr. E. R. Murphy for \$23,000 a mile. He sublet it for \$16,000 a mile, and his hon. friend from Sunbury was one of the parties connected with that sub-contract. It was afterwards re-let for \$13,000 a mile. The people in the Province of New Brunswick bore all the cost of the building of that road, and after bonds had been issued to the

extent of \$2,500,000, they now combined with the company in the United States to get authorization to issue a larger amount of bonds, and the consequences would be that those travelling on the road would have to be taxed a great deal more than it cost to build the road, in order to pay this enormous amount of bonds. He considered it altogether one of the most outrageous proceedings.

HON. MR. CAMPBELL—Is it a Government measure?

HON. MR. WILMOT—No, it is not a Government measure, but a private one. He had also in his hands a letter from a legal gentleman in St. John who stated that he had not been able to see a copy of the bill although he desired to do so in the interest of his clients whose interests were jeopardized by it. He (Mr. Wilmot) moved, seconded by Hon. Mr. Glasier, that the bill be postponed until next session.

HON. MR. McCLELAN was interested in this matter as it affected the Province of New Brunswick, and he desired to hear what could be said in favor of the bill. He was not conversant with the facts just recited regarding the cost and the contracts, but he remembered well, being at that time a member of the Local Government, how that Government granted \$10,000 a mile, and was then called upon to grant \$300,000 of provincial stock. It was looked upon as objectionable that the contract should be given to and the greater part of the stock held by those belonging to another country, considering that the Province of New Brunswick had contributed so largely to the construction of the road. In addition to the \$10,000 a mile and the \$300,000 of provincial stock, there was a sum of \$60,000 subscribed in the city of St. John, besides large amounts from other quarters. As to the actual cost of the road he could not speak, but he would like to understand more fully whether, in conferring the principal power upon United States citizens, we were really affecting any rights of the people on our own side of the line, and if that were the case, we should stay our hand and not pass the bill. It was perhaps objectionable enough to throw the management of so much property into the hands of aliens, but when we

considered the manner in which they treated all questions affecting this country, particularly their conduct in regard to reciprocity, it would be doubly unwise and imprudent for us to pass this measure, if it affected in any way injuriously the interests of our people. He would like a little more information, and perhaps the gentlemen in charge of the bill would not object to let it stand over; but if he were fully convinced that no injury would be done to the interests of our people, he would willingly support the bill on other grounds.

HON. MR. BUREAU said if this railway concerned only one Province, we had no jurisdiction in the matter. According to our Constitution, all railroads confined to one Province had to be dealt with by the Local Legislature of that Province; but if a road passed through different Provinces it became the duty of the Federal Government to deal with it. In the present case, we could not consider the State of Maine as holding a position similar to one of our Provinces, and for that reason we must consider the road as one for the Local Government to deal with, and consequently beyond the jurisdiction of this House.

HON. MR. DICKEY would be sorry to have this question discussed upon a technical construction of a Government Act. But as the House might be misled by the opinion of his hon. friend, he would refer them to the 10th subsection of the 92nd section of the British North America Act, which he thought clearly established the right of this Legislature to deal with the question now before them.

HON. MR. WARK had thought his hon. friend from New Brunswick (Mr. Wilmot) had stated all his objections to the bill when it was read a second time, and he did not think he had any right to go over the whole ground again. The Committee were unanimous in reporting this bill favorably, after listening to the explanations given by himself, and looking into all the circumstances. The Hon. Mr. Coburn, on behalf of the Company, had appeared before the Committee to-day, and he had also been employed by the Company to appear before the Committee of the other House, and repre-

sent all the facts to them. The Committee of the other House, among whom were eminent legal gentlemen like Sir John A. Macdonald and Mr. Moss, had given the utmost pains to the investigation of this question, and had suggested several amendments to the bill. On account of the province owning a large amount of stock, the Government of New Brunswick had invariably deputed some person to represent them at the meeting of stockholders, as their proxy, and whoever they sent for that purpose, had a large control over the election of directors. The New Brunswick Company had taken every precaution to protect the rights of the province, and the Local Government were quite satisfied with everything that had been done: Now, this agreement was contemplated when the companies were first incorporated. There was a clause which was quoted in the preamble of the bill which showed it was contemplated that this whole road from Bangor, in Maine, to St. John, New Brunswick, should be one as soon as the two different companies had completed the portions of it within their respective territories, after which the whole road was to be run under one management. That policy was carried out by an agreement made two years ago last October, and has been in effect ever since. And now they wanted to call in the old bonds, to cancel the bonds given by each of the respective companies, and issue new bonds which would perhaps enable them to join the Dominion Government in constructing a bridge across the St. John River, which was an absolute necessity to the perfect success of the enterprise. Another feature of the agreement was that, of the thirteen directors, five should be residents of New Brunswick, of whom four were to be British-born subjects; five others were to be taken from the city of Bangor, while the other three might be elected from either side of the line as the stockholders saw fit. The New Brunswick directors took particular caution to provide that either the President or Vice-President should be one of their own number. After the careful consideration the Committee had given this bill to-day, after hearing Mr. Coburn and the pro-

professional gentleman employed by the directors to promote this bill before both Houses of Parliament, and after considering the amendments which were so carefully prepared and introduced into the other House, he did not think this House need have any hesitancy in passing the bill. The hon. member (Mr. Wilmot) had stated that he held a telegram from the Mayor of St. John respecting the tariff. He (Mr. Wark) could assure the House that all the rights of the city and people were carefully guarded. The rights of all the parties that had contracts with either of the parties, or claims against either of the companies, were most carefully guarded. He had a telegram from the Government of New Brunswick, signed by the Provincial Secretary, stating that it was of the utmost importance the bill should pass. He thought the Government of New Brunswick were entitled to represent the interests of the people in this matter.

HON. MR. BOTSFORD trusted his hon. friend opposite would not press this motion. It seemed that this measure had emanated from all the parties who were interested in it; that it was based upon an agreement between those two companies, separate at the time, which was entered into for the management, the control, and in fact the building of the road. It was a contract under which the road had already been run for two years. As had been stated, the Province of New Brunswick was the largest stockholder in the company, and the persons who represented the Government stock and the other stockholders, had given their assent to this measure; and under these circumstances he took it for granted that the representatives of the stock held in Maine were also satisfied with the arrangement, and he believed had, by their agent and representative, given their assent. Under these circumstances, and as it was quite evident the road could not be run without some such combination of the companies, and as the bill was certainly in accordance with the wishes of those representing the stock that built the road, he trusted his hon. friend would withdraw his motion.

HON. MR. McMASTER said the bill

had received the fullest consideration in Committee this morning, and from the information laid before them, he had no doubt that some of the circumstances connected with the building of this road were anything but creditable to those concerned. If these transactions could now be cancelled he would vote against the bill, but they belonged to the past, and could not be set right by legislation here. The question before the Committee was, how should they dispose of the bill under the circumstances, and whether it would be in the public interest to pass it or not. Having regard to the bonds falling due that must be provided for, to the bridge across the St. John River which it was necessary to construct, and to all the circumstances in the case, the Committee, with one exception, had come to the conclusion that as the public interest would not be injuriously affected by the passing of the bill, it was their duty to recommend it.

HON. MR. BUREAU remarked that he was quite satisfied with the explanations given by his hon. friend (Mr. Dickey) with regard to the jurisdiction of this House in the present case, and was ready to admit that the matter was one for Parliament to deal with.

HON. MR. WILMOT said there had been so many wrong things done in connection with the building of this road that he would very much like the bill to stand until another session, in order that the whole thing might be ventilated. From the fact that no copy of the bill had been obtainable by those interested, who sought to get a copy and from other circumstances, he was forced to the conclusion that the promoters of the bill desired concealment because their deeds were evil. The Act passed by the New Brunswick Legislature was an *ex-post facto* law, and the whole course in connection was what he should call an iniquitous one. He would, however, reluctantly consent to withdraw his motion.

The bill was then read a third time on division.

INDUSTRIAL LIFE INSURANCE COMPANY.

The Committee on Banking, Commerce and Railways reported the above

bill with several amendments, which were concurred in by the House.

Upon motion for third reading,

HON. MR. PENNY moved, seconded by the Hon. Mr. SIMPSON, that the bill be not read a third time, but that it be re-committed to the Committee of the Whole House presently.—Carried.

HON. MR. PENNY stated that he desired to amend the 6th clause respecting the qualification of directors. As the bill passed the Committee this morning, the qualification was put at fifty shares, but he had just received a telegram from the promoters of the bill asking that it be reduced to twenty. He moved an amendment to that effect.

HON. MR. SIMPSON—What is the value of these shares?

HON. MR. PENNY—One hundred dollars.

The amendment was rejected, when the Committee rose and reported the bill, which was read a third time and passed.

REPORTS OF COMMITTEES.

HON. MR. SIMPSON presented the tenth report of the Joint Committee of both Houses on the Printing of Parliament.

HON. MR. MILLER presented the thirteenth report of the Committee on Standing Orders and Private Bills.

THE CANADIAN LUMBER ASSOCIATION BILL.

HON. MR. SKEAD moved the second reading of the bill to incorporate the Canadian Lumber and Timber Association. He briefly explained the objects of the bill, stating that it interfered with the rights and privileges of no one, and that a number of gentlemen in the Province of Quebec wished to join the proposed Association.

The bill was read a second time, and referred to the Committee on Private Bills.

INSPECTION OF PENITENTIARIES

The House went into Committee of the Whole on the Penitentiaries Inspection Bill,—Hon. Mr. McClelan in the chair.

HON. MR. SCOTT said this bill was largely a consolidation of the Acts now in force governing penitentiaries. The most important changes were in the first clauses, which did away with the

Board under which the penitentiaries had hitherto been managed, and submitted for that Board an officer to be known as an inspector, who was immediately under an officer of the Department of the Minister of Justice, and amenable to him. It was thought the system would be a very great improvement if the responsibility attaching to so important an office as the inspection and management of penitentiaries was more closely allied to one of the Departments of the Government. It had been stated in years past that gentlemen who composed the Board had taken upon themselves very large powers, which were not always exercised in the interest of the people. They were not so directly responsible to the Government as officers in their position should be.

HON. MR. BELLEROSE said he wished to make a few remarks on the subject of this bill. He believed it to be the duty of this House to see that the legislation of this country was based on sound principles, and to see that it was of a nature calculated to maintain the peace and harmony of all the people of the Dominion. He agreed with that portion of the bill consolidating the various laws regulating the internal management of penitentiaries, but the Government, in addition to that, had thought fit to make a very important change, to do away with the Board of Directors, and to put exclusively into the hands of the Minister of Justice the supreme control of the penitentiaries, with an officer of his Department as an inspector. He said at once, and he defied contradiction, that in no other country of the world had such legislation been adopted as that which was now proposed. Under the present law the supreme power was vested with the Governor, acting through the Minister of Justice, to whom the board were responsible, and this system was sound, and had worked satisfactorily. The hon. gentleman proceeded to quote from a work by Mr. Wines, an eminent authority on the management of institutions of this kind, to show that the penitentiaries ought to be as far removed as possible from all political influence, and should be vested, under the control of the

Minister of Justice, into the hands of a board not removable except for misconduct. Under the system hitherto prevailing in this country, the directors could not be made so easily the instruments of political intrigue, but the proposed change would place the exclusive administration of these institutions in the hands of a man who was a political and partizan chief. This was against all the principles which had heretofore governed our legislation in Canada. Hon. gentlemen knew that these penitentiaries would not work well unless they were under the charge of good and independent officers; but if this House decided to sustain the Government in giving the supreme control of them to the Minister of Justice exclusively, the penitentiaries would hereafter become political machines in the hands of that gentleman. It might be answered that the present Minister of Justice would not do so, but who knew how long that gentleman and his colleagues would retain their seats? In the course of a few months he might take his seat on the bench, and many other officers might succeed him who would abuse the great powers placed in their hands. Now, hon. gentlemen wished to take this Administration from the hands of three directors, wholly independent of politics, and give it to the Minister of Justice alone, who was a political leader. Was this sound legislation? He thought not, and trusted the House would be of the same opinion. The bill was almost an exact copy of the present law, except as regards the Board of Directors. But he would observe that hon. gentlemen composing the Government held different opinions on this matter six years ago to those which they held now. On referring to the discussion at that time on the present law, he found that Hon. Mr. Mackenzie stated that one gentleman could not do the work of administering all the penitentiaries of the Dominion, although there were one less than at the present time. That gentleman then stated that two or three officers were needed for the work. How, then, could the Premier to-day come and ask us to put the whole work into the hands of one man? He (Mr. Bellerose)

believed he knew the reasons, and before this debate was closed he expected to be called on to reveal them. Sir John A. Macdonald stated at the time that one of the Inspectors should represent the Maritime Provinces, one the centre and the other the western section of the Dominion. It was also acknowledged by the planners of the present system that the various nationalities and creeds should be represented on the Board, which he considered was a right and correct principle. He had taken pains to get information concerning these institutions all over the world, and Canada was the only country in which legislation of this kind had ever been proposed. In England, although the general management of these institutions was under the Minister of the Interior and of a director, the judges residing in the locality were appointed to inspect them from time to time. Such was the English system, but in Ireland there were two directors, and Ireland was nearer to the seat of Government at London than the Maritime Provinces were to Ottawa. He repeated that it was on account of the political influence the new system would give them that Ministers of the Crown sought to obtain exclusive control of these institutions. But even if in England it had been deemed wise to place their management under the Minister of the Interior it would be no reason for us to do the same, whose circumstances were so dissimilar. Mr. Wines, who had visited institutions of this kind in Europe, said, in speaking of political influence in the management of these institutions in America:—

“Happily, the prison system of the old world are not burdened with this weight, nor impeded by this obstruction. I made special enquiries upon this point, and satisfied myself that there is not a country in Europe in which political influence is felt as an evil, so far as prison administration is concerned. Nor was there anything incomprehensible to gentlemen connected with prison affairs in those countries, as is the state of things among us (in the United States.)”

Further on, Mr. Wines, in alluding to the movement in the State of New York, for amending the constitution in that sense, by providing for a board of five managers of penitentiaries or State Prisons, he adds:—

“Would its adoption be a reform? I think

so, and one of the highest value. The administration of these would be at once lifted out of the slough of politics, and made absolutely permanent, except in cases where incompetency or malfeasance should make the removal of the head necessary to the proper government and the efficiency of the prison committed to his charge. At present both appointments and removals are made on party considerations, chiefly, not solely. Men are inconsiderately placed in office without reference to their fitness, and they are remorselessly removed from office as soon as they have learned, often before they have learned, their duty."

He would add what was once said by Mr. Duchatel, a gentleman who knew a great deal about this question:—

"A careful choice of employees is the first condition of a good penitentiary régime."

And, said Mr. Bellerose, at this particular epoch in our history, when scandals of all kinds were so rife, he did not think it behooved the Government to beware how they persisted in a change so radical, which might give rise to fresh scandals of a most serious character. The door which led to all these political apartments was even now open a little too wide, and instead of throwing the management of these institutions into the political market, Government ought to make this Board of Directors even more independent than it is, and to give them more power, saying to them—there, you have the entire administration of the Penitentiary, do not care about politics; choose the best men for the service without any reference to politics, and if these institutions do not work well, you will be held responsible. He did not think, moreover, that hon. gentlemen from the Maritime Provinces, and those from the Western Province would be willing to give up the representation on the Board which they now possessed, and he believed the people at large would prefer to see us keep to the present system. What would hon. gentlemen think of a proposition to place the militia system under one head and allow the powerful political patronage which such a plan would give to be under the control of a party chief. For the same reason that it was considered necessary to have our military system entirely disconnected from politics, it was likewise necessary to have our penitentiaries free from the same entanglements. The hon.

Secretary of State had said that there was something wrong with the present Board of Directors. Why, then, did Government ask for a change in the directorate instead of thus revolutionizing the whole system? If the present incumbents did not do their duty, he would say, let them be turned out and better men appointed in their places, but wait until it is proved that the system is bad before throwing it overboard altogether. When all other countries in the world found the present system to work well, he could not understand why it should not also work equally well in Canada. The hon. gentleman concluded a lengthy address by again expressing his regret that Government had thought fit to propose such a radical change in this respect.

HON. MR. SCOTT said he did not see there was very much point in the remarks of the hon. gentleman in opposition to the bill. The best answer to his arguments was to point to the experience of Ontario, which had but one inspector, who was an officer connected with a department, and who, he (Mr. Scott) did not hesitate to say, had duties far more numerous and quite as onerous as those performed hitherto by the Board of Penitentiary Inspectors. Mr. Lochmuir had the inspection of all jails, of their internal and domestic management, the deaf and dumb and lunatic asylums and all the hospitals and institutions aided from the public revenue. He thought their number was about sixty. He had looked after their management during the last four or five years, with good results, and his appointment had been approved of. The ameliorations effected in those various institutions, under his supervision, had been most marked. The luminous and able reports of that gentleman, published from time to time; and the system which he had introduced, founded upon his extensive knowledge of similar institutions abroad, had produced the best possible effects. Therefore, in this parallel, it was quite fair to say that one officer would be quite equal to the duties imposed upon him under this bill, by the limited number of penitentiaries existing in this country. He could not see that political influences or effect should be imagined

in regard to this any more than any other appointment. The old Board had to take on themselves the very duties now to be assigned this single inspector. He did not desire at this stage of the investigation of the conduct of that Board going on elsewhere, to make any unfair comments upon the evidence published. Entirely apart, however, from charges against the Board, it was found that the management and discipline of such institutions could be made much more effective under one officer, who could be held directly responsible therefor. When there were several acting together the responsibility was somewhat shifted from one to the other or divided, unless there was a system of uniformity, and that all had acted concurrently. He concluded by moving the adoption of the clause providing for the appointment of one inspector instead of the present Board.

HON. MR. TRUDEL said he had given notice of several amendments which he intended moving, one referring to this very clause. The task of explaining the reasons for his amendments was much lessened by the able explanations of the hon. member for DeLanaudière (Mr. Bellerose). After considering this measure he came to the conclusion that it would produce very great difficulty, and was open to serious objection. Everybody acknowledged the importance of this matter—that the administration of the penitentiaries was a question not only of a material but of a moral character. The object should be to study the best system in the different countries, compare it with our own and try to improve it day by day—all this desirable work would require the attention of more than one man. It seemed to him the duty of the inspectors or directors in this new scheme disappeared altogether. With only one inspector the whole responsibility would practically rest on the Minister of Justice.

HON. MR. SCOTT—Hear, hear.

HON. MR. TRUDEL—It would be impossible under such circumstances to have a practical system of administration, and to benefit by the experience and wisdom which could be gathered by a Board like the present. He was astonished to see the allegation of some

mismanagemnt under the present directors being made a reason for changing the existing system. If there had been something wrong he did not understand why they could not be replaced by others better qualified and more worthy. Why should the system be held responsible for individual error or misconduct? As to the purchase of the lumber spoken of, he had heard the directors were ordered by the then Minister of Justice to refer to an architect, and buy according to his estimates, which they did. (Hon. Mr. Bellerose—Hear, hear.) At least that was his information. He did not think this Act so authorized, justified the proposed change of system. In similar cases he could not see how a single inspector would be of more advantage to the country than three. After noticing several of the provisions of the bill, the hon. gentleman remarked that such institutions required close supervision. He did not think, therefore, that the 6th clause, exacting only two visits a year, would be sufficient. He would not thereby acquire adequate knowledge of the details of the working of those prisons. By the 9th clause, the inspector was bound to make a special study of the working of the criminal laws and penal system of the whole Dominion. He (Mr. Trudel) could not comprehend how it would be possible for him to master all the details of the administration of the penitentiaries, monetary and other, also the criminal law, in order to make regulations and by-laws almost as important as the bills passed in this House. On this single inspector would rest all those duties and responsibilities, without the control of anybody except the Minister of Justice, who had enough to do in his own Department. By the 12th clause of the bill, the inspector was commissioned to investigate the conduct of any offending officer in or about the penitentiaries, examine witnesses on oath, and exercise to a certain extent judicial powers with the same authority as a court of justice in matters involving the rights of the subject. In fact, this inspector would be constituted a petty sovereign, who would have more power than the Premier of the Dominion. He might, in prosecuting prisoners and

others, exercise most arbitrary powers. He would make the reports himself, and there would be no check upon or control of him. At present no director could act arbitrarily in presence of his colleagues. The hon. gentleman went on to contend that for these and other reasons, with which he would not weary the House, the old system was the best, and it was to retain it and reject that proposed, that he would move the amendments to the various clauses of the bill which stood on the orders in his name. (Hear, hear.)

HON. MR. CAMPBELL thought the suggestions of the two hon. gentlemen who had opposed this bill (Messrs. Bellerose and Trudel) merited the attention of the Committee. It seemed to him there was no case made out by the Secretary of State for the alterations proposed in this measure. It might be true that some irregularities had occurred in the penitentiary administration, but irregularities occurred, more or less, in the conduct of all kinds of affairs; but that formed no sufficient reason why the change he suggested should be made. The instance given—the course adopted by Ontario—should not, he (Mr. Campbell) thought, lead them to the conclusion that hon. gentleman desired. Ontario was a province by itself; certainly very large, but more homogeneous than some of the other provinces, and more easily governed, no doubt. The Dominion was so infinitely larger, with elements so much more diverse, with their national predilections, different religions, habits and customs, that one could readily perceive that what might turn out useful in Ontario, might prove pernicious if applied to the whole Dominion. He thought, too there was a safety in the administration of the affairs of the penitentiaries by three, which they could not secure with only one Inspector. The arguments of the hon. member for De Lanaudière (Mr. Bellerose), might be strengthened by recalling the investigation into irregularities in connection with the Kingston Penitentiary, conducted by a Commission, of which Hon. George Brown was the leading and most active member. Though recommendations, resulting in improvements, were made, this leader

of the Reform Party, during a Reform Administration, did not recommend any such change as was now proposed by the present Government, because he found an unsatisfactory state of affairs. He did not advise the abolition of the Board of Directors, and establishment of a one-man power. On the contrary, he favoured the maintenance of that system. It seemed to him (Mr. Campbell) that there was a disposition on the part of the Government to centralise and grasp at power on all occasions. They were unwilling to entrust the administration of affairs to any board or person not entirely within their own control, and appointed entirely by themselves. This centralizing, grasping disposition was widened, last session, when they strove to change the system under which the Harbour of Montreal was administered. They then laboured with all their power to procure for themselves the nominations or appointments, in order to possess a large majority on that Board; but Ministers were resisted, and successfully, in this House, as he hoped and believed they were going to be resisted now. It was then felt that the proper administration of the affairs of the Harbour of Montreal did not involve or demand the assumption of that power,—did not necessitate the Government having the whole control of the majority of that Board. But in the present instance they went further, and, for some reason or other not very satisfactorily explained, desired to abolish the existing systems. Without desiring to wound the feelings of the Secretary of State, his reasons for the change were entirely unsatisfactory. He seemed to say that the fact of his not liking the old system was sufficient ground for his present course,—that it was desirable because he thought one inspector better than three. He (Mr. Campbell) did not think that the example of Ontario was one which they, speaking in behalf of the whole Dominion, could safely follow. He was of opinion that the administration of the affairs of these penitentiaries, placed in the hands of three gentlemen, representing all parts of the country, and the races speaking the two languages—for one of the inspectors was a French Cana-

dian, who spoke for his race and the religion of its great majority—ensured an amount of confidence and satisfaction which could not be expected were one man substituted for this Board. The single inspector might be appointed from Manitoba or any district east to Cape Breton, might be wholly unknown to the majority of the people, and might thus fail to give that security, for the proper administration of penitentiary affairs and as to that department which had for its aim the improvement of the morals and the reformation of the convicts, desired by the different sections of the people. If this object was not, in some way, looked after by such a Board as the present coming from different parts of the Dominion, composed of different nationalities, the public would lose that confidence in the management and its highest purposes, which might prevent that very improvement in the lives of the convicts generally hoped for. We might thus clog or hinder the operations of those individuals whose paramount object was the amelioration of the prisoner. Clergymen and other reformers might be thwarted by an inspector because they did not agree with his private views or theories on such subjects. One of the reasons given for this great change of system was so trifling and absurd as to be scarcely worth alluding to—namely, that a member of the Board, or some members, purchased a larger amount of lumber than ought to have been bought. He believed the Board's management had not been such as to call for a change, that irregularities might occur with any persons or under any system and that administration by a Board did afford security to the views and principles of persons from all parts of the Dominion which they would not get by a single inspector. He believed, also, the effect of the change would be to aggrandise the power of the Government with reference to this object, which was not necessary. The change would be disadvantageous in creating a sort of arbitrary system in the management of the penitentiaries. A warden was sometimes guilty of tyrannical conduct, and there had been instances of its condemnation after examination by the Board, which was a better tri-

bunal for enquiry and judgment than that proposed—one man, clothed with all the power. He believed the interposition of the Board between the Government and the administration of the penitentiaries was a useful system in securing a quasi-independent body, who would hear complaints, receive tenders, give out contracts, and look after discipline; whose fortnightly visits would exert an influence with the warden, officers and convicts, attended with great benefits to this class and the whole public. He repeated his belief that a system of three directors, drawn from different parts of the Dominion, was much more useful than one that would centralize this power in the hands of the Government. (Hear, hear.)

HON. MR. SIMPSON related his experience in connection with the management of the Toronto Lunatic Asylum, many years ago, under the system of a Board. The institution was neglected and fell into a deplorable condition, in which it remained till the whole administration was put into the hands of one man, Dr. Workman, when a speedy reform was effected. His hon. friend opposite (Mr. Campbell) now connected with a bank, would, doubtless, admit he would prefer one competent inspector to several, who might be negligent or inefficient, or might work at cross purposes. He thought the Minister of Justice was the proper person to have charge of this penitentiary administration, and with one inspector they would have honest inspection and reliable reports. He believed this bill was a step in the right direction.

HON. MR. McMASTER concurred in the remarks of the last speaker. He also had had some experience of the board system of the Toronto Asylum, and had found that what was everybody's business was nobody's business; that the management was exceedingly defective. Afterwards complaints were made against one of the Commissioners—there being one from Upper and one from Lower Canada—of partiality in dealing out the patronage under his control. He believed the administration of penitentiaries would prove much more efficient under one inspector, subject to the direct control of

the Government, who were responsible to Parliament and the country for their management.

HON. MR. DICKEY said his difficulty at present was the reasons given in favor of the change; as yet he had not heard any of much value, there being but the single statement that it was better to have a one-man power than that of three, distributed over the different parts of the Dominion, and the single exception of a scandal in the one penitentiary in Quebec. That could scarcely be called a sufficient reason for an entire change of system, because the system had worked a great many years without such scandals, and, in the next place, this was one that might occur under any system? During the six months' holidays or the absence of the most efficient inspector, scandals of this kind might come to light from his not being on the spot. Then again the bill did not seem to be drawn with as much care as might have been expected in one coming from the Department of Justice. The 8th clause appeared to give power to the Government to make Justices of the Peace in the different Provinces; the inspector was to have this power to act in matters of criminal law.

A MEMBER—This was in the old law.

HON. MR. DICKEY took for granted the object was to confer on the inspector the powers of a Justice of the Peace; that was a very different matter. It might be otherwise expressed. This was entirely inconsistent with the thirty-first clause. The inspector, in some most important matters, was not only authorized to act as a Justice of the Peace, but to call on a Justice of the Peace, and to bring an offender before a magistrate.

HON. MR. SCOTT—That was the old law.

HON. MR. DICKEY—It did not matter whether it was or not. The two were incongruous. This Parliament had no power to appoint Justices of the Peace in Ontario, Quebec, or Nova Scotia, though they might have the right to give powers to a Justice of the Peace. Till he heard some further reasons for the very important change asked, he would pause before voting

for a bill to take away the present Board, which had done its work well, so far as yet shown, except, perhaps, in the single instance mentioned.

HON. MR. PENNY said the objections taken to this bill struck at the very root of the constitution. If he was not much mistaken, their constitution, which they called responsible government, was founded upon revolutions effected a great many years ago by some gentlemen for whom most people entertained great respect, and who declared that the government of this country should be carried on by a number of officers responsible to the Commons and Parliament. The object of the bill was to give an officer who was responsible to Parliament, the authority he should have in order that his responsibility might amount to anything. If there was anything to be said in favor of this Board, it was that it should be a cosy institution, possessing large power, to deduct so much from the authority of the Minister, who was responsible to Parliament. He repeated, if there was any force in that argument, it was one against our institutions altogether. He did not see any reason for a Board to help the Minister of Justice in the management of these gaols, any more than a Board to assist any other Minister in any portion of the proper work of his department. If the Minister in this case was responsible to Parliament, why should he not have the control of all matters within his department, to regulate them in his own fashion, instead of a board, which an hon. member said was independent of him. He really could not see why those penitentiaries should be removed from the ordinary sphere of the institutions of the country, and from the operation of the principle upon which they were governed. It was quite useless to talk about political objects or influence in connection with the proposed scheme. It was very evident that three men might have as strong a political bias as one man, and, if so, there would be three times as much political passion. Nobody disputed that the penitentiaries, although administered by political men, should not be administered on political principles. No question, the Board could do a great

many things which could not be done if the Minister was directly responsible. In the matter of the purchase of the firewood, the Minister could say he was advised by so and so. People urged reasonably enough, that he was responsible for the result; but it turned out when this matter was investigated, the superintendents said they would have recommended some thing if they had been in the neighborhood, but they were in the Lower Provinces at the time, and the warden, who took their place, recommended the transaction. That was the way these parties and the system worked. There was a division of responsibility, instead of matters being directly under the Minister, who should be responsible, and who was obliged to answer in Parliament for anything wrong. It is quite true that the faults of the superintendent had nothing to do with this change of system. The ordering of too much wood was another affair. This wood matter had nothing to do with the system of administration, except in so far as to leave the question of responsibility open to dispute, as at present. The Minister said he gave no orders, while those gentlemen stated they took orders from the architect; and there was the difficulty of having this quasi-independent body working under a responsible Minister, who could not fairly be held accountable for all their proceedings. As asserted, the evident aim of the bill was apart from this great object of bringing the administration of the penitentiaries into harmony with our entire system—and he did not think that a small object, but a necessary one—to effect an economy and save trouble by a reduction of the inspectors from or three to one. It was said this was a large country, and one man could not go over it or do the work like three; but if the three were to be consulted about anything, they must all be brought together, and all travel together; they could not, therefore, do the work one bit faster than one man.

HON. MR. BELLEROSE—That is quite wrong. An inspector makes a tour every month, one going this and the other that way, and every three months they go together.

HON. MR. PENNY, continuing, said

the hon. gentleman must admit that the three must be together for consultation. It took as much time for the three to go together and consult as it would for one to go or act, so there was no saving of time with the three. As to the argument touching the necessity of the security and religious facilities furnished by directors of different faiths, he did not believe there was a member here who thought it possible for any single inspector or any Minister, in whose hands we might be, not to see that no creed would be interfered with, no obstruction offered religious teachers. He was quite sure we were free from that danger be the number of inspectors one or three. (Hear, hear). As to objections made to certain provisions by the hon. member from Cumberland (Mr. Dickey) he had better address the hon. gentleman from Kingston (Mr. Campbell), for they were framed by the Ministry of which he was a member.

HON. MR. HOWLAN was understood to speak in favor of the amendments intended to maintain the present system of penitentiary administration.

After some remarks from Hon. Mr. KAULBACH,

HON. MR. LETELLIER said it appeared from the report of the International Penitentiary Congress, that in many countries it was considered the Minister of Justice was the fittest and safest person to be entrusted with their management. This was the rule in Austria, Belgium, Baden and elsewhere. There were many reasons for the proposed change, but one, in particular, which could not escape the view even of those unwilling to see any good in a Government measure, and that was the desire for economy. It would cost less to have one than three inspectors. Next it was necessary that all matters pertaining to the administration of justice should be under the authority of the Minister. While putting the penitentiaries under his control, they were taking away the duty of looking after the rebuilding or repairing of those establishments, which would be placed under the control of the Minister of Public Works. They were trying to entrust the Minister of Justice with only those matters

that properly belonged to his department. The Opposition were wrong in the motive assigned for this bill, though he should say that the existing Board was almost irresponsible, and had acted in a particular instance in a way to create difficulties; if the responsibility had lain entirely with the Minister of Justice, we might have reached some of the parties who had fulfilled their duty. By this bill the Minister would be held immediately responsible for his acts. Though the enquiry into the cord-wood affair was not yet ended, there was good reason to believe that the charge against the then Minister of Justice—of being in some way responsible for the order of the contract—could not stand. Everyone admitted the amount of timber bought was in excess of the requirements of the establishment. Yet we could not find the persons to blame.

HON. MR. CAMPBELL replied that might have happened under one man as under three. Railway supplies to too large an extent were purchased under a single inspector in Nova Scotia.

HON. MR. LETELLIER—By the bill the inspector had no power to purchase before reporting to the Minister of Justice. Perhaps if the hon. gentleman, who was then in the Government, had procured a better inspector he would not have gone so far as to purchase the rails in question. He (Mr. Letellier) would move the Committee rise, report progress, and ask leave to sit again.—Carried.

It being now six o'clock, the House then rose.

After recess,

The House met at eight o'clock.

HON. MR. LETELLIER replied to some of the objections to the bill in French, saying the Government sought to put themselves in the position occupied in 1853 in this matter, and in that of the Governments of other countries, which had experience to justify them. The main object of the bill was to secure an efficient, responsible officer, who could be called to account by a responsible Minister for any wrong, neglect or failure.

HON. MR. SCOTT replied to some of the previous speakers who had opposed

the bill, pointing out that heretofore the Board of Directors had various and extensive powers, controlling not only the internal management of the penitentiaries, but the construction of buildings, and so forth. This was a system entirely abnormal under our Constitution. These matters belonged properly to the Public Works Department, which had officers specially fitted to deal with them. The bill consequently provided that the construction and maintenance of those buildings should be within the charge of that department. Then it was proposed there should be only three penitentiaries, there being four at present. It was designed to have one for Ontario, another for Quebec, and another for New Brunswick, Nova Scotia, and Prince Edward Island. He appealed to the common sense of the hon. gentleman, whether one inspector was not sufficient for the three, where the wardens were held responsible for the internal management, and where that inspector was to be held responsible only for the good order of the good order of the institution. No better evidence of the wisdom of this policy could be given than its success in Ontario, where Mr. Longmuir had the oversight of 60 or 70 institutions, one of them, the Toronto Asylum, having 800 patients. No better managed institutions could anywhere be found. We had no Board to manage our canals, railways, or in connection with any other branch of the public service.

HON. MR. CAMPBELL—It would be better, perhaps, if we had.

HON. MR. SCOTT—It was very much better not. The system of direct responsible management was the correct one. The Government were reducing the patronage of the Crown by this measure, and wholly in the interest of the efficiency of the public service. Certain transactions in connection with these penitentiaries had been fully discussed in the press and Parliament, yet under the Board system nobody knew where to place the responsibility—it was transferred from one institution to another. The House, he thought, should trust the Administration with the machinery by which they proposed to carry into practice

the details of a bill of this kind. (Hear, hear.)

HON. MR. BELLEROSE replied to the Government, and to the objections that had been made to his former statements. He quoted again from Mr. Wines in support of his position, that the management of these institutions should be kept entirely apart from all political influences. He said he had been astonished to hear the hon. Minister of Agriculture trying to mislead the House. That hon. gentleman, while quoting from a book, had stated that in Belgium and Austria the Minister of Justice had the whole administration of penitentiaries in those countries, when it was well known that in both these countries penitentiaries were administered, under the control of a Minister of the Crown, by a Board of Directors, as we had at present in Canada. He denied the statement of the hon. member for Alma, in reference to the contract for fire-wood, and declared himself ready to substantiate all his allegations of unfair dealings on the part of the Government in relation to the contract. It was the Ministers who were responsible for that, and not the Directors. Some of the Ministerial journals had stated that these charges which he brought against the Government were only a storm in a tea-pot, but he could tell hon. gentlemen that if he should take off the cover of the tea-pot, they would find an hon. gentleman at the bottom of it. (Laughter.) He charged the Montreal *Herald* with publishing false reports of the evidence taken before the Investigating Committee of the other House, and affirmed that the Government were not prosecuting the enquiry with a desire to ascertain the truth. When this enquiry was going on by a Committee of the House, certain gentlemen asked him to give his evidence concerning the contract for the wood, but the Chairman of the Committee answered, "When we want the gentleman we will call for him." Government were afraid to call him as a witness for they knew he was too well acquainted with the facts, and when they found newspapers like the *Herald* to report only part of the facts and leave out the rest, it was no wonder they dared to act in such an unjust manner. The hon.

gentleman supporting the Government had argued that the Senate should pass this bill because the Commons had passed it. He would say to that, that if this House had nothing else to do than to approve of the legislation of the Commons, then Mr. Mills had not gone far enough in proposing only to change the present constitution of the Senate. (Hear, hear.) Upon this House rested the grave responsibility that every one of the principles on which our laws were based was a sound principle of legislation. If this bill had been passed in the House of Commons unopposed, it was done when there was no opportunity of having a full and fair expression of the opinion of the whole House upon it. After standing on the Orders of the Day for eight or nine days, it was suddenly rushed through the House one evening when a large number of members were absent who were opposed to the bill. He was personally aware that gentlemen in the Lower House intended to offer amendments to the bill at its third reading, if it had not been rushed through in their absence.

HON. MR. SCOTT—Does the hon. gentleman mean to say that the bill was smuggled through the House? Was it no discussed in the House by several members, among them the leader of the Opposition?

HON. MR. BELLEROSE said he had not stated that the bill was smuggled through the House, but it was hurried through in the absence of several members known to be opposed to it, as stated before.

HON. MR. SCOTT said it was extremely unfair for the hon. gentleman to rise and state that the bill was passed through the Lower House in the way he had insinuated. The fullest opportunity was allowed, and Sir John A. Macdonald himself approved of it.

HON. MR. BELLEROSE explained more particularly the steps by which the measure was carried in the Commons. The bill had been reported before six, he was told, and after recess the Speaker took the chair at eight o'clock sharp, and the third reading was moved at once, several gentlemen in charge of amendments having not yet entered the House. The hon. gentleman had stated that in Ontario there

was but one inspector. Very well; out in Quebec there were three, and why was this? It was because it was felt that it would be only a simple act of justice to the minority to allow them to have a representative of their own race and creed on the Board. The saving of \$4,000 which would follow from the dismissal of two of the members of the Board was of very small consequence compared with the necessity of having peace and harmony between all classes. Though the Province of Quebec was small and not over wealthy, they desired to give a kind of security to the minority. It had been urged that the gentlemen composing the Board had mismanaged the affairs of the penitentiary in two or three circumstances; but, even if so, was it surprising that in the course of six or seven years they had committed two mistakes? If the gentlemen on the Treasury benches had been turned out on the sixth or tenth fault, where would they have been now? He went on to charge the Government with attempting to buy up the whole county of Jacques Cartier in the matter of the wood contract. When he first made this charge the other day he knew the responsibility he was assuming, and though the Government might meet him with a denial, he defied them to meet him in a place where all the proofs could be brought forward, because they knew very well that he was able to substantiate his charge. If the Government persisted in their denial, he would ask for an inquiry, when it would be seen whether he was right or wrong. If hon. gentlemen would look at Mr. Prieur's evidence before the committee, in the *Herald* of yesterday, they would see enough to convince them that he was right, distorted though the report of that evidence was. The hon. gentleman proceeded to reply at some length to the remarks of Hon. Messrs. Scott and Letellier de St. Just, and reiterated his arguments against the bill and in favor of retaining the present system.

HON. MR. BAILLARGEON said he had been particularly struck by one point in clause 4, which gave Government authority to appoint one inspector for the penitentiaries, prisons,

hospitals, asylums, and other public institutions. This appeared to be placing too many duties upon one man, and however active and able he might be, we could not expect that he would be able to perform his business to the satisfaction of all. (Hear, hear.) For his own part he did not believe one man could properly inspect all these institutions, and he would suggest an amendment to the effect that there be one inspector for Ontario, one for Quebec, and one for the Maritime Provinces. An inspector should, at least, visit these institutions twice a year, but even that was not sufficient. They ought to be visited and examined every month, although it might not be necessary for the inspector to make his report so often.

HON. MR. TRUDEL said it was doubtful if the proposed change would secure greater economy, as by clause 13 Government had a right to appoint additional Inspectors or Commissioners whenever they liked, so that they might have three or four or five inspectors if they chose. The argument made use of that an assistant inspector was appointed in Ontario, was not satisfactory to him, inasmuch as the plan had not yet been sufficiently long in operation to prove its utility. It was impossible for one man to do all that this bill proposed to give him. He had not yet alluded to the question of religion, although the hon. member for Kingston had very properly done so. He (Mr. Trudel) might say, however, that the fact ought to be considered that different religions prevailed in the several Provinces. The hon. member from Montreal (Mr. Penny) had said he could not believe that the Minister of Justice would interfere with the religion of any convict. He would ask that hon. gentleman to remember that though the Minister of Justice might not interfere to prevent any convict from practising the religion he chose, yet we must not lose sight of the fact that these prisoners were brought there for their own good, and were supposed to be under the influence of men whose particular duty it would be to benefit them morally and spiritually, and the present system might prevent in many ways a Catholic or Protestant chaplain from properly fulfilling his duties. Be-

sides, there was the tacit understanding already referred to as our unwritten law, whereby one inspector should be appointed for each one of the three great divisions of the Dominion, and he did not think it advisable to abandon that plan.

HON. MR. DICKEY moved, seconded by HON. MR. TRUDEL, that the clauses from 3 to 13 inclusive be struck out and the following several clauses added (restoring the old Act.)

The vote upon the motion stood 20 to 20, when the Chairman voted with the non-contents, thus adopting the motion.

The Committee rose and reported progress, and asked leave to sit again on Saturday.

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

SALARIES OF EMPLOYEES.

HON. MR. SEYMOUR presented the third report of the Select Committee on Contingent Accounts, which recommended several appointments, with the salaries attached thereto.

HON. MR. BOTSFORD expressed his dissent from the course adopted with reference to an increase of the salaries of employees of this House. As this was a question which ought not to be discussed in that place, he would say no more than that he could not concur in the report.

HON. MR. DICKEY agreed with the opinion of the last speaker and with the course he had adopted. It was well known that from the first entrance of the Maritime Provinces into this Confederation they, coming from small Provinces, were supposed to come with small views, and they had endeavored to carry out those views by securing economy in the administration of this body. The views of those members were embodied in the first report made in 1868, the scale then adopted was acted upon for five years, and then upon a motion made by the leader of the Government in this House, a revised scale of salaries was proposed which was, after very careful consideration, adopted with the understanding that it should be final. But within twelve months afterwards we found another attempt made to re-open this ques-

tion and to re-adjust the salaries, and that was consented to by many persons at the moment under the impression that it was to be a re-adjustment and not an increase of salaries. It turned out, however, that instead of being a re-adjustment of salaries it was an increase or levelling up of the same. As compared with the former economical scale we had risen nearly one-half within the short space of seven years.

The report was then adopted.

LIFE INSURANCE.

The House went into Committee of the Whole, Hon. Mr. Bourinot in the chair, on the bill relating to Life Insurance.

HON. MR. SCOTT briefly explained the nature of the bill.

HON. MR. DICKEY said strong objections had been made by the hon. member from Montreal (Mr. Ryan), who was not now in his place, to the inquisitorial powers contained in this bill for the purpose of providing for the compulsory examination of the accounts of these insurance companies. He would like to know the views of the Hon. Secretary of State with regard to them.

HON. MR. SCOTT said it was felt that, in view of the spread of insurance companies, it was necessary there should be a provision such as existed in other countries, particularly in the United States, where they had a State Superintendent, and where the most careful scrutiny was made into the assets of the companies. Such a provision was deemed to be in the interest of the public, and any company whose reports were honestly prepared ought rather to court an inquiry, so as to show to the public that they were up to the standard, and were what they pretended to be. But in any case, of course the interests of the great public rose superior to the objections of the companies.

The bill was reported with a verbal amendment, which was concurred in.

FIRE AND INLAND MARINE INSURANCE.

On motion for the second reading,

HON. MR. SCOTT explained that this bill consolidates the laws relating to fire and inland marine, and provides

for the appointment of one inspector, whose duty it shall be to inspect and report upon the various offices doing business.

HON. MR. LETELLIER DE ST. JUST—We ought to appoint three inspectors. (Laughter.)

HON. MR. SCOTT said the Act applied only to companies doing business in Canada. But companies having a local habitation at the time they were incorporated either under local charters or incorporated before the passage of this bill, and limited to any one section of the country and not receiving a charter or license, would not be affected under this bill. But all companies hereafter that had license to do business over the whole of Canada, or that might hereafter come under the provisions of this bill, would be subject to its provisions. The second clause provided that the line separating ocean from inland marine should be the city and harbor of Montreal. Anything east of Montreal was considered ocean marine, for which this bill did not provide.

HON. MR. ALLAN—Does that allow foreign companies to do business without any license?

HON. MR. SCOTT—Yes; unless they were doing business in Fire and Inland Marine. The main clauses of the bill were the Acts of 1868 and 1871, consolidated and amended, with very few changes. The latter part of the bill related to the appointment of an inspector and the definition of his duties.

HON. MR. CAMPBELL did not see why Insurance Companies should be allowed to do business without a license below Montreal, while they could take out risks in that city.

HON. MR. PENNY—Both Canadian and foreign companies are on the same footing. There is no discrimination against Canadian Companies, certainly.

HON. MR. SCOTT—If a Canadian Company does an exclusively ocean marine business, it is not bound to take out a license.

HON. MR. CAMPBELL—The Provincial Company of Ontario does inland fire insurance and inland marine, and does, or did, important ocean marine business. There is the Sun Insurance Company of New York coming up to Montreal, and without taking out a license, competing with the

Ontario Company for all ocean marine risks between Montreal and Pictou. He did not think that was fair.

HON. MR. SCOTT said if they limited their business to ocean marine, of course they would not have to take out a license, for they were on a par with Canadian Companies. If the Provincial limited its business it certainly would not take out a license, but as it did inland and fire business, it took out a license. Ocean risks were entirely distinct from inland and fire risks.

HON. MR. PENNY—Suppose the Ontario Company did inland marine business first of all anywhere within Montreal, it would have to take out a license. If then it added to that business ocean marine, it would have nothing more to do than if it began with ocean marine, it would have to take out no new license. If the foreign company wanted to do business below Montreal it would take out no new license, but the moment it desired to do inland business, it would have to take out a license.

The bill was then read a second time.

HON. MR. SKEAD moved for the suspension of the 60th rule, in order that the bill for the Incorporation of the Canadian Timber Association might be now read a first time.—Carried.

HON. MR. SCOTT presented returns asked for to a number of addresses.

AVERILL'S PAINT PATENT BILL.

HON. MR. PENNY moved, seconded by HON. MR. BUREAU, that the fee paid on the bill entitled an Act to enable Damon Rivers Averill to obtain letters patent of invention for certain improvements in paint, be refunded to the petitioner for the said bill after all expenses are paid.—Carried.

The House then adjourned at ten o'clock p.m., until Saturday.

Saturday, March 27, 1875.

The House met at three o'clock.

CIVIL SERVICE DISMISSALS.

HON. MR. HOWLAN moved for the appointment of a Special Committee of seven, to whom may be referred all papers now before this House relating to dismissals from, and appointments to, the Civil Service of this Dominion,

with power to send for persons, papers and records. He said that under the circumstances he thought it well that a Committee of seven should be appointed, composed of four supporters of the Government and three members in opposition, to whom all the papers laid upon the table should be referred. This, he thought, would be the easiest way of disposing of this question, and the House would not be troubled in receiving the facts which might be brought before the Committee. His object in making the motion was not of a factious nature, made simply to embarrass the Government, but to bring out the facts which, he was led to believe, were not known to the Government themselves, with regard to dismissals. He took the view from the fact that a distinct promise was made last year that no dismissals should be made from the Civil Service. He had thought his proper course was to call the attention of the gentleman who made the promise, to the fact that since then the different harbor masters throughout the Province of Prince Edward Island had been dismissed, and others put in their places. These gentlemen had performed actual service to the Dominion, but had received no compensation therefor. He merely wished to bring the facts of the case before the Government, and would not have taken this course only that he was constantly pressed to do so by parties in Prince Edward Island. In order properly to dispose of the matter, he moved for a Committee, which might also consider dismissals in the other Provinces.

HON. MR. SCOTT hoped the hon. gentleman was not serious in moving for the appointment of such a Committee, for it was one of seven gentlemen who were to sit in judgment on all the appointments of the Administration for some indefinite period. The officers of the Dominion were appointed, many of them, during pleasure. This he believed to be a cardinal point, generally admitted. But no Government—this or any other—ever desired to dismiss an official who did his duty well, but changes were often necessary in the public interest, either to dismiss or continue an officer. It was an unheard-of motion that a

committee of members should sit and examine into all the appointments or dismissals from office. That would involve the members of the Departments coming before the Committee and giving evidence and reasons—many of them State reasons, and possibly of a confidential nature. He hoped his hon. friend would see that the motion was not to be entertained by this House.

HON. MR. KAULBACH hoped this motion would be consented to by the Government, and proceeded to give specific reasons for the motion as regarded dismissals in Nova Scotia.

HON. MR. SCOTT—If the hon. gentleman has any individual case to which he desires to have attention called, Government has no objection to its being done. But he will find on reflection that this motion covers perhaps five hundred or a thousand cases.

HON. MR. CAMPBELL remarked that the terms of the motion limited the enquiry to persons mentioned in the papers now on the table.

HON. MR. HOWLAN said the addresses for the papers referred to New Brunswick, Nova Scotia and Prince Edward Island. He supposed the promise made before the House last year in regard to the Civil Service was made in good faith, and if dismissals had been made, it must have been without proper knowledge on the part of the Government. He had moved for these papers three weeks ago, and as they had only now been brought down, he wished for a Committee, in order to facilitate the business of the House. He did not believe this motion was contrary to the usual Parliamentary practice. Government would have a majority on the Committee, and could have no objections on that score. If the House refused a Committee, the only course left for him and other members would be to bring individual cases to the attention of the Government. He had a good many cases to present, but had not taken Government by surprise in the matter.

HON. MR. SCOTT—Withdraw.

HON. MR. HOWLAN proposed to press his motion.

HON. MR. CAMPBELL wished to avoid the inconvenience suggested by the Hon. Secretary of State. The ob-

jection had considerable force that it was unreasonable to refer to a Committee all the appointments that had been made by the Government. He understood that Mr. Howlan complained of certain appointments and dismissals in Prince Edward Island, Hon. Mr. Kaulbach to similar changes in Nova Scotia, and Hon. Mr. Wilmot to certain cases in New Brunswick.

HON. MR. SCOTT—To individual cases we have no objection.

HON. MR. CAMPBELL suggested that the motion be so amended as to refer to those individual cases.

HON. MR. BROWN asked if his hon. friend opposite (Mr. Campbell) did not think it unparliamentary to move for a Committee, upon such a general, sweeping charge, to inquire into the exercise of all the patronage of the Crown? Such a course was opposed to giving that full play to the Executive which appertained to our system. Enquiries of this kind ought to be made upon a clear statement made before Parliament, and not upon any such indefinite, sweeping charge as the present. But here we had a proposition to enquire into everybody's grievance with regard to all the appointments that had been made since the present Government had taken office.

HON. MR. CAMPBELL did not think the hon. gentleman who had just spoken had looked at the notice of motion. It did not refer to any sweeping charges, but merely to papers before the House, brought down in answer to addresses moved by those gentlemen who had complaints to make. He saw no reasons why those papers should not be referred to a Committee. The objection taken by the Secretary of State to the general character of the motion—that is, that it might refer to great many persons whose names were mentioned in these papers—was a just one, but otherwise he could see no objection to looking into the matter.

HON. MR. SCOTT said the thing was utterly unheard of. If a good case of individual grievance was made out, the Government would not have the slightest objection to acquiesce in an enquiry. If they had been deceived in any particular case they would be glad to make amends, but it was preposterous to ask a Committee to investigate

all the appointments in Prince Edward Island alone even, which numbered over one hundred and twenty cases of officials. Last year these Prince Edward Island grievances were thoroughly discussed, and the expression of the House on the matter was such as thoroughly justified the subsequent action of the Government in relation to these appointments. He advised the hon. gentleman to go to the press to ventilate his grievances, and proceeded to defend the course of the Government in relation to the Civil Service in that Province.

HON. MR. HOWLAN replied that he merely desired to have considered the dismissals on the Island since last March, not those through the whole Dominion. He had no reference whatever to the appointments made previous to that period. But gentlemen had been dismissed without one word of notice, and he could prove it. An unnecessary time had been taken to bring down these papers, and he would say, with all respect to the Government, that the returns asked for a month ago might have been brought down in four or five days. Since he made this motion, Government had telegraphed to two Custom House officers in that Island, telling them they would be retained.

HON. MR. WILMOT spoke in favor of the motion. He hoped it would never be claimed in this Dominion that when a Government changed office they should make such sweeping changes as in the United States.

HON. MR. HAYTHORNE was in favor of giving his hon. friend from Prince Edward Island a chance of bringing his complaints before a Committee. If he were once allowed an opportunity fully to ventilate his grievance, then perhaps we would hear the last of the subject, otherwise he would have the enviable position of representing himself and his political friends as martyrs and victims to the policy of the Dominion Government. He (Mr. Haythorne) wished to see the subject disposed of so that the time of the House might be devoted to some more useful purpose.

HON. MR. HOWLAN consented to amend his motion so as to confine the enquiry to changes in the Civil Service

since May 1, 1874, in the Provinces of Prince Edward Island, Nova Scotia and New Brunswick.

HON. MR. KAULBACH seconded the motion.

HON. MR. SCOTT asked the House to resist the motion, as it involved the cases of a very large number of changes and would necessitate a heavy expenditure for bringing up witnesses, &c. Government could not be called upon in this general way to account for its exercise of patronage, but they would not oppose enquiry into particular cases.

HON. MR. MILLER would not oppose the appointment of a Committee to consider any specific cases, but he had strong doubts as to the constitutionality of the method of proceeding proposed by the motion to enquire into the patronage exercised by the Government under our system. He could not, therefore, support a motion of so general a character as that before the House.

HON. MR. MONTGOMERY was opposed to the motion, as being of too sweeping a character.

The motion was then put, and lost on the following vote:—

CONTENTS—The Honorable Messieurs Armand, Bellerose, Bourinot, Campbell, Chapais, Clinic, Cornwall, Dickey, Guevremont, Haythorne, Howlan, Kaulbach, Macfarlane, Muirhead, Read, Shaw, Trudel, Vidal, Wilmot—19.

NON-CONTENTS—The Honorable Messieurs Aikins, Archibald, Benson, Brown, Bureau, Chaffers, Christie (Speaker), Cormier, Dever, Dickson, Fabre, Glasier, Hamilton (Kingston), Leonard, Letellier de St. Just, McClelan, McDonald, Miller, Montgomery, Pâquet, Penny, Scott, Seymour, Simpson, Sutherland, Wark—26.

HON. MR. GUEVREMONT moved, seconded by HON. MR. ARMAND, that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a Return of the sums paid from the 1st of July, 1867, to this day, by the Government of Canada to Pierre Poirier, of St. Timothee, in the County of Beauharnois, a Canadian, who was wounded in the war of 1812, and

copies of all letters, papers and documents relating to the subject.—Carried.

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

PROHIBITORY LIQUOR LAW.

HON. MR. VIDAL submitted the first report of the Committee to whom were referred the petitions for a Prohibitory Liquor Law, which was in accordance with their prayer. The petitioners numbered half a million, or far more than the petitioners for legislation on any other subject by the Canadian Parliament. The Maine liquor law in Maine and Vermont was described as having proved beneficial.

Report to be considered Monday.

LIFE INSURANCE COMPANIES BILL.

HON. MR. SCOTT moved the third reading of the bill respecting Life Insurance Companies.

HON. MR. DICKKEY called attention to the scope of the bill in connection with the bill on Fire and Inland Marine Insurance, and suggested whether it might not be better to give it further consideration.

HON. MR. SCOTT consented to let the bill stand till the other came up.

BOOMS ON THE GATINEAU.

HON. MR. READ moved concurrence in the second report of the Select Committee on the subject of booms, piers, and works on the Gatineau River.—Carried.

PENITENTIARIES INSPECTION BILL.

On motion of HON. MR. SCOTT, the House went into Committee on the bill relating to the Inspection of the Penitentiaries, several clauses of which were amended.

The amendments were agreed to on a division, and the bill was reported.

FIRE AND INLAND MARINE INSURANCE.

On motion of HON. MR. SCOTT, the House went into Committee on the bill to consolidate the Fire and Marine Insurance Laws, which was reported with an amendment, concurred in, declaring that all navigation west of the harbor of Montreal would be Inland Marine.

SICK AND DISTRESSED MARINERS BILL.

HON. MR. SCOTT moved the second reading of the bill respecting the relief of Sick and Distressed Mariners. He explained that it provided for the payment, by vessels of 100 tons and over, of a fee up to the third visit of a harbor in the year, for the benefit of the mariners' fund. The reason for this charge was that the fund was largely in debt. The Government had to supplement it.—Carried.

CONTROVERTED ELECTIONS.

HON. MR. SCOTT moved the second reading of the bill to amend the laws respecting Controverted Elections. He explained the measure, which provided that during the sitting of Parliament there should be a stay of proceedings against any member of the Commons whose seat was attacked; and proceedings would have to be taken within six months of the filing of the petition. As it was, petitions had been lying for three years, and there was no way of getting rid of those petitions. This bill would supplement the law, compelling complainants to go on with their petitions, or abandon them.—Motion carried.

ROYAL MUTUAL LIFE INSURANCE BILL.

HON. MR. PENNY moved the second reading of the Royal Mutual Life Insurance Company's Incorporation bill.—Carried.

CANADIAN STEAM USERS' ASSOCIATION BILL.

HON. MR. MACPHERSON, in the absence of HON. MR. ALLAN, moved the second reading of the Canadian Steam User's Association bill.—Carried.

The House then adjourned till Monday.

Monday, March 29, 1875.

The House met at three o'clock.

BRITISH COLUMBIA BOUNDARY LINE.

HON. MR. CARRALL, in rising to put the question of which he had given notice, said the laws that governed this Senate were of a character that he was never able to exactly master, and in putting his question he should ask the indulgence of hon. members in trespassing on their time a few mo-

ments. He hoped he would be allowed to proceed quietly, for, if interrupted, he would take some shorter Parliamentary procedure that would enable him to reach his object. (Hear, and a laugh.) When the treaty between Great Britain and the Czar of all the Russias was made, one of those extraordinary freaks was committed on the part of the Ambassadors which could not be accounted for. Ever after Russian-America, as it was then called, had attached thereto a strip of land, running down from the peninsula, or the coast, in the direction of British Columbia—ten marine leagues inwards—for a distance of 250 or 300 miles. Now, why this cession was made we could not even conjecture. The cession seemed as unreasonable, as incomprehensible, and unjustifiable as the cession of Canadian territory made under the Ashburton Treaty, which carried Maine into almost the very bowels of Canada. Of course in those days not much attention was paid to the matter, because no man dreamt the territory would ever become of sufficient importance to make it the subject of a discussion. But they all knew how often great out of small things grew. They knew how they had been euchred in every form in any treaties with the Americans—not alone on territorial questions, but on others also. When the cession to the Czar took place, certain rights were reserved by the British Crown, conspicuous among them being the free navigation, by Great Britain, of all those rivers through this strip of Russian territory. Afterwards the country was purchased, for political reasons, by Mr. Seward, for the purpose of sandwiching British Columbia between United States territories, and dividing as much as possible the Pacific from the other Provinces of the Dominion. It would have saved Canada a good deal of trouble if the boundary line had been correctly run to the Pacific coast. (The hon. gentleman here read an extract from a published report on the subject, and remarked that its meaning was that the coast chain of mountains should be the boundary line wherever they were within the distance of ten marine leagues; but wherever they were not, then the sovereignty of that strip,

which now belongs to the United States, should not exceed ten marine leagues.) Having read another paragraph, the hon. gentleman said: In 1860, the gold excitement took place, previous to the transfer of the territory to the United States; but the Russian people, principally following fur trading and fishing, offered no opposition to the ingress and egress of our people, who went to and came back from the Stickeen River. Since the Americans obtained Alaska they had attempted to colonize it, but successfully failed, although it had been boasted they could colonize an iceberg. (Laughter.) They had been obliged to establish a military government there instead of a civil one. Gold was found on the tributaries of the Peace River, which was a good deal to the north of the gold-bearing regions, but ingress and egress was sought by way of the coast, which was the shortest and easiest. Some two or three millions of gold were extracted—a fact showing the importance of those mines. Victoria was the place whence the miners drew all their supplies, great exertions being necessary to push them into the interior of this country. These British parties were met by the American military officials and custom-house officers with such vexatious, troublesome and unfriendly hindrances as to create much dissatisfaction. (The hon. gentleman here read a portion of a memorial setting forth the nature of this grievance.) He continued—Ocean-going vessels, that carried freight from Victoria to the mouth of the river, were of too great draught to pass into the interior beyond what had been claimed as American territory,—the boundary being in doubt—and, hence vexatious delays of custom-house officers and the like. The Stickeen, a good navigable river for 160 miles from its mouth, was the chief entrance to the gold district, watered by the Cassiar River. Consequently any obstruction of the navigation of the Stickeen blocked up the shortest route to the Cassiar country. The American claim would give them sixty or seventy miles of river, or virtually the whole of that river from the coast. The Americans would place an officer on board a British boat or steamer at the debateable points, and

charge his expenses to it. This memorial forcibly showed the importance of settling the boundary as between this strip of territory and the Dominion from the 56th to the 101st parallel. Trouble might spring from the irritating delays, hindrances and annoyances offered by impertinent officials in defiance of existing treaty rights. Hence he thought Great Britain should be asked by the Canadian Government first of all to establish the boundary and demand those treaty rights, as the miners, though a very generous, loyal, law-abiding sort of people, did not like obstruction and nonsense and trouble and all the little vexations that could be offered by taking advantage of the treaties. The "Glenona" was detained last summer by the Americans and black-mailed to the extent of \$4,000. He (Mr. Carrall) did not know the result. This was a sample of the troublesome cases likely to arise out of this vexed question, which had grown up within the last twelve months. He thought Canada ought to exert her influence with Great Britain, to demand and obtain her treaty rights. In every instance our neighbors evaded their treaty obligations with us, and would, doubtless, have acted similarly had his hon. friend from Toronto succeeded with the Reciprocity Treaty. He would call the attention of Ministers to another fact. Some good diggings had been found on the Deloir River—a French name, which showed some Frenchmen had been about there. This stream was some 400 or 500 miles down from the Rocky Mountains, and flowed into the Mackenzie. Numbers of miners had gone there, and vast numbers were likely to follow this season. The miners, who were a migratory, hospitable, generous race, who hated humbugging, wanted the Dominion Government to get the boundary line to the north of British Columbia carefully defined, for, if they took up the claims and went to work under the excellent mining laws of that Province, with which they were satisfied, they wanted to know whether they would be operating under those laws or the laws of the North-West Territory adjoining. The Deloir flowed east and north, and was close to the debateable territory between British Columbia

and the North-West. The miners know nothing of the mining laws affecting that Territory, and would like to be certain of the jurisdiction prevailing there. He apprehended that question could be easily met. It was likely to give rise to trouble if not settled one way or the other. The boundary of British Columbia could be extended to the north, or, in the bill respecting the North-West Territory brought in by the Government, the mining laws of British Columbia could be extended thereto, in which case, if the miner went beyond British Columbia, he would still be subject to its laws in this respect, and knew his duties and rights. His only object in this matter was to serve his Province and the Dominion, and save them from troubles like that connected with the island of San Juan. The hon. gentleman here further explained the question by pointing out on the map of British Columbia the strip of land in question claimed by the Americans, and which was made a species of toll-bar to British subjects penetrating from the northern coast to the interior. He concluded by asking—What progress, if any, has been made in the negotiations for the settlement of the boundary line between British Columbia and Alaska?

HON. MR. SCOTT said the Government were quite alive to the importance of dealing with this boundary question, and of settling the line between the United States and British Columbia. The hon. gentleman had very clearly and ably explained the various points at issue. He was sorry to say that the gentleman who acted for Great Britain when the Treaty of 1825 was made, knew nothing about the subject. There were at present three parties to be consulted, the Governments of Great Britain, the United States, and Canada. At present we were just finishing a boundary line between the United States and Canada. The expense had been very large, Canada's share would be in the neighbourhood of \$300,000 to \$400,000, where we followed a meridian line, where everything was comparatively plain and simple. In reference to this Alaska boundary line, between the United States territory and Canada, if an effort had been made to lay down a

line possessing all possible intricacies, no greater success could have been achieved—none could be found entailing more difficulties.

HON. MR. CARRALL—Hear, hear. The line is indefinable.

HON. MR. SCOTT—The line professed to follow the coast range up to Mount Elias, where the 101st meridian west struck the coast line. Parts of the mountains along the coast came to the very edge of the ocean, and in some cases to within a short distance of it; else where the mountain range was six, eight or ten miles from the coast, while at other points but three or four. Assuming the high land were followed, they would have to make a complete survey of the coast line inward, to ten marine leagues, the whole distance of this tongue of land, the sinuosities of the coast—which was much indented—would have to be traced carefully. As the expense would be extremely great, he understood the United States Government was not disposed, till the present boundary survey was finally completed, to enter into any negotiations for this survey at British Columbia. The Government, too, regarded this as a very serious question. The partial survey, only up to Mount Elias—not carrying the line northward to the Arctic, would cost, it was estimated, \$2,400,000. It at all events would exceed one million, and though but a partial survey, would take seven years (expressions of surprise.) The attention of the Government had been fixed on this subject since they took office, and there had been a good deal of correspondence thereon, the question being very important. It was just possible that after the present boundary survey parties had completed their labours, and made their final report, there would be a certain number of officers, familiar with this subject and territory, both from the United States and England, available for this proposed survey, and the Governments of the United States and Great Britain might be disposed to look on the matter favourably.

HON. MR. CARRALL—Would it not be within your Province, in the meantime, to remonstrate through the English Government with the American for our treaty rights ceded away.

HON. MR. SCOTT said there had been a great deal of correspondence with the Imperial Government on the subject, and the enterprise had been always checked by the prospect of its gigantic cost. We might finally agree with the Americans as to specific points on certain rivers interested.

HON. MR. CARRALL—That is the idea I have in mind.

HON. MR. SCOTT—But the very instant you depart one hundred yards from a particular point on the river, you have to go back and take a base line on the part of the coast line that corresponds, and which might be a great deal out either east or west. You are then dependent upon another base altogether. You could not take your line straight in any direction. The true course for the two countries, under a treaty, would be to establish a conventional boundary line, if possible, taking particularly well known land-marks, either points in mountains or banks of rivers, and run the lines irrespective of the sinuosities of the coast, or of the distance from the shore. It was only in this way we could get a boundary not objectionable on the ground of delay and great expense. The Americans having certain well-known points along the coast, had to some extent, the advantage of us, and were in a position to exercise arbitrary power. Officials might thus act without the knowledge of the Washington authorities. Law out west was not like law elsewhere; officials assumed extraordinary powers sometimes. He doubted if the Americans would be disposed to make a conventional boundary with us. They might say when the proper time came, we must discuss the laying down of a line in terms of the treaty between the two countries.

HON. MR. CARRALL maintained that, for commercial purposes, the gold-bearing country was always to the east of the Cascade Range. Really, then, those ten marine leagues from the coast inward were of no practical account whatever, so far as minerals were concerned. On the navigable rivers a point could be settled for the solution of this difficulty; it would not cost much to the English Government, and the Canadian, being a liberal one, would not, surely, refuse to share the

expense. If we could fix upon the navigable rivers a point where they could proceed to the interior, it would accomplish, for all practical purposes, the object in view. He could see no good in retaining the present boundary line; but as to the navigation of those rivers, which were ours forever, if we could fix a point to the interior, so that we might have a boundary point, the difficulty would be solved. That could easily be done. If our Government asked Britain and the United States to fix one point on the Skeena and Stickeen, they would accomplish everything requisite. The hon. gentleman who had carefully considered this subject, forgot to take up the other topic of his (Mr. Carrall's) remarks, namely, the application of the mining laws of British Columbia to any territory of ours outside that Province, to the North-West. This improvement might be made by the bill respecting the North-West Territories. In this section there was a multitude of Indians, who fished and hunted in the interior in summer, and lived on the coast in winter. His hon. friend from Sarnia (Mr. Vidal) who took such an interest in prohibition, might not be glad to learn that they had made progress in civilization, and could distil whiskey from molasses, and sell it to the whites as dexterously as any race. Formerly, the whites made and sold it to them. Hence the Customs Department would need a boundary to mark or limit the line of their operations. He thought the Indian law also would require to be considered.

LIFE INSURANCE COMPANIES' BILL.

HON. MR. SCOTT moved the third reading of the Life Insurance Companies' bill, as amended. He said a question had been put, as to whether parties doing business in ocean marine business would not, under this bill, be obliged to take out a license. They would not. Neither would they be bound to make out returns. The Act applied only to such companies as took out a license. It was probable in another year the whole question of life insurance would have to be considered. Many members of Parliament desired the Dominion should exercise control over the whole

of the insurance companies. This Act was limited to companies holding charters under the Dominion—not extending to companies holding any of the Provincial charters. It was the opinion of many that the question of insurance ought to be withdrawn entirely from the local bodies, and placed under the jurisdiction of the Dominion Parliament.

HON. MR. KAULBACH did not desire to oppose the passage of this bill, but simply to urge upon the notice of the Government the desirability of having the clause relating to Mutual Fire Insurance Companies in the General Insurance Act of 1868, so amended as to apply to Mutual Assurance Companies. There is but one Mutual Life Company established in the Lower Provinces, and it is desirable that it should succeed and extend its business to other parts of the Dominion, without being obliged, as at present (although receiving no cash premiums), to place large funds out of its control into the hands of the Receiver-General. It is to be hoped the Government will not fail to legislate in the manner suggested at our next session.

HON. MR. SCOTT said that Mutual Companies would be subject to this bill, when the measure on insurance was passed. The companies holding charters from the Provinces should be subject to the same scrutiny as those chartered by the Dominion.

HON. MR. DICKEY said there was a question of jurisdiction involved. In Nova Scotia there were stringent provisions with regard to its insurance companies, and he presumed there were similar in the other Provinces also. We were dealing at present with matters clearly within our jurisdiction, while our power as to the others was an open question.

After some remarks from HON. MR. KAULBACH, the motion passed.

FIRE AND MARINE INSURANCE BILL.

HON. MR. SCOTT moved the third reading of the bill to consolidate the laws relating to Fire and Marine Insurance.

After some observations from HON. MESSRS. MACFARLANE and KAULBACH, the motion passed.

HON. MR. SIMPSON moved the adoption of the tenth report of the Joint Committee on Printing.—Carried.

GREAT WESTERN RAILWAY BILL.

HON. MR. McMASTER moved the second reading of the bill to amend the Act respecting the Great Western Railway Company. He explained that the bill had reference to a few domestic arrangements that would not much interest the public. Formerly the number of directors was eleven; it was proposed the number should not exceed eleven, nor be fewer than seven. Formerly, directors had to own forty shares, but, by the bill, must hereafter possess one hundred.—Motion carried.

CANADA CENTRAL RAILWAY BILL.

HON. MR. SKEAD moved the second reading of the bill relating to the Canada Central Railway. He explained that it was to give the company two years time in which to complete the railway, it having been found impossible to build the road within the time specified by the charter. The road had been surveyed and located as far as Renfrew, and the ties principally got out for that distance, but they had found that, from a complication of money matters and other things, an extension of time was necessary, as provided in the first clause.

The bill was read a second time, and referred to the Committee on Banking, Commerce and Railways.

NOVA SCOTIA COUNTY COURTS BILL.

On motion for second reading,

HON. MR. SCOTT said this bill was to enable Government to place the salaries of the County Court Judges in Nova Scotia on the same basis as now existed in the Province of Ontario. It gave to six County Court Judges \$12,000, and in the County of Halifax \$2,400. They were also paid \$200 per annum travelling expenses. The salaries and allowances were to be paid out of the Consolidated Revenue Fund.

HON. MR. MILLER said he rose to oppose the second reading of the bill. The House was aware that under the Constitutional Act the power of creating all courts of provincial jurisdiction was vested in the Legislatures of the various Provinces. In the exercise of

that power the Legislature of Nova Scotia last session passed an Act establishing County Courts for that Province. This, however, was done in the last days of an expiring Parliament, and since then a general election had taken place. He was of opinion that neither the legal profession nor the people generally looked favourably on those courts. The Legislature of Nova Scotia met for the first time since the election on the eleventh of the present month, and afterwards a leading member of the popular branch introduced a bill to upset the County Courts Act. That bill has not yet gone to a second reading, and until the opinion of the new House was known on this subject he (Mr. Miller) was opposed to the passage of the bill before the Senate. If the present Legislature of Nova Scotia ratified the County Courts Act, and no unconstitutional course were resorted to in the meantime, he would then be prepared to fairly consider the subject of providing for the judges' salaries. The Local Legislature was the proper place in which to decide the question whether these courts were or were not required, and all he desired was that that tribunal, as now constituted, should have a fair opportunity of doing so. Of course, in saying this, he did not wish to be understood as surrendering the control which this Parliament should exercise over all questions upon which they were asked to deliberate, and when he spoke of the Local Legislature to establish these courts, he did so with that qualification. If a Provincial Legislature undertook to establish unnecessary courts, the power of this Parliament was undoubted to check any such abuse. He (Mr. Miller) did not mean to say that the County Courts intended to be put in operation in Nova Scotia were too numerous or too expensive to be sanctioned by this Parliament, if the Legislative Assembly lately elected in that Province expressed that opinion. But he wanted a full and fair opportunity given to that body to assume the responsibility before the people of Nova Scotia, of either accepting or rejecting the bill of last session. They had not yet had such an opportunity, for the second reading of the repealing bill had not yet taken place.

All that could be lost by the rejection of the motion before the House would be that the Province would not have County Courts for another year, and as they had not got along without them for many years without complaint, he did not believe litigants would feel it a great grievance. The Courts would be more willingly accepted by the country if the Act creating them received the deliberate ratification of the existing Legislature of Nova Scotia. This was the first reason why he considered it unwise at the present time to make provision for the salaries of those judges. The second reason why he opposed the motion of his hon. friend was that if the Legislature determined to have County Courts, he wished that further time should be given to perfect a more suitable system—a system better calculated to meet the defects connected with administration of justice in that Province. He looked upon the Act of last year creating County Courts as very defective. It did not meet the real wants of the Province, although it was admirably adapted to secure comfortable sinecures for six or seven of his professional brethren. The framers of the bill appeared to him to have had too much in view the importance of giving enlarged jurisdiction to the Courts—he would not say with any interested motives, for every one knew how disinterestedly his profession looked upon questions of this kind—but he (Mr. Miller) regretted that they had not gone further in the other direction by curtailing the jurisdiction of magistrates in civil cases to the lowest possible figure, say \$8, and throwing that work on the County Courts. The County Courts intended for Nova Scotia were really inferior Superior Courts—if he might use that form of expression—and would practically be pleasant sinecures, with one or two exceptions, all over the Province. He wanted, if County Courts were to be established, they should have thrown on them the work they ought to do—work now done, in too many instances unsatisfactorily, by magistrates. He hoped, if the Legislature of Nova Scotia insisted on having County Courts, that before they were called upon to consider this bill again, a better system

will have been matured. Those were the reasons why he now opposed the bill under debate, and therefore he would move, seconded by Hon. Mr. Dickey, that the word "novr" be left out of the motion of the Honorable Secretary of State, and the words "this day three" be added thereto.

HON. MR. DICKEY said it was not necessary for him to add very much to what had fallen from his hon. friend, except a word or two historically. The County Court Act instituting these Courts was one of a series of experiments that had been made in the Province of Nova Scotia; and he wished to call the attention of the House to these facts: Some fifty years ago a Court was established in order to accommodate the small business, called the Commissioner's Court, which was very much of the complexion of a County Court. That experiment went on for a series of years, but it was found not to be successful, for instead of relieving the pressure of small business there was increased litigation. Therefore, after an experience of some twenty years those Commissioner's Courts were deliberately abolished, and they were remitted again to the old Supreme Court jurisdiction, and to the jurisdiction of the magistrates in small cases. A further experiment was made subsequently very much in the nature of this bill, by which some four or five Inferior Court Judges, as they were called, were appointed in Nova Scotia to transact business very much in the way the Supreme Court did. That was done in order to relieve the pressure upon the Supreme Court. But it was found again after an experience of a good many years that this Inferior Court did not fulfil the requirements, and that it was far better to have the Supreme Court with all the objections to it than to have this additional jurisdiction, and accordingly, so long ago as 1841, that Inferior Court, was deliberately abolished by the Legislature of the country. He was bound to say—because he wished to deal frankly—that these judges were pensioned; and care had been taken in this very bill to provide for the pensioning of these judges, and he ventured to say that if this House could be induced to pass this bill, and

enable the Government below to issue the proclamation and give force to this County Court Act, we would have to pay the pensions under this bill to these very men. Now, this was called a County Court Bill, but it was not such. Repeated mention had been made in the Legislature of the propriety of establishing something like a Court of Probate with County jurisdiction, with the view of relieving the Supreme Court of some pressure of business, but that had never been acted upon. In reality, this was a District Court Bill, because it gave six judges for eighteen counties. This being the state of things, he was found to confirm what had just been said by his hon. friend with regard to the unpopularity of the measure throughout Nova Scotia. So far as his knowledge extended it was most distasteful to the people. The measure would necessitate a heavy charge upon the consolidated fund of the country. When we came to put this machinery in motion with the six judges, eighteen clerks and thirty-six or more sub-clerks, and add to this all the heavy legal expense of sheriffs and other officers, the travelling fees and numerous other expenses, we should find that it would lead to an enormous tax upon the people of the country. The people did not want the bill, though it would be a luxury to the lawyers by largely increasing their business, and in this way the measure would take the money out of the people's pockets and put it into the pockets of the lawyers. This Act had been on the statute book for a year, and the Government of the Province had not yet thought proper to issue a proclamation putting it in force. He believed it to be the wish of the people of the Province that the bill should not pass, and that was certainly the overwhelming wish of the representatives of the people in this Senate.

HON. MR. BOURINOT quite concurred in the sentiments of his hon. friend who had just spoken. He said without hesitation that this bill was most unpopular throughout the length and breadth of Nova Scotia. By it litigation would be increased to a large extent. Some objection had been made to the men on the Commission of the Peace, who might not, perhaps, always

decide correctly, but on the whole they performed their duties well and with little expense to the parties concerned. But, under the system proposed, the people in most cases would have to go far from their homes to attend Court, and at great expense and inconvenience. For his own part he was altogether opposed to County Courts of any kind, because they would be a great source of litigation, and he trusted no hon. gentleman in this House would vote for the bill when he saw how unanimously the Senators from Nova Scotia were opposed to it. He believed, moreover, that the present House of Assembly in Nova Scotia were opposed to it, and those who were not elected at the last election owed it chiefly to their support of this bill.

HON. MR. LETELLIER DE ST. JUST said the hon. gentleman from Halifax had stated that a bill had been proposed in the Legislature to do away with the existing law, but he (Hon. Mr. Letellier) was informed by very good authority that there was no chance this bill would carry, so that the law would remain as at present. On the other hand, some hon. gentleman in the Senate said this bill was opposed by public opinion in that Province. This was very singular, since the bill had been passed in the Commons without one dissenting voice, even one hon. member of the Lower House who was well-known as being an opponent of the bill, not having taken any exception to it. At all events, we know that the members of the Commons came from the people and might be supposed to represent their opinion.

HON. MR. MILLER said he had conversed to-day with a gentleman representing the largest constituency in Nova Scotia, and he condemned the bill *in toto*.

HON. MR. LETELLIER DE ST. JUST admitted that one of the members from Halifax was opposed to it, but he (Hon. Mr. Letellier) had just been informed that the Nova Scotia members in the Commons were so much in favor of the bill that not a word had been said against it, and they had let it pass. He did not think it would be doing justice to the people of Nova Scotia if this House refused to

sanction a bill which had been supported by all the members from that Province in the Commons. He did not pretend to say that we were obliged to accept it because it had been passed by the Commons; but the fact that no opposition whatever was made to it in the other House, was good ground for supposing that it met with the approval of the people.

HON. MR. DICKSON referred to the time when a bill relating to the judiciary was before this House, and a member from Nova Scotia rose in his place and made the very reasonable request that as we were going to assimilate all the laws of the various Provinces, the bill might stand over till another session, in order that it might be submitted to the judges throughout the country for them to see if there was anything in it to take exception to. Several members from Nova Scotia made the request that the bill might lay over; but the Government endeavored to force it through the Senate. A short postponement was, however, obtained, and a consultation was had between the leader of the Government in this House and the members of the Government in the other House, and the word that came back was the bill must pass. He (Mr. Dickson) said on that occasion the bill should not pass if he could possibly prevent it. After a little lobbying a vote was taken, and they gave the bill the six months hoist, by a majority of five. The case now and then were precisely similar. He agreed with the observations of the hon. gentleman from Halifax, who asked the Senate to reject the bill on the ground that it would have a very serious effect on that Province. Since no harm could possibly arise from delay, he held that the mere *ad captandum* statement that the bill had passed the other House, was no reason for us to force it through contrary to the unanimous wish of the Senators from that Province.

HON. MR. MACFARLANE thought the Government had better withdraw the bill and submit it to the Supreme Court Judges of Nova Scotia, and if they approved it, he imagined no hon. gentleman in this House would be found opposing it. The friends of this

bill claimed it was to relieve the Supreme Courts, but it was well known the Judges of the Supreme Court said this bill was not required, and that the present Courts of the country were amply competent to discharge all the duties devolving upon them. The people would be much better satisfied with the decision of a Supreme Court Judge, whom everybody knew and trusted, than with the decision of an inferior Court, and possibly of an inferior Judge. While the salaries of these County Court Judges would form a not inconsiderable item of increased expenditure, the sum of \$2,000 salary was still so small that it would be difficult to get men of talent to accept the positions, and consequently these Courts would be likely to be filled by an inferior class of men. He believed if a vote could be taken throughout the Province on the County Courts bill, that there were three counties that would sustain it. He advised the Government to withdraw the bill till another year, and in the meantime refer it to the opinion of the Supreme Court Judges, who knew better than anybody else what was in the interests of the people in these matters.

HON. MR. MILLER thought this matter belonged entirely to Parliament, and he was opposed to referring it to the Supreme Court Judges.

HON. MR. SCOTT said the sentiments on this subject expressed by the hon. gentleman from Nova Scotia were new to him. That hon. gentleman had not heretofore expressed any doubts as to the policy of this Act passed by the Local Legislature. It struck him (Mr. Scott) as rather an extraordinary method to pursue for this House to attempt to bring a pressure to bear upon the Legislature of that Province. If we attempt to coerce that Legislature he trusted the feeling of this House would be against it. We must take the position of affairs as we find it. There was a law on the statute book of Nova Scotia which necessitated the employment and the payment of a certain number of judges, and the Government might fairly be taxed with being recreant to their duty if they failed to confirm these appointments and provide the money for their salaries. It was urged that the law

was not popular, and not likely to meet with the approbation of the new Parliament in that Province.

HON. MR. MILLER—It is not a law, for it has not been proclaimed yet.

HON. MR. SCOTT said so far as Nova Scotia was concerned that might be the case. The feeling of the Government could not be one of forcing on the people of that Province a system that was not acceptable to them but nothing had yet taken place to show that such was the case. Still, he would venture to say, for his own part, that if that Act were repealed this session, or if there were any disposition to repeal it, Government would withhold this bill. They were simply acting in obedience to what they now found to be the law of Nova Scotia. Since this debate commenced the hon. Minister of Agriculture had been given to understand by one of the Ministers from that Province that there was no probability of the Act being repealed this session, but rather of its being retained. Assuming that to be the case, if the Parliament refused to pass this bill it would be placing itself in a very anomalous position. The Government would then be playing a political game, and meeting the views of a minority element in the Province of Nova Scotia, which would be highly improper. He admitted, however, that after this unanimous expression of opinion by Senators from Nova Scotia, Government should proceed with the great caution in the matter. On the other hand, we might be seriously compromised by the withdrawal of this bill, and the law of Nova Scotia allowed to stand. What he would ask the House to do now was to allow the bill to go now to a second reading, and before proceeding any further with it he would have a conference with the other members of the Government in reference to it.

HON. MR. MILLER said he would make no concession, but would persist in his motion.

HON. MR. KAULBACH said the Secretary of State had just given one of the best reasons why this bill should not now pass. He says that the Local Legislature will probably amend the County Court Act this session, yet he asks us now to legislate on the basis of

that Act as it now exists. We ought not to do so. It may be that public opinion will prevail in the Nova Scotia Assembly this session, and the Act be repealed or at least amended in the direction intimated by our hon. friend from Amherst. Very seldom do hon. members from Nova Scotia agree on public questions here. In this case they are a unit—there is no chance to differ. Their opinions, thus strongly expressed, ought surely to induce both sides of this honorable body to oppose this bill, as being premature, a waste of public money and not in the interest of the Province to be affected. The Act for which this bill provides does not make the law less cumbersome or expensive, nor justice more speedily or easily obtained. It does not meet existing grievances, but, whilst depleting the public revenue to the amount of some \$20,000 annually, with pensions to come, it would add largely to the taxes of every county in the Province. And all this simply to make places for a few political partizans—already named, it is said—in some of whom the public could have no confidence. Their decisions would largely be questioned, thus adding to the costs and delay in termination of suits. The Supreme Court Judges are equal to all the work, and the public have confidence in their law and decisions. They clear the dockets on all the circuits, and have not asked, neither do they desire, to be relieved of those cases now sought to be placed in the hands of superior judges of an inferior court.

HON. MR. WARK was not disposed to admit the statements of hon. gentlemen on the other side that inferior men were likely to be appointed to the position of County Court Judges. The judges already occupying that position in New Brunswick were very respectable men, and gave general satisfaction in the discharge of their duties. On the whole, he thought the County Courts were popular in New Brunswick. Although the five gentlemen from Nova Scotia in this House were opposed to the bill, we must bear in mind that the eighteen gentlemen from Nova Scotia in the other branch of the Legislature appeared to be unanimous in its favor, and they were more recently from the people than the gentle-

men in this House, and consequently their opinions should have more weight. We would be assuming a very serious responsibility if we were to decide that the people of Nova Scotia or New Brunswick were not able to settle this question for themselves. He did not think there was any probability of the Act being repealed by the present Nova Scotia Legislature, and we ought to adopt the same policy towards Nova Scotia as had been pursued towards New Brunswick. As this Parliament very properly provided salaries for the County Court Judges in New Brunswick, he would vote for the same policy towards the judges in Nova Scotia.

HON. MR. DEVER said, as a member from New Brunswick, which is one of the Maritime Provinces of this Dominion, he felt called upon at once to come to the assistance of the representatives of the Province of Nova Scotia, when opposing what they conceived to be an over riding by Government pressure of certain views they held so unanimously. Hon. gentlemen will bear in mind that, when coming into this Union, it was distinctly defined by the Constitution that the Maritime Provinces should have as large a representation in the Senate as either of the two divisions of Quebec or Ontario, and hence in this way secure the smaller Provinces against any rash or injurious legislation on the part of any victorious Government which might get into power by some spasmodic excitement of the people. He unhesitatingly denounced the doctrine put forth opposite by the Government and by a gentleman from New Brunswick, that eighteen members from Nova Scotia, in the other branch of this Legislature, who may be the mere creatures of a successful party, should be taken as a safer guide than the views of the gentlemen in this chamber who represent that same Province. If such view be sound, what was the Senate created for? And well might it be said, put down the Senate as a useless body. But he hoped members of this House and the country thought differently, and he trusted that all independent members from every Province, but especially from the smaller Provinces, whose whole safety depended on the wise and large power

given them in this Chamber, would pronounce themselves strongly in favor of the almost unanimous expression of opinion, as given by the representatives from Nova Scotia in this House, against the passing of this bill. (Hear, hear.)

HON. MR. BUREAU said if we adopted the motion of his hon. friend opposite, we would be placing this Government in conflict with that of Nova Scotia. The Local Legislature had the power to establish courts, and it was the duty of this Government to provide for the payment of the judges, and if we now refused to do so, after these courts had been established, there would be a conflict of authority. We had already made provision for the County Court Judges of New Brunswick, but this motion called upon us to make an exception against Nova Scotia which he could not approve of.

HON. MR. BOURINOT wished to correct a statement made by the Hon. Secretary of State with reference to the unanimity of the Nova Scotia members in the Lower House upon the bill. He was aware that at least three or four members were opposed to it.

HON. MR. MACPHERSON was reluctant to oppose such a measure as the present, but when he saw the entire representation of the Province affected by the bill opposed to this legislation, he thought it was but reasonable, as no harm could ensue from delay, that such delay should be granted. The fact that a bill was now before the Nova Scotia Legislature to repeal that Act, showed that there must be considerable feeling against it in that Province. He thought this fact justified our delaying the bill for a year.

HON. MR. BROWN could not quite agree with the last speaker. Of course we ought all to respect the statements of gentlemen from Nova Scotia in this House, but this Parliament had only to deal with the Legislature of Nova Scotia. The Legislature of that Province had established courts, and the Federal Government was called upon by the constitution to give effect to such legislation. We could therefore do nothing less than recognize that fact and legislate accordingly. We had nothing to do with the merits of the Act itself establishing such courts. It

was a most dangerous doctrine that we should ignore the Local Legislature in this matter. He agreed with the suggestion of the Hon. Secretary of State that we should pass this bill through another stage, and then he would consult with his colleagues and with the members of the Local Legislature. He was sure the Government would give full weight to the statements of the hon. Senators of Nova Scotia, but it was not for us to discuss the propriety of the Act which had been passed by the Legislature of that Province, which was now calling upon us constitutionally to give effect to the same.

HON. MR. CARRALL remarked that the position of the County Court Judges was one of the most anomalous features in the whole constitution. Here was a class of gentlemen who were paid by the Dominion Government, and who were servants of the Local Government. In the present case the Government proposed to carry out the wishes of the Legislature of Nova Scotia. He was one of those who believed that not unfrequently the Government were not the exact reflex of public opinion, and he considered there were cases when the senatorial functions might be exercised in opposition to the Local Governments of the several Provinces. After the protest we had heard from the hon. gentlemen from Nova Scotia, we were quite justified in opposing a system that was repudiated by the people of the Province.

HON. MR. SCOTT said the effect of the action of hon. gentlemen would be this—that by a vote in this House we should have directly interfered in a local matter in Nova Scotia, over which we had no control and no right to express an opinion. We were assuming a fact that we had no right to assume, for he had just been told, on the authority of a Minister of the Crown, that that Act would not be repealed.

HON. MR. MILLER—Hon. Mr. Norton says that Act will be repealed.

HON. MR. SCOTT replied that we had to deal with facts as we found them. The Government who passed that law were the Government of Nova Scotia to-day.

HON. MR. MILLER—A new Parliament and a reconstructed Government.

HON. MR. SCOTT—The Premier of the Government was the same, but the *personel* might be somewhat different. But they had no right to look at the question hypothetically. They were assuming a disputed case in assuming that the Legislature of Nova Scotia were going to repeal the law. So long as there was a statute in Nova Scotia, we had no right to assume that that statute was going to be repealed.

HON. MR. WILMOT was going to take the same course on this bill as he took upon the question in regard to Prince Edward Island last year. All the members of that Province were unanimous with respect to the mode of fixing the franchise, and he did not think his vote should override the opinions of the members of that Province. In the present case the motion was simply one for postponing this bill until another session of the Local Legislature, which would, in all probability, repeal this bill. He should vote for the motion of his hon. friend from Nova Scotia.

HON. MR. TRUDEL said if he considered the throwing out of this bill was tantamount to a conflict of authority between the Local and Federal Governments, he should vote for it, as that would be a wrong principle. But there was no principle at stake in this case. Everyone recognized the respective functions of the two Legislatures, and the present question was one simply for prudence and good sense to decide. Hon. gentlemen from that Province told us the law was likely to be repealed, and in that case the difficulty was likely to be much complicated, for if we passed this bill we would have established and confirmed a system with extensive machinery which would all have to be repealed at great inconvenience to parties concerned; whereas if we left the question open until another session we should then be in a position to proceed without any doubt whatever. The position taken by the Government was, in principle, perfectly correct, but in the present case the position taken by the Nova Scotia members was such as would justify the Government in withdrawing the bill.

HON. MR. McMASTER would be glad to vote for any amendment which would have the effect of curtailing the

public expenditure did he see his way to do so consistently. But since the Local Legislature of Nova Scotia had organized this Court it became the duty of the Federal Government to provide the ways and means, and he did not see how they could consistently refuse to pass the bill before the House.

HON. MR. SUTHERLAND thought this Chamber would be doing a public service in voting down the bill. When this bill was prepared in the Lower House its framers were ignorant of the recent action taken in the Nova Scotia Legislature, and hence we would be justified in taking a different course. It appeared that the Legislature of Nova Scotia had not yet settled the question themselves, and it would not be good policy for this House to vote away so much public money before the Province had decided what it was going to do. It seemed to be a disputed question on all hands. He considered, therefore, that it would be perfectly proper for him to vote down this bill, as involving a certain amount of expenditure which would not be wanted finally.

The vote was then taken on Hon. Mr. Miller's motion, which was carried on the following vote:—

CONTENTS—The Honorable Messieurs Aikins, Alexander, Armand, Bellerose, Botsford, Bourinot, Carrall, Chapais, Chicin, Cornwall, Dever, Dickey, Dickson, Dumouchel, Flint, Glasier, Guevremont, Hamilton (Kingston), Howlan, Kaulbach, Macfarlane, Macpherson, Miller, Muirhead, Price, Read, Ryan, Seymour, Shaw, Skead, Sutherland, Trudel, Vidal, Wilmot—34.

NON-CONTENTS—The Honorable Messieurs Archibald, Baillargeon, Brown, Bureau, Chaffers, Christie, (Speaker), Cormier, Fabre, Haythorne, Leonard, Letellier de St. Just, McMaster, Paquet, Penny, Scott, Simpson, Wark—17.

FELONIES AND MISDEMEANORS BILL.

On motion for second reading,

HON. MR. SCOTT said the bill was an amendment of the Act now in force on the statute book. It gave power to a judge or deputy-judge, as the case might be, in his discretion to reserve any question of law for the decision of a judge of the Superior Court. It also

provided that when two or more prisoners were arraigned, and one chose to be tried before a jury and the other to come before a judge, each might make his election.

The bill was read a second time.

CULLING AND MEASURING TIMBER.

HON. MR. SCOTT, on motion for second reading, said the bill proposed to place the culling and measuring of timber under the Excise Department of the Government. It was in the interest of the trade, and would reduce considerably the number of cullers. At present there were some fifty or sixty, who did the work in rotation, but in future it was proposed to employ only a sufficient number to do the work by keeping them all the time employed. The bill applied only to Ontario and Quebec.

The bill was read a second time.

SECOND READINGS.

The following bills were read a second time:—

Great Western Railway Company's Acts amendment bill—Hon. Mr. McMaster.

Canada Central Railway bill—Hon. Mr. Skead.

Montreal, Chambly and Sorel Railway change of name bill—Hon. Mr. Penny.

International Express Company amendment bill—Hon. Mr. Penny.

Pilotage Act of 1873 amendment bill—Hon. Mr. Scott.

Metropolitan Insurance Company incorporation bill—Hon. Mr. Penny.

National Insurance Company Incorporation bill—Hon. Mr. Trudel.

The House then adjourned.

Tuesday, March 30, 1875.

The Speaker took the chair at three o'clock.

THIRD READINGS.

HON. MR. HAMILTON (of Kingston), Chairman of the Committee on Banking and Commerce, reported the following bills, some without and others with amendments, which were concurred in, whereupon the bills were read a third time.

Respecting the Canada Central Railway.

To incorporate the Metropolitan Insurance Company.

To amend the Acts of incorporation of the Great Western Railway.

To change the name of the Montreal and Chambly and Sorel Railroad Company, to the Montreal, Portland and Boston Railroad Company.

To amend the Act 37th Vict., respecting the International Express Company.

To incorporate the Anglo-French Steamship Company.

To incorporate the European and American Express and Agency Company.

To rearrange the capital of the Northern Railroad Company of Canada, &c.

To incorporate the National Insurance Company.

To incorporate the Canadian Steam Users' Association.

To amend the Act incorporating the Montreal Board of Trade.

HON. MR. BUREAU introduced a bill to amend the law respecting the appropriation of land for the construction of railways, which was read a first time.

APPOINTMENTS AND DISMISSALS IN NOVA SCOTIA.

HON. MR. KAULBACH proceeded to speak to the following motion of which he had given notice:—

"That he would ask the House on Tuesday next to take into consideration the return to an Address to His Excellency the Governor General, to cause to be laid before this House, copies of all letters, petitions or other papers or correspondence relating to or in connection with the appointment to and resignations or dismissals from office, and the appointment of successors, in the County of Lunenburg, Nova Scotia, since the first of October, 1873, and would then move the following resolution:

"That in the opinion of this Honorable House, the dismissal of John Morash, Seizing and Preventive Officer, and of William Young, Shipping Master, of the Port of Lunenburg, Nova Scotia, and Casper Schwartz, Lighthouse Keeper, of Green Island, were made without the Government possessing a full knowledge of all the facts of the case, and not for misconduct or incapacity."

The hon. gentleman said he labored under some difficulty in stating his case, both as regards indisposition, and the failure to have the papers brought down in time and printed for the information of members. He would, therefore, have to take up some time in explaining those

returns. In selecting the three cases mentioned in his motion, his object was not to embarrass the Government, but to speak with a view to the interest of the country, and to the vindication of officers, trustworthy public servants, now dismissed, who had discharged their duty faithfully, and to the public advantage. With regard to John Morash, Seizing and Preventive officer, he was appointed in July, 1872, and dismissed in May, 1874. There was no correspondence on the subject; he was curtly told his services were no longer required, and no previous notice was given him. In such cases the officers were generally paid to the end of the next quarter, but in the present, Morash was not paid for the whole period preceding the notification of discharge. The port of Lunenburg, as to tonnage trade and other matters, was the next to Halifax in importance; some of the inland ports, not nearly so much frequented by shipping, had more than one preventive officer. The simple reason given Morash was that his services were not required. A less capable preventive officer than the present, in Lunenburg, could not be picked up. He was the creature of the firm that had the largest trade there, which he could favor materially; and if the Government had known his character they never would have committed the trade and revenue of the port to his sole charge. For the protection of the public revenue, Morash should be reinstated. Efficiency and honesty in the public service should be essentials and the first duty. Morash was turned out—ruthlessly struck down—because he could and would do his duty honestly and efficiently, and was therefore distasteful to this one-man power, who had the preventive and customs officers at his mercy, direction, and dictation. The person discharged had been ignored and prevented from doing his duty by this Customs officer. Government might, in the country's interest, appoint some seizing officer at Lunenburg, and he hoped they would reinstate Morash, a faithful, reliable and sober man, who had been a member of the Board of Examiners of applicants for the position of inspectors—an important Board from which he was also dismissed to make room for a political partizan.

The hon. gentleman then proceeded to state the particulars of the case of William Young, the shipping-master, and to notice the correspondence with the Marine and Fisheries Department on the subject. Mr. Young stood high in the community, (a sober and respectable man) who did much to build up the town. He had sacrificed his vessel and cargo, to rescue the passengers of the Allan's steamer "Indian" some years ago, and had received no proper compensation. He was appointed shipping-master in October, 1873, but in May, 1874, we find his dismissal, with that of Captain Wade and Daniel Dimock, was urged by the representative of the county in the Commons, Mr. Church, who stated it would be satisfactory to the friends of the Government. We had not the reasons given for the recommendation which, he said, were put on record in the Department. He (Mr. Kaulbach) had several times asked for those papers without effect. This officer was again and again opposed and thwarted by the same one-man power already mentioned; and the Custom-house officer was another of his servile tools. He over and over again violated the law in clearing vessels of over 80 and 250 tons, without a certificate, and in other ways, to suit this merchant. This Customs officer aided and abetted ship-owners in breaking the law, in not shipping before the shipping-master, whom he refused to acknowledge. The Government dismissed this master, and threw his office and all its emoluments into the hands of the very man who had violated the law, and set the master at defiance, and all at the command of this leading merchant, Mr. Eisenhauer, who controlled the representative of the county, and who was obliged to obey his mandates. (Mr. Kaulbach here read his letters to the Minister of Marine respecting the violation of the law by the Custom-house officer, and the misconduct, in other respects, of officials.) Captain Young complained that the firm of Eisenhauer & Co. refused to recognize the shipping-master, and threatened to get him removed from office, and because he attempted to execute the law against this firm and had them fined for violation of the law. No notice was taken of these letters by the

Department, nor did he (Mr. Kaulbach) believe the Custom-house officer received any reprimand or even instructions; and though it was brought to the knowledge of the Government that this officer was constantly violating the law, and that the hands of Young should have been strengthened, they allowed this man to be dispossessed, and his opponent, the law-breaker, to receive his place with the emoluments of the office as a bonus into the bargain. What answer can the Government make to this? What will the country say? He contended that the Government could not legally merge the office of shipping-master with that of Custom-house officer; more than that, they could not show him an instance, in Nova Scotia, once the office of shipping-master was created, of the dismissal of the officer, and the bestowal of the office upon the Customs officer. This was a special case, and not in accordance with the usual Government policy. The Government had acted tyrannically and illegally towards this man, purely on party grounds at the instance and dictation of the aforesaid Mr. Eisenhauer, his tools and party hacks, and to the advantage of a violator of the law. The hon. gentleman here read the acts in relation to shipping officers and seamen and duties of Customs officers in confirmation of his views, and asked the members of the Government to controvert his position if they could. It was only when there was no shipping-master that the Custom-house officer could be asked to do the duty. He next referred to letters from the Department touching this dismissal, in which it was stated Government thought the interest of the port would be better served by having the business conducted at the Custom House. True, the Government could dismiss the shipping-master, but, under the ninth clause of the Act, there was no right to give the office to the Customs officer, there being a separate shipping office in Lunenburg. He held that if ever there was a wrong and injustice done to any man, it was this shipping-master. The excuse of the Custom-house officer for not recognizing him was that the Government had not given him notice of the appointment. This was a pretty pretence,

indeed! but characteristic of the man and his lofty ideas of importance. No misconduct or incapacity could be charged to Young. He (Mr. Kaulbach), assuming the Government did not know all the facts, had put his resolution in language as inoffensive as possible, he attributed their action to imperfect information only. This was as mild a conclusion as the House could be asked to come to. (Ironical cheers from the Secretary of State and Minister of Agriculture.) The speaker next related the circumstances connected with Casper Schwartz's appointment and dismissal. At the season of his appointment, the navigation was dangerous, and the island very difficult of approach. He had bought his provisions for the season, loaded a vessel with them, and made all other necessary preparations to proceed to this island when practicable. The coast was then full of ice, and the trip risky, so he had to wait some time for a chance of departure. Meantime his provisions froze and became a loss, and he received information by letter from the M. P. of the county that he would be dismissed if he took charge of the light. Government appointed another man without waiting to hear from Schwartz in answer to the telegram from the M. P. to the Government that he (Schwartz) had resigned. Schwartz by his letter says he never did resign. He contended the Government in this case, also, acted without knowing all the facts. Schwartz could not be accused of incapacity, or misconduct either. Therefore, in this case, also, this House cannot object to this motion. The Government must feel there can be no other resolve in these cases. Parties who investigated the dismissal of Captain Young were only waiting till the matter was forgotten to secure the appointment of a creature who is feared, because capable of any act, and only restrained by fear of the law—a notorious smuggler, who could boast neither of the morality nor the dignity that should characterize the occupant of such or any office. He hoped the Government would take note of this and make enquiry. He repeated his belief that the Government might well accede to this motion and render justice to parties who had been undeserv-

edly wrong, and be more careful in the future. (Hear, hear.)

HON. MR. SCOTT said he was sure the hon gentleman must feel grateful to the House for giving him such a lengthy and patient hearing in reference to the bill of grievances he had managed to roll up against the Administration. While he gave that gentleman all the information at hand, he must repudiate the idea that the Government were bound in any sense to account to Parliament for the details of their departmental management. They were a responsible body, but there was another way of reaching them. With reference to Morash's dismissal, he was a supernumerary, and Government were told his office was quite unnecessary, that the interest of the public did not demand the retention of his services. He was consequently removed and no successor appointed. He was paid the munificent sum of \$60 a year (laughter), and the Senate should be kept an hour listening to the grievance involved in the dismissal of this unnecessary officer. (Hear, hear.) That was the first count in the indictment. As to William Young, the best explanation of his dismissal was found in the letter of the department to the effect that the Government considered the shipping interests of the port could be better served by having the business of the shipping-master conducted by the custom-house. Consequently, this change was made, no successor being appointed. This House and country, instead of blaming, should applaud the Government in relieving itself of the services of officers no longer required. (Hear, hear.) In regard to the third case, Schwartz's, it would appear that in 1873, when this light-house was about being established, there were two or three applicants for the appointment. One was favoured by the member for the district in the Commons, and the other by the hon gentleman opposite (Mr. Kaulbach). In October, before the change of Government, Schwartz was appointed, and notified to take possession of the light-house, as it was important that some one should be in charge not later than the 15th of December. There was some difference of opinion as to the salary, some maintaining it ought to be

\$500, and the Department being unwilling to give so large a sum. The Department was informed, whether correctly or not, that Schwartz was unwilling to take charge of the light-house; at any rate, he did not, when the Government called upon the member for the county to recommend a person, and he recommended the party he had before mentioned. The explanation was, that the head of the Department, seeing that it was absolutely necessary that some one should be in charge of the light-house before the 15th of December, and that there was an unwillingness on the part of Schwartz to take the position—that he had not practically entered upon his duties—made another appointment. While answering the remarks of the hon. mover, it was well to call attention to the opinion of "Todd," as to Government responsibility in such matters. According to this authority, it was entirely out of place that the Government, under our system, should be called up or put on defence as to the details of its management, and such practice would be attended with very great and serious inconvenience. He would ask whether, on the disappointment of every unsuccessful applicant for office, it would not bring this House into universal contempt to reenact in it the scene we had just witnessed—if it was to be called on to discuss whether an officer paid \$60 a year should be removed by the Government, and his dismissal made the occasion for attacking its general management? He contended they were not required, nor would it be proper in them to give the reasons for their action in such cases. The hon gentleman had cited "Todd" in support of his argument. It might become a very serious inconvenience to this House to have every petty appointment and dismissal brought before it in the way chosen by his hon. friend. He (Mr. Scott) and his hon. colleague (Mr. Letellier) were quite prepared to give the fullest information at all compatible with the interest of the public service, at the same time, however, he granted that if an old, deserving officer was summarily dismissed, and another person arbitrarily and tyrannically placed in his stead, it would be proper

for Parliament to make its comments, but in this country all parties fairly recognized the vested rights of office, and so long as an officer fairly and faithfully discharged his duty under this or any Government, he was not likely to be disturbed. A case of martyrdom would tell against any Government. None of us wished to see public officers removed for political causes. He hoped the hon. gentleman would not press this motion, having obtained all reasonable explanations. He granted it was just possible that, in the last case, their information was not correct. However, there was this patent difficulty—the officer had not taken possession of the office, which led to another being appointed to his place.

HON. MR. MACFARLANE was understood to express his regret that the promise given by the Ministers last year—that there would be no dismissals from political causes—had not been kept. The salaries of the dismissed might have been small, and their cases of no importance, but the principle at stake was important. He went on to corroborate the remarks of Mr. Kaulbach as to one of the dismissals, entailing an additional expenditure of some \$40 a year instead of a saving, and with regard to the good character and gallant conduct of William Young on the occasion of the wreck of the steamship *Indian*. The hon. gentleman urged the claims of all the dispossessed officials to a different treatment. He thought this ventilation of the matter would do good. He hoped that his hon. friend, after having brought the case fairly before the House, would withdraw his motion.

HON. MR. HOWLAN replied to the remarks of the Secretary of State, disputing his view that members had no right to bring such cases, involving the details of administration or the exercise of patronage, before the House. If that opinion was correct, members might as well stay at home and leave Ministers to do as they liked. He contended this House and Parliament was the proper place to call them to account for their administrative acts as to patronage and other matters. There was no rule of Parliament to restrict members. They had no other resource. The hon. gen-

tleman cited Parliamentary authorities in support of his views on this subject, and with regard to the bringing down of papers. No matter whether the official's salary was \$60 or \$6,000, there was a principle at stake, involving the just or unjust treatment of a man deprived of his office. The hon. mover had no other course in this matter. He hoped the House would frown down any attempt to dictate what it should or should not do. Otherwise members might as well sit there like a parcel of mummies, and let the Government do what they thought fit. (Hear, hear.)

HON. MR. BELLEROSE said though he thought the Legislature ought not to concern itself with all dismissals and appointments when there was no great reason therefor, he could not admit that it had not the right to inquire into the facts when there existed reasonable doubts as to the propriety of the action taken. He proceeded to illustrate, by a reference to the St. Vincent de Paul penitentiary transactions, the view that matters apparently small in themselves as regards amounts or officials, might involve very important principles, which, in the public interest, should be looked into closely.

HON. MR. LETELLIER DE ST. JUST briefly replied to Hon. Mr. Belle-rose, and then remarked that he was glad his hon. friend opposite (Hon. Mr. Kaulbach) was willing to withdraw his motion, as it was equivalent to a vote of want of confidence. As to the charge that the Government wished to prevent enquiries, nothing was farther from their wish in every case at all reasonable, but surely this House did not wish to spend its time in investigating trivial matters beneath its attention.

HON. MR. WILMOT hoped his hon. friend would withdraw his motion, but at the same time he thought it would have been better to refer the matter to a Committee, as he had proposed the other day.

HON. MR. BOTSFORD said, with respect to a person who had been named here, he would be doing violence to his sense of justice if he did not say one kind word in favor of Captain Young. The hon. gentleman then proceeded to relate Captain Young's conduct on the occasion of the wreck of the ill-fated

Indian, and paid a high tribute to his courage and humanity. With regard to the powers of Parliament and the mode of conducting investigations, he thought Government had pressed their immunities too far. When once a Government had accomplished an act, no matter how unimportant it might seem, Parliament had a right to investigate it.

HON. MR. TRUDEL thought his hon. friend had made out a strong case, but had not taken the proper course to obtain satisfaction. This matter ought to have been investigated by a Committee.

HON. MR. KAULBACH considered that the Hon. Secretary had not bettered his position by the old obsolete Tory principles he enunciated: "That we had no right to question the acts of the Government." That it was enough for him (the Secretary) to announce "that the dismissals were made in the public interest and in accord with the policy of the Government." The greatest despot never propounded more tyrannical doctrines. The hon. gentleman sheltered himself under the dicta of "Todd." But the hon. gentlemen from Westmoreland and Prince Edward Island have met and upset his position, and May, a standard authority, conflicts with and entirely overrides the position assumed. For want of better defence, it has been attempted to throw contempt and littleness upon these officers, and measure them by the salaries and emoluments attached. He contended that there was a principle involved outside and independent of the amount of money attached to the office. Public interest and right demands equal justice to the lowest as well as the highest officers in the Government, and it ill becomes any hon. gentleman to belittle any officer simply because the salary is contemptibly small. He felt convinced that the large majority of hon. gentlemen who had patiently listened to the Honorable Secretary of State were satisfied of the utter failure in the attempt to justify the dismissals, and that the motion before the House should carry. But believing, and having reason to believe, that the Government may remedy the injustice to the parties aggrieved in the interest of the public

service, he would ask leave, at least for the present, to withdraw the resolution.

DISMISSAL IN PRINCE EDWARD ISLAND.

HON. MR. HOWLAN requested the Government to state the reason for the dismissal of Henry Longworth from the Registry of Shipping at Charlottetown, Prince Edward Island. He said that officer was a man of good standing, and had performed his duties faithfully, and had several times asked him (Mr. Howlan) to ascertain the reason for his dismissal.

HON. MR. SCOTT said he was informed that on the night of the 30th of June, 1873, at about ten o'clock, Mr. Longworth had been appointed as one of the last acts of the Local Government just before Confederation, or about two hours before July 1, 1873. They dismissed the officer who had been serving, and appointed Mr. Longworth. He continued in the office some time, and the late Government virtually superseded him by appointing a surveyor for each county. When the present Government came into office, they conceived a change of policy in that direction was necessary, and they superseded all those appointments and appointed the present incumbents.

MERCHANTABLE LIQUIDS CASK CAPACITY BILL.

On the order for the third reading of the bill regulating the sale of merchantable liquids in casks,

HON. MR. SCOTT proposed to add, after the word "Canada," in the fourth line of the 1st section, "for sale in bulk," and he also proposed another amendment to the last clause. In order to make these amendments, he moved the House into Committee of the Whole, Hon. Mr. Hamilton in the chair.

HON. MR. DICKEY had an objection to the whole of the bill. It was a bill affecting the rights of property which were not within the control of this Legislature. It proposed to deal with the sale of all merchantable liquids, and his hon. friend might as well bring in a bill to regulate the sale of any other property whatever. Even the men who doled out water in the streets at the present moment, in casks, would come under the provisions of this bill.

HON. MR. SCOTT — Merchantable liquids?

HON. MR. DICKEY—Merchantable liquids sold for money. They must have the bung-hole of their casks marked in accordance with the provisions of this bill. Indeed the bill would prevent any liquids from being sold in any way, unless in a cask that was properly gauged and stamped. This Act was in contravention of the Act of which it was an amendment. It was said to be an amendment of the Weights and Measures Act. That Act was passed with a very different purpose; it came within the purview of the Dominion Parliament, and established certain weights and measures. A weight was to be so much, and a gallon was to contain so many cubic inches of liquid. Parliament never proposed to bind parties down so that they could not make a special agreement, but they proposed the very contrary, because they said, that shall be the law subject to any private agreement between the parties. Now, his hon. friend came in with a bill that expressly overrides all that. He said, we shall not allow you to sell even a barrel of water unless the cask is stamped and gauged. It would be most inconvenient and unreasonable in practice. He thought the attention of the Ministry had never been properly drawn to what they were doing, and hoped his hon. friend would let the matter stand until he had looked into it a little better.

HON. MR. SCOTT said the bill was promoted by one of the Departments of the Government having charge of the Weights and Measures. His hon. friend was aware that we had elaborated this system to a considerable degree. The necessity for this bill arose from the fact that there were distributed over this country barrels and casks professing to contain a certain quantity, when in reality they were short. It was asked for chiefly by the brewers, with the view of protecting the honest trader with the dishonest one. He thought the bill was quite in harmony with the Weights and Measures Act, inasmuch as it required a party selling anything in quantity to specify the capacity of the cask in which it is contained. Any difficulty

arising, such as mentioned by his hon. friend, could be settled in the courts.

HON. MR. DEVER said the hon. Secretary of State had told us this bill was got up in the interest of the honest dealer. He would ask that hon. gentleman what was to prevent the honest brewers and the parties who wanted their casks to be fairly and honestly measured, to send for the city Custom House gauger and have them gauged? In every city there was a local gauger. He believed there was another Custom House being built up in this country, known as the Excise Department, and it was to give importance to this latter that the bill was introduced, and not for the purpose of measuring a few casks issuing from a few breweries in the country.

HON. MR. RYAN thought that in order to avoid misconception, the provisions of the bill be limited to certain descriptions of liquids. He spoke particularly in the interest of the farmers coming into market who might be frequently annoyed and unjustly put to much inconvenience if the bill was left in so indefinite a way. At present it would apply to water or milk or any other of the necessaries of life which were so largely dealt in by farmers.

HON. MR. SIMPSON approved of the bill, as being in the right direction, and calculated to protect a large class of persons who dealt in merchantable liquids.

HON. MR. DICKEY reiterated his objections to the bill, saying we had no power in this Legislature to regulate the sale of merchantable liquids or anything else merchantable which was exclusively under the control of the Local Legislatures. We might as well bring in a bill to regulate the sale of cordwood. It was a local matter touching property; it was civil rights. His argument against the bill had not been met and could not be met. Suppose the bill was confined to malt liquors, his hon. friend must not confuse the question as to whether these liquors were excisable articles under the control of the Government. The bill not only interfered with agreements, but subjected the parties to a fine, and in this respect was directly in contravention of the Weights and Measures Act. He maintained that

such legislation was not in the competency of the Dominion Parliament.

HON. MR. BOTSFORD suggested that the hon. Secretary of State take a little time and consult with the law officers with respect to this matter. The powers given to Parliament were to establish certain measures of length and certain measures of capacity, but such legislation as would compel the buyer or seller to have their commodity in a particular cask of a certain number of gallons, was left entirely with the Local Legislature. This bill went further than the Act it proposed to amend—it went beyond fixing a standard of weight or measure. It was an encroachment upon the rights of the Local Legislatures, and Ministers should not press it further without giving it more attention.

HON. MR. SCOTT said he wished to take the sense of the House on the amendments, and when it came to the third reading we could discuss the principle of the bill.

HON. MR. READ said the bill would impose great hardship on many farmers. Anyone in the country who made a sale of anything in casks would have to go to town to get them marked, under pain of a fine. It would be easy to draw a limit and specify the liquids to be so measured. In the matter of beer, which could be considered an exciseable article, it might be well to have the barrels stamped.

The amendments were then adopted and the Committee reported them to the House, which concurred therein.

It being now six o'clock, the House rose.

After recess,

HON. MR. SCOTT moved the third reading of the bill providing for the

INSPECTION OF PENITENTIARIES.

He made reference to certain clauses to which attention had been drawn in Committee, more particularly to the powers given to the inspector and to the Justices of the Peace. He had consulted with the Deputy Minister of Justice, who had stated that the law was unchanged in that particular. The power was simply vested in the inspector instead of a Board. No evil had been wrought by the conferring of

these powers on a Board, and they considered it necessary that the inspector should be clothed with similar power. Objection had also been taken to another clause of the bill in reference to the construction of railways crossing along the highway connected with the penitentiary or portion of ground belonging to it outside the wall. That clause was also in the old bill, word for word. He moved, seconded by HON. MR. PENNY, that the bill be read a third time.

HON. MR. TRUDEL moved, seconded by HON. MR. DICKEY, that the bill be not now read a third time, but that it be re-committed to a Committee of the Whole, with instructions to amend the same by striking out the clauses from three to thirteen, inclusive, and inserting the following clauses:—

Clause A.—"It shall be lawful for the Governor to appoint not more than three persons to be Directors, who, subject to the instructions they may from time to time receive from the Governor, shall have the control and management of all the penitentiaries in Canada, and of such other prisons, hospitals, asylums and other public institutions, as may from time to time be ordered by the Governor in Council and announced by proclamation in the *Canada Gazette*, and of all other prisoners and other persons confined therein or inmates thereof; and it shall be lawful for the Governor to appoint one of such persons to be their chairman, and one of them, or one other person to act as secretary, and from time to time to remove any of such persons to be so appointed, and to appoint another or others in his or their stead."

Clause B.—"The chairman shall preside at all meetings of the directors at which he is present, and in case of his absence the senior director shall act as chairman. Any two of the directors shall constitute a quorum, for all purposes whatsoever, and in case of a difference of opinion arising between such two at a meeting held at any penitentiary upon a special matter affecting such penitentiary only, the warden thereof may be called in, at the joint request of the directors then sitting, to decide between them. But in case of a difference of opinion arising at a meeting held by any two directors at any other place than a penitentiary, the question shall lie over until the third director shall be present."

Clause C relates to duties of chairman; Clause D provides that each director shall be a Justice of the Peace; Clause E makes the directors responsible for the discipline and management pursued in the Penitentiaries; Clause F relates to details of the management; Clause G makes it the duty of the directors to make an annual report, and specifies the subjects the report shall

cover; and Clause H defines the power of the directors in enforcing discipline.

The debate was adjourned.

CANADA CENTRAL RAILWAY.

(The following is a corrected report of Hon. Mr. Skead's remarks on this subject, a few days ago, in the Senate:)

HON. MR. SKEAD moved the second reading of the bill relating to the Canada Central Railway. He explained that it was to give the company two years time in which to complete the railway, it having been found impossible to build the road within the time specified by the charter. The road was already completed to Renfrew, and in good working order, and was surveyed and located to Pembroke, and a large portion of the ties were already got out and distributed along the route, but they had found that, from financial and other difficulties, an extension of time was necessary, as provided in the first clause.

The bill was read a second time, and referred to the Committee on Banking, Commerce and Railways.

INSPECTION OF PENITENTIARIES.

HON. MR. LETELLIER DE ST. JUST sincerely regretted the course taken by the hon. gentleman (Mr. Trudel) on the opposite side. The other day these resolutions were submitted to the House and a similar motion was lost. Since that time the bill had undergone several amendments which had given it quite another form than that in which it was first presented to the House—a form which he thought would render it more acceptable to those hon. gentlemen who first announced their opposition to the bill. One of the chief objections made at the time was that the system of three inspectors should be adopted instead of the actual system under which there is but one inspector. He begged to remind the House that the bill provided that in case it was found that one inspector could not perform all the duties, the Minister of Justice could, under certain circumstances, appoint certain persons as assistants. The principle of the inspection of penitentiaries was not changed. Again, a good deal had been said in opposition to the bill, on the ground that it did not provide for a representation of the

two religions in the inspection of penitentiaries. He would only say that if we were to legislate upon all the questions that came before Parliament upon such a basis, it would be a discredit to our legislation. He had more confidence in the justice of those who held the reins of Government in this country than those had who supposed that under any circumstances they would allow the members of either creed to suffer at the hands of the other. The convicts of both religions and those connected with the penitentiaries would have all the protection which the laws of the country could accord them. When the members of both creeds were so strong in this country there was no danger that any Government would dare to do injustice to either side. If we were to make this difference in religion and nationality the basis of our legislation, then, indeed, we must despair of our condition. (Hear, hear.) If by any misfortune or otherwise the inspector should be unable to perform all the duties devolving upon him, then the Minister of Justice would have the power to appoint three inspectors directly responsible to himself. The present system had not worked in a manner to satisfy the public. In the large Province of Ontario some fifty or sixty public institutions were under the supervision of one inspector, while in the present bill it was only proposed to place six or seven penitentiaries under one inspector. The gentlemen now acting as inspectors did not complain of this measure, but recognized it as made in the public interest. When this bill was passing through Committee the same amendment now proposed by the hon. gentleman from Montreal was lost in that Committee of the full House. Since then it had been amended partially in the sense desired by those who voted against it, so that now he trusted the House would not take upon itself to reject the bill.

HON. MR. TRUDEL said he thought it his right to give those members who voted for his amendment an opportunity of recording their vote before the House, and the Hon. Minister of Agriculture ought to have recognized that his (Mr. Trudel's) motive was not to

force his amendment upon the House, or to embarrass the Administration. His own course throughout this question had been most moderate, and it could scarcely have been more so if he had simply offered his amendment without saying a single word. As far as he could see, the amendments that had been adopted in the bill were not at all in the sense of his own amendment. The Hon. Minister of Agriculture was in error in stating that his (Mr. Trudel's) amendment was made in the interest of particular individuals.

HON. MR. LETELLIER DE ST. JUST—**I** did not say that; I said arguments had been made with that view.

HON. MR. TRUDEL said a gentleman had spoken to him yesterday for the first time about this bill, and asked him to withdraw the amendments, as there was an opinion current that they were made in his favor. He (Mr. Trudel) replied that the amendments were made in the public interest, and he could not withdraw them; and he would now take occasion to state that those amendments were not made to meet the views of those gentlemen, or for the benefit of any individual whatever. He believed the change proposed by the bill was not in the public interest, and that was the reason he moved the amendment.

HON. MR. BROWN expressed a strong opinion that one man would be able to do all the work. He regarded the bill as a great improvement, and was sure that one man would do much better than several, because if there were several inspectors they would be likely to disagree in their views and systems, and the public service would thereby suffer. Of course, it all depended upon the character of the men appointed, but we would be more likely to get one good man than three good men.

HON. MR. BELLEROSE combated the opinion that one inspector would be better than three. The work was one requiring various abilities and learning of different kinds, which were much more likely to be found among three gentlemen, than all united in one. The present system had worked admirably well, and if Government were not likely to make political machines of the penitentiaries, they would let the present

system remain. He then proceeded to discuss the question of religion in the management of the penitentiaries, and claimed that both creeds should be represented upon a Board of Inspection, in order to prevent those of one creed dominating over those of another. If this House had been instituted by the frames of the constitution for the protection of protecting minorities, there was an occasion for the exercise of that function of the House, and he appealed to the Senate to throw out this bill and retain the present system which had given universal satisfaction to both creeds and all nationalities.

HON. MR. MILLER said the debate had assumed somewhat of a peculiar character. His hon. friend opposite and some other gentlemen for whom he had the greatest respect, appeared to fancy that the legislation contemplated by this bill was going to interfere in some way with the national and religious principles. Now he could only say, if he considered that the operation of the bill before the House would have the effect of interfering in any way either with the national or religious rights or views, or feelings of his hon. friend, and the large body to which he belonged, he (Mr. Miller) would be the last man in this House who would consent to any legislation that might possibly have that effect. (Hear, hear.) But when he saw other gentlemen in this House, and even the framer of the bill itself, of the same nationality and creed, accepting the bill and sustaining it, then he was forced to consider that there was no question of religion or nationality involved in this bill.

HON. MR. TRUDEL desired to remind the House that in all he had previously said he had taken great care not to allude to the question of nationality or religion; and the first hon. gentleman who had alluded to this matter was the hon. member from Kingston.

HON. MR. MILLER continuing, said he heartily approved the principle of the bill, as it placed the responsibility where it should be.

HON. MR. READ said he heard tonight for the first time the doctrine enunciated by an eminent Liberal (Mr. Brown) that the one-man power was the best and was the safeguard of

everything. He was surprised to hear such a doctrine coming from such a source. For himself, he was a Tory, and he could not accept that position at all. He thought three inspectors, one to look after the other and to be a check upon the other, would be the best security against mal-administration.

HON. MR. BAILLARGEON explained his own position in regard to the bill, and after the amendments that had been made to it he had concluded to give it his support. (Hear, hear.)

The amendment was then put, and lost on the following vote:—

CONTENTS—The Honorable Messieurs Allan, Armand, Bellerose, Bourinot, Chapais, Chinic, Dever, Dickey, Dumouchel, Guevremont, Hamilton (Kingston), Kaulbach, Macfarlane, Read, Ryan, Shaw, Trudel, Vidal—18.

NON-CONTENTS—The Honorable Messieurs Archibald, Baillargeon, Benson, Brown, Bureau, Chaffers, Christie (Speaker), Cormier, Fabre, Flint, Glasier, Haythorne, Leonard, Letellier de St. Just, McClelan, McMaster, Macdonald, Miller, Penny, Price, Scott, Seymour, Simpson, Sutherland, Wark, Wilmot—26.

On motion for the third reading,

HON. MR. BELLEROSE moved, seconded by HON. MR. ARMAND, that the bill be not now read a third time, but that it be referred to a Committee of the Whole, with instructions to amend it by adding after the 11th clause the following clauses:—

Clause I.—"In any case in which it has been deemed necessary to call for tenders before entering into a contract for the supply of any article to a penitentiary, and more than one tender has been received, the contract shall be awarded to the person who has made the lowest tender, provided such person gives sufficient security for the faithful fulfilment of the contract, unless the inspectors are convinced that the public interest requires that the lowest tender should not be accepted; but in every case in which a contract is not awarded to the person who made the lowest tender, the inspectors shall report the fact to the Minister of Justice for the information of Parliament."

Clause K.—"All correspondence of the Warden with the Government, and every application and observation which he may wish to make to the Government, as well as all communications, &c., by the Government to the warden, shall be had, made and given through the medium of the inspectors, and not otherwise."

The question of concurrence being put thereon, the same was, on a division, resolved in the negative.

PROTECTION TO LIFE AND PROPERTY ON RAILROADS.

The House went into Committee of the Whole on the bill providing for protection to persons and property on railways.—Hon. Mr. Bourinot in the chair.

The first clause was adopted.

On motion for the adoption of the second clause, providing that any company retaining in its employ a man who has been drunk or intoxicated while on duty, shall be fined a sum not exceeding \$1,000,

HON. MR. AIKINS moved that it be struck out, as being sufficiently covered by the first clause.

HON. MR. McMASTER thought the fine was too high, and suggested \$200.

HON. MR. SCOTT proposed to amend by making the company liable to a fine if they retained a man known to be intoxicated while in their employ.

HON. MR. FLINT thought no man who had been intoxicated was a fit person to employ on a railway.

HON. MR. DICKEY opposed the provision as being too severe on the company, and unjust toward the employes.

HON. MR. PENNY thought the proposition of the Secretary of State would open the door to a very vile system of espionage.

HON. MR. SCOTT moved to reduce the maximum fine to \$500.—Carried.

The whole clause was then adopted as amended.

HON. MR. FLINT moved an amendment to prevent bars from being established in the stations or on the neighbouring property of the company.—Carried.

After some further conversation, the Committee reported the bill with the amendments, which were concurred in.

MISCELLANEOUS.

The House went into Committee of the Whole on the bill for the speedy trial of felonies and misdemeanors in Ontario and Quebec. The bill was reported without amendment, read a third time, and passed.

The Railway Companies Traffic and other Returns Amendment Bill, and

the Mariners' Sick and Distressed Relief Bill, were read a second time.

The House went into Committee of the Whole on the bill amending the laws relating to Controverted Elections.—Hon. Mr. Trudel in the chair. The bill was reported without amendment.

The Manitoba Lands Appropriation Bill was read a second time, and put through Committee of the Whole.—Hon. Mr. Macdonald, of Victoria, in the chair. The bill was reported without amendment, read a third time and passed.

The bill for the Suppression of Gaming Houses was read a second time.

The House adjourned at ten minutes past eleven o'clock, P.M.

Wednesday, March 31, 1875.

The House met at three o'clock.

THIRD READING BILLS.

Several bills were reported from Committee, with amendments, including the following, which was read a third time.

To amend the law relating to Foreign Bills of Exchange.

THE MONTREAL GEOLOGICAL MUSEUM.

HON. MR. McCLELAN said he desired, by his motion on this subject, to elicit the opinion of this House, with a view to the removal of this valuable collection of geological specimens to Ottawa. They were all convinced of the very great importance of the development of the mines of Canada, and the proper collection and display of its mineral specimens. The country's knowledge of geology—scientific and economic—was expanding from year to year, as well as the expenditure for geological surveys and examinations. There was a most valuable collection in the Dominion of upwards of 7,000 fossils and specimens of mineral-bearing rocks, which should be made more accessible to the public. In addition, there were upwards of 3,000 standard works of reference in geology, mineralogy, metallurgy and chemistry, besides a large number of maps and photographs of the different specimens, in addition to other things connected with geology. In his opinion a large amount of benefit that might

otherwise be derived from this collection was lost from its present location. Important a centre as was Montreal, commercially and otherwise, the museum did not seem to attract that attention desirable, or prove of such practical use as it ought, and doubtless would, if it were at Ottawa, which was constantly visited by the representative men of the Dominion in all departments of knowledge and business. Probably not more than one member of Parliament in twenty now visited that institution. Though Prof. Sullivan had reported progress in connection with his explorations and operations, he was obliged to state it was rather a lamentable fact that during the first year, notwithstanding the favourable situation of Montreal, and its importance also, there had not been a thousand visitors at the Museum. The hon. gentleman contended that this valuable collection might be made much more useful if placed at the seat of Government, so much frequented by leading men from all parts of Canada. Collections of minerals could be brought or sent here by persons occasionally visiting the capitol, who were not much in the habit of going to Montreal. The result of our geological surveys and collections had disappointed expectations. Many most productive mines and valuable minerals had been stumbled upon by unscientific people, while geologists or men of high attainments, sent to examine particular districts, had failed to unearth the expected treasure. The establishment at Ottawa, which would then resemble Washington and London in this respect, might give a great stimulus to the study of geology and mineral discoveries. He therefore moved that the House record the following opinion:—

“That the removal of the Geological Museum to Ottawa will promote its practical usefulness; and, in the opinion of this House, it is highly desirable that such removal be made as soon as conveniently practicable.”

HON. MR. SCOTT said this subject was one to which the attention of the Government had not been directly called. The geological collection at Montreal, and, in fact, geological science, so far as Canada was concerned, owed its existence almost entirely to that distinguished *savan* Sir

Wm. Logan? He had a private collection of his own, and in the infancy of geology in Canada it was the only one worthy of much consideration, and when small annual subsidies began to be given to the Geological Society of that city, of which he was the chief member, it was due rather to his untiring care, personal devotion, and he (Mr. Scott) believed to very considerable pecuniary assistance from him that the collection assumed its subsequent gratifying proportions. (Hear, hear.) At all events, his personal services in connection with geology and this museum were not considered rewarded to the extent of those of ordinary Government employees. Sir William, from age and other causes, had practically retired from the management of the institution. Though he took a large personal interest in it, he drew from it no pecuniary advantage. His collection of specimens was the nucleus of the establishment at Montreal. He (Mr. Scott) believed he had presented it to the Dominion, but he doubted whether it would be in good taste—at all events during that gentleman's lifetime—to withdraw from his own residence, at Montreal, this collection. He quite agreed with the mover, that it would be a very great advantage if it were placed where it could be seen by gentlemen attending Parliament, and fully appreciated; and, probably, one day or other it would be removed to Ottawa. But at present there were certain advantages from its being at Montreal. The Universities were there, and at various periods of the year learned men, who took an interest in science—and particularly geological science—congregated at Montreal in considerable numbers. No doubt the expression of opinion on this subject in this House would tend to its better consideration; and he supposed the hon. mover did not expect more at present, and, this object being attained, he would not press his motion.

HON. MR. SKEAD supported the motion, the author of which deserved the thanks of the community. He commented upon the probable benefits to be derived from a good display of the geological specimens and mineral resources of the Dominion at the seat

of Government, which was more frequented than Montreal by leading business men from all parts of the country. He thought that, if the propriety of the removal of the whole collection was doubted, half of it might be brought to Ottawa, and provided for either in the new wing of the Western Block, contemplated, or in an addition thereto, which Government might undertake. The museum would be well inspected here; for instance, several thousand visitors to the Agricultural Exhibition, who were expected to spend a week here, and much money besides—(laughter)—being likely to visit it.

HON. MR. BOURINOT was quite sure that members would rather remove the capital to Montreal, if practicable, than the museum from it to Ottawa. (Hear, hear, and laughter.) He was certain that if the seat of Government had to be determined now, Ottawa would not be selected. (Hear, hear.) But, as they were unfortunately here, they must, he supposed, be satisfied to make the best of it. (Laughter.) He concurred with the hon. mover that the geological collection should be made accessible to all frequenting Ottawa, who represented the several sections of the Dominion. They could not conveniently go to Montreal expressly to visit the museum, and, of course, were deprived of advantage from it. The opposition of certain officials in Montreal was not a sufficient reason for keeping the museum there; if here, all would be better able to judge of the mineral wealth of the country.

HON. MR. PENNY appreciated the patriotism of his hon. friend opposite (Mr. Skead), but did not comprehend his arithmetic. He could not understand how a museum would attract a larger number of visitors in a city of 25,000 inhabitants than in one of 200,000. (Hear, hear.)

HON. MR. SKEAD—Ottawa has 40,000. (Laughter.)

HON. MR. PENNY—The legislators of the country were not the only persons concerned in geological science, and he thought that when this village was deserted by members, it became a very solitary place. Few came here, and when they did, they left, according

to the hon. gentleman opposite (Mr. Bourinot), as quickly as they could. (Laughter.) On the other hand, visitors of Montreal were more numerous, and had a great many things to interest them, including the geological museum. Business men, practically connected with geology, frequented Montreal in greater numbers than Ottawa; and if the object was to present the collection to the largest number, it followed that it should be placed with the greatest number.

HON. MR. WILMOT spoke in favor of having the treasures and the head of this geological department at Ottawa, as well as those of other departments.

HON. MR. McCLELAN, after a few remarks in reply and explanation, withdrew his motion.

CONTROVERTED ELECTIONS.

HON. MR. SCOTT moved the third reading of the bill to amend the laws respecting Controverted Elections. Carried.

THE PROHIBITORY LIQUOR LAW BILL.

HON. MR. VIDAL said he made no apology for requesting the attention of the House to this very important subject. Although he was well aware there were before it several important measures, and that the time of members here was likely to be short, he considered that this question was so intimately connected with the peace, happiness and prosperity of so much larger a number of our people than could be affected by any of the bills to which he had referred, that he felt it was only a duty which he owed to the Senate, as well as to those interested in this question, that he should take time to bring it somewhat fully before the House. If he were here simply to advance his own individual views, or to discuss what might be called a personal hobby, he should not venture to encroach upon the time of the House at this late period, but he felt that he stood here, not speaking his personal or individual convictions merely, but as the mouthpiece of 500,000 petitioners. He was here to plead the cause not only of the widows and fatherless, who had strong claims upon our sympathy and protection, having been made such by the prevalence of intemperance,

under a system of license authorized by our laws, but also that of many suffering more than the widows and fatherless, on account of the sad intemperance of those who should be their natural providers and protectors. It was because he felt he occupied the important position of representing the views and advocating the interests of so great a number of our population, that he presumed to occupy the attention of the House for a little time, and to ask it to adopt the report of the Committee now before it for consideration. He would read that report in full, as it was not long. It was as follows:—

“First report of the Committee to whom were referred the several petitions for a law to prohibit the traffic in intoxicating liquors, and the report of the Commissioners sent by the Government to enquire into the working of a prohibitory law in the United States, respectfully report:

“That the number and character of the petitions for prohibition of the traffic in intoxicating liquors already presented to the Senate clearly indicate that there is no diminution of the desire for a prohibitory law expressed by the petitions to Parliament in the sessions of 1873 and 1874; but, on the contrary, a growing conviction of its necessity, as the only effective remedy for intemperance, and the crime and misery resulting from it.

“That the simple fact, that so very large a number of petitioners, estimated in the aggregate to be not less than 500,000, allege that vice and pauperism are largely caused by the liquor traffic, and that the system of regulating it by license laws has proved ineffectual to check intemperance,—and unite in praying for the enactment of a prohibitory law,—is sufficient to prove the vast importance of the subject, and to entitle the prayer to the earnest consideration of the Senate. On no other political or social question ever submitted to Parliament in this country, or in Great Britain, has there been so large a number of petitioners, in proportion to the population, affording so marked an expression of public opinion in its favor.

“That the report of the Government Commissioners shows clearly that the prohibitory law of the States of Maine and Vermont has been well enforced, and has largely diminished crime and pauperism, and that its beneficial effects upon the community have been so fully proved by the experience of over twenty years, that there is now no attempt made to repeal it; while in the other States visited—although the law was not so generally enforced—wherever it was brought into full operation, the same result of diminution of crime invariably followed. In the cases where the prohibitory law was for a short time repealed, intemperance and crime immediately increased in so marked a degree that prohibition was soon re-enacted.

“That the enforcement of a prohibitory law in Canada would be less difficult than in any of the States to which reference has been made, on account of our having the power to forbid the importation of liquors from abroad, from

which power they are, by their Federal constitution, debarred.

"That the constitutionality of such a law and its necessity for the protection of life and property, and preservation of peace, has not only been recognized by the legislation of former years—prohibiting the sale of intoxicating liquors at certain times and places, but has been fully affirmed by this Parliament at its last session, in the enactment of the stringent prohibitory law now in force over our vast North-West Territory, and by the Act of the present session, 'To consolidate the laws respecting the North-West Territories.'

"That in view of all these facts and considerations, it appears just and expedient that the prayer of the petitioners should be granted, and that the time has now arrived when the attention of the Government should be given to this important question, with a view to the introduction of a bill to prohibit the manufacture, importation and sale of intoxicating liquors, except for mechanical and medicinal purposes, throughout the Dominion, at the earliest date compatible with the public interests.

"That, should the Government not feel satisfied that the indication of public opinion afforded by the numerous petitions presented to Parliament is sufficient to justify the early introduction of such a law, it would be desirable to submit the question to the decision of the people, by taking a vote of the electors thereon as soon as practicable.

"All which is respectfully submitted.

"ALEXANDER VIDAL,
Secretary.

"Senate Committee Room,
"March 27th, 1876."

This report he would earnestly desire that the House should adopt. The important statement which was made by the petitioners, and which, really, was the main ground upon which we base our view of the propriety of the introduction of a prohibitory liquor law, was the connection between intemperance and crime. Far be it from him to say that, were there no such violation of law connected with intemperance, the manifold misery, the pauperism and the suffering that resulted from it, should not be brought before the House with a view to a remedy; but, when in addition to these evils which so seriously affect the prosperity of our country, we could appeal to the House on the ground of the connection between crime and intemperance, he occupied an unassailable position in asserting that this was a proper subject for legislation. The evidence before us was amply sufficient to prove that four-fifths of the crime with which the country was unhappily burdened, was attributable to intemperance. The report of the Prison Inspectors of Ontario and Quebec showed that, of the

28,289 commitments to jails during the previous years, 21,236 were for drunkenness, or crimes committed under the influence of drink.

HON. MR. CARRALL—It does not show what the other 7,000 were committed for.

HON. MR. VIDAL said that was a matter of comparatively small importance. If 21,000 out of 28,000 were sent to our jails through drunkenness, there was sufficient reason for seeking a legislative remedy, if such was in our power. He would call attention to a few of the statements gathered by the Commissioners appointed by the Government to enquire and report upon the results of a prohibitory law in the States—which bear upon this point—the proportion of crime in connection with intemperance.

After reading several extracts from the report the hon. gentleman went on to say that carefully collected statistics plainly showed that drunkenness was the fruitful source of crime that in New England 90 per cent. of the criminals were intemperate, and that 95 per cent. of the juvenile offenders came from the homes of drunken parents. From all the evidence and correspondence, it appeared, as set forth also in the report of the Committee of the House of Commons in 1873, that in Canada four-fifths of the crime was connected with inebriety, and in the United States nine-tenths seemed to be the average of the States visited. But we did not see in the public records a full statement of the crime committed under the influence of liquor. He presumed that for every case brought before the Courts there must be many that never reached the eyes of the public. The amount of crime committed, and the suffering in which multitudes of families were involved, the destitution and the misery entailed upon them by this vice, but which was not made public, ought all to come into our minds, and have some weight with us in the consideration of this subject. Having, then, such an evil prevailing among us, and producing four-fifths of the crime committed, surely the question was entitled to the full and fair consideration of this honorable House as to how it comes to exist, and the best means of getting rid of it. What

more important question could we have brought before us? Should we not enquire—Was there any way by which we could so legislate as to check this great evil and reduce the vast amount of crime springing from it? Now, the testimony of all the petitioners was to the effect that there was only one effective remedy for this alarming social disorder. Other modes of cure had been tried, but all had signally failed. He alluded particularly to the method in operation for more than 200 years, of trying to regulate the sale and consumption of drink by license. License laws in great number stood upon the Statute book of Great Britain, each one designed to be an improvement upon its predecessor, with a view to check the evils of intemperance; and what had they done? What had our own laws done? We had stringent general laws and municipal by-laws imposing heavy license fees, but the testimony of the petitioners before this House was clear—the statements could not be gain said—that there was a larger number of intemperate persons in Canada to-day than at any former period—their number having increased in a larger ratio than that of the whole population. He would again refer to the Commissioners' report, which, furnished at the express request of Parliament, and by persons acting under Government instructions, was entitled to very great weight—to show what results had followed the experiments which had been tried for a remedy. After reading several extracts from the report of the Commissioners, Mr. VIDAL continuing, said:—These were a few of the proofs of the entire and utter failure of the license system to regulate this traffic, which indeed would not be regulated. No matter what penalties you might impose, or how large license fees you may require of persons engaged in this traffic, you could not regulate it by any license law. This was the allegation of all the petitions presented to this Chamber, and they unanimously stated also that prohibition pure and simple was the only effective remedy for the vice of drunkenness and its consequent evils. In Ontario and Quebec we had a prohibitory law to a certain extent, in

what was known as the Dunkin Act, a kind of permissive bill, by which the municipalities were supposed to have the power given them of deciding that there should be no license granted, nor sale of intoxicating liquors within their respective bounds. This law, from various causes, had proved a failure—not from any want of disposition from the people to put it in force, for they tried it in several cases,—but on account of the liberty given the accused to appeal from the judgments of magistrates and of the lower courts. In this way the by-laws had been quashed. There always had been discovered some defect, by which the will of the people had been frustrated and the objects of the law defeated, although the statute plainly and unmistakably provided that municipalities desiring to establish prohibition had full power to do so. He understood that in New Brunswick similar evil had lately manifested itself, the Superior Courts deciding that prohibition of sale was beyond any municipal authority; so this law given us at the demand of the people, to meet their views, and which it could not be said was not needed, appeared impossible of successful application. Judge Dunkin had himself pointed out to him, the other day, the true secret of the failure of the Act. He said that he had stated at the time when the amendment was passed giving the right of appeal to parties condemned, that Parliament had struck out of the bill the one feature that gave it value. He had provided for no appeal to a higher court, foreseeing that advantage might be taken of quibbles and technicalities to defeat its object. He also said that if we desired to have now the full benefit of that law, we should amend it by striking out the right of appeal. Referring to the report of the Commissioners, it was not considered necessary on the part of those who had for many years advocated prohibition as wise and proper, but it was deemed expedient for the information of the Legislature, that an official enquiry should be made and statistics gathered. We temperance people have for a long time possessed statistics sufficient to satisfy the requirements of any candid, unbiassed mind, and who have known how the

prohibitory law worked in the States. We had the important testimony gathered by the Committee of the House of Commons in 1873, and an additional mass of information thoroughly reliable. But we felt that the House had a right to ask that the information should be given to it through official channels. Both Houses requested that this information should be obtained by the appointment of a Commission. One of its members, Mr. Davis, was not chosen because of any strong predilections for the temperance cause or approval of prohibition. But he (Mr. Vidal) heard, when that gentleman returned, that the evidence brought before the Commissioners had thoroughly convinced him that prohibition was not only desirable, but practicable, and highly beneficial to the public. Hon. members might receive, then, the statements of these Commissioners with confidence. Great objection was taken to the constitutionality of a prohibitory liquor law. In the Committee's report it was alluded to, and its constitutionality declared to be recognised not only by Canadian legislation of former years, but by that of this Parliament. The constitutionality of such a law was, of course, questioned in the United States, and was argued against by very astute lawyers, but in all cases decisions were given by the Superior Courts in its favour. This Legislature itself had affirmed the constitutionality of prohibition, by passing a law last session to prevent the sale of liquors in a certain part of the Dominion. Now, the principle was the same whether that law applied to a limited district or the whole country. If prohibition was constitutional and good for one section of the country, it was the same for another. If founded upon right principles in one, it must be equally so in another. Our Legislature had affirmed the principle in closing the liquor shops from Saturday night to Monday morning; surely, if there was any constitutional right to say to a man, "You shall not sell liquor from Saturday night till Monday morning," it must be equally constitutional to say, "You shall not vend liquor from Monday morning till Saturday night." Then did they not prohibit the sale of liquor at or near

polling places in elections; and if this was right, what difference was there, in point of principle, in asking that the law should be more widely extended? The action of this House, last session, in giving to a larger section of the Dominion than all its inhabited portion—our vast North-West Territory—a prohibitory liquor law, was a sufficient warrant for our proceeding further in this direction. Now, surely, if it was constitutional in this case—if wise and judicious and necessary—that life and property should be protected and the peace preserved by prohibition in that vast region, was it not equally important that life and property and the public peace in all the country on this side of that territory should be made equally secure by the same means? It was said that law was in force solely for the good of the Indians. He would ask, were the whites not entitled to equal protection? Were his and other men's children to be exposed to the temptations and destructive influences of intoxicating liquors, while the children of the red men were carefully guarded by the State? Would the Legislature refuse to throw the ægis of its protection over them, while extending it to our red brethren in the West? If that law was made for the benefit of the whites in the territory to protect them from the violence of intoxicated Indians, he would like to know if there was any difference between an Indian and a white man when drunk, in relation to threatened danger to life and property. White men who were in liquor did not hesitate to imbrue their hands in the blood of their fellows. He did not think they could discover a shade of difference between the races, or their tendency to criminality under the influence of liquor. He did not know but the superior powers of the whites rendered them the more dangerous of the two in their madness and violence under liquor. At any rate, the principle that a prohibitory law was constitutional was conceded in every way, as to time and place, and the people concerned. Was it not the first and highest duty of the State to protect the lives, peace and happiness of its people? We were very sensitive, indeed, when our pockets were touched, and scrutinized all measures likely to

involve a loss of money, but here was a question affecting us much more deeply and seriously than any amount of money that could be taken from us. Yet we were told this question did not come within the legislative province of Parliament, that the evil should be removed by moral suasion. He would quote another passage or two from this report bearing upon this aspect of the question. After reading extracts, he continued: It was an admitted principle that they might interfere with private rights when they conflicted with the general good of the community. If a ship-master came with a valuable cargo to our shores, but with small-pox on board the vessel, she would be sent to quarantine, no matter what his pecuniary loss, in the interest of the general good; and this was the principle followed in all cases where private conflicted with public interests. If tainted meat was brought to market, endangering the bodily health of the public, was it not destroyed without any regard to the pecuniary loss of the individual offering it for sale? Did we not protect the morality of the country in a similar way, regardless of the personal loss, by prohibiting—and he was glad they had such a law—the importation or sale of any obscene or immoral literature? For the same reason we should say to the seller of intoxicating liquors, “You shall not sell an article by which the morality, peace and virtue of our citizens is jeopardized and destroyed, and our gaols and penitentiaries filled with prisoners.” The hon. gentleman then addressed himself to the financial aspect of the question—the probable effect of prohibition upon the public exchequer. All admitted there would be temporarily a very serious derangement. But what had Sir Stafford Northcote, Chancellor of the Exchequer of Great Britain, observed upon this very point as regards England. He says:—

“But if the reduction of the revenue derived from spirits be due to material and considerable change in the habits of the people, and to increasing habits of temperance and abstinence from the use of ardent spirits, I venture to say that the amount of wealth such a change would bring to the nation would utterly throw into the shade the amount of revenue that is now derived from the spirit duty, and we should not only see with satisfaction a diminution of

revenue from such a cause, but we should find in various ways, that the Exchequer would not suffer from the loss which it might suffer in that direction.”

That was the ground upon which prohibitionists based their statements, that the revenue, after a short period, would show no diminution, but a large increase. No measure ever introduced into Parliament would go so far to make our country great and prosperous in its commercial, manufacturing and social interests as the one we proposed. The loss of revenue would be nothing compared to the increase of the country's prosperity. Gladstone speaking on this subject had said—

“Give me thirty millions of sober Englishmen and I will guarantee England against any loss of revenue from the loss of the spirit duty.”

And so we say, and say it boldly in Canada—give us our four millions of sober, industrious, intelligent people, and the five millions of revenue from spirits, lost for the present, would be more than compensated, for in that great and abounding prosperity which must result from the conversion of many thousands of drunkards, now contributing nothing to the general well-being of the State, into a source of production and of income. Our total liquor bill in Canada was over seven millions for the last financial year! With a prohibitory law in operation, all this money, now worse than wasted, would not be merely saved and be locked up idle, but would find its way into useful and productive channels; it would increase our trade, manufactures and commerce, add largely to the domestic comforts of our people, and tend in every way to the advancement of our prosperity. Not one single good result to consumers could be shown to come from these seven millions spent in intoxicating drinks; they did not contribute one single ounce of muscle, or one single grain of blood to our bodies. The most skilful physicians told us they in no way contributed to the renewal or building up of the human system, but this large outlay might be made under a prohibitory law to produce the most beneficial results in substituting wholesome food, good clothing, and comfortable homes for the misery and want inevitably following its present mode of expenditure. It was true our large

revenue largely came from the duties and other charges connected with those seven millions; but would any hon. gentleman really set against dollars and cents the peace, prosperity and happiness of the country? Were we to estimate so lightly those things which made our homes sacred and happy? Were we to say that the things that were made for our peace and well-being had a money value? and should we sacrifice the lives of thousands of our best citizens for the paltry consideration of dollars? The two things should not be mentioned in the same breath. Considerations of revenue should have no weight whatever when we were viewing this question as one of moral right and wrong. But prohibitionists were prepared to take their stand upon the principle enunciated by Sir Stafford Northcote and Mr. Gladstone, and say—you may for a time have a deficiency of revenue, but in three, four or five years, it would be more than compensated for by the increase of the general prosperity and consequent increase of revenue. So we need not fear the financial aspect of the question. But another important financial consideration was the great saving that would ensue in our criminal jurisdiction and in prison expenses. If we would thus put an end to four-fifths of the crime of the country, surely that should tell very quickly and largely upon the expenditure for the maintenance of public peace and order. Therefore, he asked this hon. House to affirm, by adopting the report of the Committee:

“That in view of all these facts and considerations, it appeared just and expedient that the prayer of the petitioners should be granted, and that the time had arrived for the introduction of a bill to prohibit the manufacture, importation and sale of intoxicating liquors, except for mechanical and medicinal purposes.”

That Committee had endeavored, as far as possible, to keep clear of everything that would be embarrassing to the Government. They felt deeply that the number of petitions presented to this House (and which kept pouring in every day), representing as they did thousands of the best and wisest citizens, as well as hundreds of thousands of poor sufferers on account of the prevailing intemperance, did demand of us that unless we were pre-

pared to give some cogent reason for refusing them, they should have our approval and support. We could not introduce a law on the subject in this chamber, but could state it as our opinion that the time had arrived when these petitions should be acquiesced in, and that preparations should be made for trying this great and important experiment. Of course such a bill, with due regard to convenience and constitutionality, can only originate with the Government, if striking, as it would, at five millions of the revenue; nor did we say that the Government, strong as our views are on this subject, should at once or hurriedly introduce such a measure. As to the time for it, the Committee say, “At the earliest date compatible with the public interest.” We left it in the hands of Ministers, who are the best judges of the time for this action. Possibly the Government and others might not be satisfied as to the indication of public opinion furnished by these very numerous petitions. He believed the members of the Committee were nearly unanimous as to the sufficiency of this evidence. But they were prepared to say to the Government, if they had any doubt—and they might possibly entertain a doubt on the subject—that the vote of the people should be taken thereon as soon as practicable, leaving it to the Government to devise the way by which this could be most economically and correctly done. Probably this could be best accomplished by availing themselves of the municipal institutions of Ontario and by such institutions of the other Provinces as would enable them, without great expense, to obtain the opinion of the electors on this great question. He knew it was often alleged that the petitions were unanimously signed by women and children. But, if so, had they not a right to be heard here? They were the greatest sufferers in person and in property through the excessive use of intoxicating liquors by those nearly connected with them? Unquestionably they had a right to be heard. He knew, however, as a matter of fact those petitions were not generally signed by children under fifteen. At this time of life they were

well able to judge of the evil effects of drunkenness. He would press upon the House earnestly, the adoption of this report. He knew it was a very important matter, and that many were not favourable to prohibition, but he felt so much was at stake as to the mode in which we should deal with this question that he was particularly solicitous that this House should stand right with the public in regard to it. They might smile at the philosophical constitution-mending attempted by resolutions in another place, and might afford to treat with silent contempt the unfair criticisms and insinuations of others, as to the constitutional value and utility of this Chamber and personal character and intelligence of its members, but so long as they were here, fulfilling rightly the high duties of their position, they need fear nothing from this source. But he did honestly confess that, if he should hear the Speaker pronounce, as to this motion, the fatal word "lost," he should regard it as the first note of that knell of their departing *prestige* and influence which would fill him with alarm; he would feel that that wave of popular feeling, charged as it was with the influence of so many of the highest, wisest, and best of our land, accumulated and still accumulating power, would break over them; and that if they resisted that strong expression of the popular will,—if they ventured to stand in the way of a great moral and social reform, so earnestly desired by hundreds of thousands of the people, they would prove themselves unfaithful to the high trust confided to them, and instead of being, as he trusted they were, and as it was designed they should be, a very bulwark of the Constitution, for the security of public and private rights—they would show themselves recreant to their professions and unworthy of their privileges, and might justly expect soon to see the word "Ichabod" written over their door, and to be swept away by that flood of righteous indignation that would surely overwhelm them if they failed to recognize the popular feeling, and ventured to resist the expressions of the popular will.

HON. MR. FLINT trusted with the hon. mover who had so ably entered

into this subject, that the report would be unanimously adopted by the members of this House. He hoped the Government would take the matter in hand as soon as practicable, and endeavor to give the country what so large a number of petitioners earnestly desired. Last year, in speaking upon this question, he had estimated the total loss to the country through the liquor traffic at \$57,000,000 per annum, and though he then invited criticism upon that statement, no one had yet attempted to call it in question. It was said the country could not spare the revenue, but he believed we could. The loss of revenue, from the traffic would, in a short time, be much more than made up by the increased prosperity of the people, and their purchasing power of other legitimate and revenue-producing articles of commerce. If the late proposed Reciprocity Treaty had been established, the loss of revenue to this country would have been considerably more than that of which the Government would be deprived by a prohibitory law, and yet we had seen the Government anxious to press that measure, though no petitions had gone up from the people in favor of it; while in the case of a prohibitory law the Government set up a cry about loss of revenue, although half a million of people had petitioned in favor of it.

HON. MR. HAYTHORNE highly eulogized the able, eloquent and temperate address of the hon. gentleman who had moved the adoption of the report. Without wishing to throw discredit upon the object in view, with which he was in hearty sympathy, he desired to offer a few suggestions. The hon. gentleman, in his address, had failed in one important particular, in that he had neglected to tell us in what way he proposed to carry a prohibitory law into effect throughout the length and breadth of this Dominion. If we were to adopt such a law, and failed to put it into thorough execution, the result would be disastrous to the cause of temperance. For forty years or more this cause had been advocated, and, he was constrained to say, had resulted in a general failure. Now, in organizing this new movement he feared another failure was to await

them, and their last state would be worse than their first. It was essential that we should have a clear and explicit declaration of the mode in which they proposed to carry such a law into effect. Considering our geographical position, our lengthy border, our extensive sea and lake coasts, and recollecting also the history of our own country in the early part of this century, when our tariff was very different from what it is now, it became the gentlemen who brought forward this question to look at all their difficulties with statesmanlike minds, and to show this Senate, before they called upon us to agree to such a sweeping resolution, by what means they intended to prohibit the introduction, the importation and the manufacture of spirituous liquors in this Dominion. It was one of the most difficult things to prevent the introduction into a country of contraband goods, as was shown in the early part of this century, when the great Napoleon, by his Berlin and Milan decrees, attempted to shut up all the ports of Great Britain. All powerful as he was, his efforts were a conspicuous failure. In the early part of this century certain articles manufactured in France were still contraband in England, and every little harbor swarmed with smugglers successfully engaged in introducing those goods into England. We ought to take a lesson from these facts. It would be, moreover, impossible to abolish distillation in case of a prohibitory law being enacted, on account of our great extent of country and our sparse population. If the advocates of this measure would bring forward a practical and statesmanlike measure they would have his hearty support. He advised his hon. friend to modify his resolution so that it might receive the unanimous support of the House.

HON. MR. VIDAL replied that it was not from want of consideration that he had not touched upon the questions just alluded to, but from a desire not to occupy too much of the time of the House. As to the difficulty of enforcing a prohibitory law the experience of the New England States showed that it was just as easy of enforcement as any other law. The Government of no country ought to admit that it was

incapable of enforcing whatever laws it might deem desirable to enact for the good of the people and country. He would not for a single moment admit that Canadians were a less law-abiding people than those of the New England States, or that our Government was any less capable of enforcing its own laws. Did we ever make the circumstance of the infraction of a law a reason for its not being enacted? If we could get such a law, he would undertake to say we would find some way of making that law respected and carried out throughout the length and breadth of the Dominion.

HON. MR. SCOTT had listened with very great gratification to the able and interesting speech of his hon. friend opposite introducing his resolution to the House. Speaking for himself, he was not prepared to say that he (Mr. Vidal) had in any way overstated the appalling consequences of intemperance. While he admitted that he must say that the temperance people had still a great deal to do before they had a right to call upon the Government of the country to introduce a prohibitory law. Looking back over the last few years, all must admit that the temperance people had accomplished a most beneficent reformation, but they would fail if they now brought the law of the country to their aid before the people were educated up to the proper point for its reception. He was not aware—though he supposed the hon. gentleman's statements were correct—that the Dunkin Law was open to the objections he had mentioned. By this Act he believed the people of this country, in the various township municipalities and counties, were invested with sufficient authority to introduce to a large extent a prohibitory law in their respective sections, and he believed the best way to bring about the revolution over the whole country was for the temperance men first to introduce the measure into these localities where it had willing friends. If temperance men needed greater facilities for the introduction and enforcement of the Dunkin Act, he thought it was the duty of the Legislature to grant those facilities. That would be the best way in which to educate the people to the introduction of a large measure. The

temperance people failed in this particular, for they called upon the authorities by force of law to execute what it was for them to accomplish by their personal exertions and example. When he was a member of the Legislature of Ontario, that body united in petitioning the Dominion Parliament for a general prohibitory law, while it made no effort to restrict the traffic within its own borders. It did seem to him hypocrisy of an extraordinary character for gentlemen holding that position, professing to be friends and warm advocates of the temperance cause, but who were not prepared to take the responsibility of putting in force what morally would be a prohibitory law in a comparatively narrow area, where its efficiency would be tested. If this country were prepared for the adoption of a prohibitory law, it would be the very next measure that this or any other Parliament could adopt (hear, hear.) Mr. Gladstone and Sir Stafford Northcote were right in saying that if the thirty millions of people in England were teetotallers to-morrow they could easily find the money necessary to carry on the Government; and if the four millions, or even three millions, of the people in this country were prepared to adopt this measure, we could very readily make up the \$5,000,000 or \$6,000,000 that the tax on liquors contributed to the Exchequer. The observations of his hon. friend from Prince Edward Island (Mr. Haythorne) were pungent and pertinent to this question. It would be utterly impossible to carry into execution a law of this kind unless the people were almost unanimous for its adoption. Speaking for himself, he would give the movement his moral support. As a member of the Government, having responsibilities of a higher order, he did not think it would be wise or prudent in this Administration to adopt the suggestion or acquiesce in the proposition of the hon. gentleman, that the time had arrived for the passing of a prohibitory law. The adoption of the report in its present form would commit the House and the Government to the proposition that the time had now arrived for giving immediate attention to it, and he therefore advised the hon. mover to modify it so

as to allow a greater unanimity of expression on the general merits of the question.

HON. MR. ALLAN said his hon. friend (Mr. Vidal) had introduced this subject, not only with great earnestness, but also with great good taste, dignity and judgment, and if all advocates of temperance and prohibition would urge their arguments with equal good sense and reason, they would have a much larger number of converts to their views. He could not help feeling that this question had in the past been urged with so much intolerance and bigotry that great injury had thereby been done to the cause of temperance. But whilst he felt that very strongly, he must also admit to the fullest extent all that had been stated with regard to the fearful evil which this indulgence in intoxicating drinks entailed upon the people of this country. The system of licensing that now obtained in many parts of the Dominion was a wretched one, and productive of the most pernicious evils. In Ontario the license law, as it stood at present, was a most objectionable one in every point of view, and the number of taverns and mere drinking-shops that were tolerated under that system was simply a disgrace to the community. He would strongly urge upon all those interested in temperance work to devote more of their efforts towards securing an improvement of the business system through the Legislature of the several Provinces of the Dominion. With regard to the petitions, he would be sorry to say anything disrespectful of the petitioners, but referring to the statement that had been made that those who signed the petitions, in many instances, were not heads of families, or even adults. Last year he had occasion to look over a great many petitions sent up to this House, and his conviction was that a very great number of those who signed them were young children who were members of the Band of Hope and other temperance societies, but certainly could not be considered as fairly representing public opinion on this matter. With regard to the prohibitory law in the North-West Territory, Government had exercised a very wise and proper discretion, one he did not think his hon. friend could draw the deduction,

he had attempted from so exceptional a case; for it would not be fair to argue that the same reasons would apply in other parts of the Dominion for the enforcement of a prohibitory law, as in a country inhabited by a population of so peculiar a character, and differing so entirely in all respects from the other parts of the Dominion. The true ground, however, on which to place this question is this:—"We are all convinced that the immoderate use of intoxicating liquors is productive of vice and misery of all kinds, and that in the various parts of the Dominion the indulgence in strong drink had entailed the most serious evils upon the country; we are also convinced that total prohibition presents the most effectual remedy for these evils." If so, then, undoubtedly, it would become the duty of those who were not total abstainers, as Christian men to abridge part of their individual liberty for the sake of the general good. Opinions differ very widely, however, as to whether prohibition was the true remedy; but whatever might be his own views upon the question—he was not a total abstainer himself—he was not prepared to take the responsibility of throwing any obstacles in the way of bringing about what might be considered after all by the majority of the people of the country the only remedy that was at all likely to be effectual. At the same time he was not willing to commit himself to all the statements and conclusions contained in the report, and would ask his hon. friend to amend his report by striking out that part of the last clause but one of the report which would commit the House to the positive assertion of certain facts and principles, which they were not all at present prepared to admit. If his hon. friend would consent to such an amendment, he would then be prepared to vote for the report as amended.

HON. MR. VIDAL said the Committee had adopted the report after very careful consideration, and he did not consider himself at liberty to strike out any portion of it without the consent of his colleagues.

HON. MR. WARK agreed with all that had been said about the evils of intemperance, and thought it was of

great importance that a prohibitory law should be placed on the statute book as soon as practicable. At the same time he agreed with the remarks of the hon. gentleman from Prince Edward Island, that there were portions of this Dominion where public opinion would not sustain the Government in enforcing a prohibitory law. He hoped the hon. gentleman charged with the report would put it in such a way that it would pass unanimously.

HON. MR. LETELLIER DE ST. JUST admitted with all parties that the hon. mover of this report had represented his case in a manner creditable to himself and to the cause he had so ably pleaded. He was in sympathy with the principle entertained by that hon. gentleman, but he could not oppose the means by which he proposed to attain the desired end. If each one of the petitioners had been told that he would have to pay so much income tax per annum to make up the loss of revenue, there would have been a much smaller number of petitions. The hon. gentleman had stated that the Dunkin Act was of little use in a township when those adjoining permitted liquor to be sold, and in the same way if we were to pass a general prohibitory law, while the traffic was permitted across the border, we should have a great deal of smuggling and illicit distillation. He did not think the House was prepared to accept the report as it stood, and he would, therefore, move, seconded by HON. MR. DICKEY,

"That all the words after 'Senate,' in the 6th line of the 3rd paragraph, to the words 'all of which is respectfully submitted,' be struck out."

HON. MR. AIKINS considered the prayer of 500,000 petitioners ought not to be treated in this summary manner. They asked the Senate to take the subject of their prayer into consideration, and what was the Senate going to do about it? The Hon. Minister of Agriculture proposed to accept that portion of the report declaring the license laws to be a failure in checking intemperance, and if the Senate accepted the proposition they were logically bound to go further and to declare with the report "that the time has now arrived when the

attention of the Government should be given to this important question." That is what the Committee suggested we should do. Then, if the House went as far as that, they were bound to assert, with the Committee, that the Government should give its attention to this subject with the view of introducing a prohibitory bill. Such action would be the logical sequence of what the hon. gentleman (Mr. Letellier) desired the House to affirm, namely, that the license laws having failed, the prayer of the petitioners for prohibition should be taken into the earliest consideration of the Senate. Then the House would be bound to do something else. Having affirmed that the time had arrived when something should be done, action should be taken at once. The hon. gentleman had said there was no evidence the majority of the people desired a prohibitory law, but still he admitted, by accepting the first part of the report, that the license law was a failure, and that the prayer of the petitioners was entitled to respect. If these two propositions were admitted, the *onus* and the responsibility of introducing such a law must come upon the Government as a matter of course.

HON. MR. LETELLIER DE ST. JUST—Government will take the responsibility.

HON. MR. AIKINS—If the hon. gentleman would declare the responsibility of the Government by a resolution, he would be most happy to know the fact. The matter, then, had come to this, that when the hon. gentleman (Mr. Letellier) was prepared to move, and had moved, to strike out a large portion of the report, he was not prepared to go so far as a majority of the members of this House would like him to go. He had assumed the responsibility of the Government in the matter, but he was not willing to accept the consequences. So it was in the Local Legislatures. The Ontario Legislature dared not deal with the question of a prohibitory law, and the Legislature of New Brunswick had taken nearly the same position—they all wanted to shift the responsibility upon the Federal Government. With regard to the powers of the Local Legislatures in this matter, even that

was a disputed point. In New Brunswick it had been decided that they had no power whatever to restrict the issue of licenses, while in Ontario an exactly opposite decision had been given.

HON. MR. WILMOT said this subject came before the New Brunswick Legislature some years ago while he was a member of it. Petitions for a prohibitory law poured into the Legislature from all parts of the Province, and a law was passed. In deference to the wishes of many of his friends he voted for the law, at the same time expressing his opinion that instead of furthering the cause of temperance it would put it back. The result was that in twelve months afterwards an election took place, and of forty-one members returned to the Legislature only two voted against a repeal of that law. Popular petitions of this nature were not always to be relied upon.

HON. MR. VIDAL moved in amendment to the amendment, seconded by HON. MR. AIKINS, that the words, "just and expedient that the prayer of the petitioners should be granted," be struck out in the first and second lines of the last paragraph but one. This, he continued, was the only amendment to which the members of the Committee were disposed to assent to. The amendment of the Minister of Agriculture was a direct slap in the face to the whole 500,000 petitioners.

HON. MR. BOTSFORD said the persons who petitioned for a prohibitory law in New Brunswick were the very first to violate, and in the next election they voted against the very men who had passed the prohibitory law. He was very friendly to the temperance cause, but could not vote for this report which would commit the House to prohibition.

It being then six o'clock the House rose.

After recess.

HON. MR. TRUDEL resumed the discussion and said he did not think Government ought to oppose the adoption of the report. It only declared that in the opinion of the House the time had arrived for the Government to take the matter into consideration and to adopt such legislation as they might deem compatible with the pub-

lic interest, but that by no means committed the Government to the conclusion that the public interest required a prohibitory law. The House ought to take some step to show the country that they were ready to do everything practicable to the attainment of the end in view.

HON. MR. McCLELAN said the report merited a more serious consideration than some hon. gentlemen seemed disposed to give it. The Government were perfectly safe in accepting the whole report. As a member of the Committee himself, he could say that they had formed it with no desire whatever to embarrass the Government. The question was one rapidly rising to a position of the first importance in this country, and the Dominion Parliament would ere long be called upon to deal with it seriously. In regard to the repeal of the law in New Brunswick, the subsequent elections had scarcely any reference to the prohibitory law, but turned almost entirely on political and personal issues, so that it was scarcely fair for the hon. gentleman from that Province (Mr. Wilmot), to draw the inference that he did.

HON. MR. KAULBACH said he did not hesitate to oppose the present resolutions. For the temporising temperance politicians who traded on the question he had but little respect, and would be glad to see an end of their vocation. Yet he had strong sympathy with those who have by moral and religious suasion and example done anything to reform the drunkard. There is a great difference between the injury to man and the community from drunkenness, and the assumed wrong of drinking liquors. The evils of intemperance all will admit are very great. Yet there are other crying evils more ruinous to soul and body and positively of which drunkenness is but the leaves or fruit. Yes, we hear much about blighted homes and all that, some true pictures, not all imaginary, through excess in strong drink, but could we look beyond and behind those cases of excess we would often see causes and reasons which, if there was no drink, would drive persons to other means of drowning care. When legislation goes beyond regulating the use of liquor, experience shows

that it arouses the sentiment of the community against it, and the law becomes worse than a dead letter. No law can be executed which goes so far beyond the average moral standard of the people. When popular opinion is educated to believe that moderate drinking is a crime, then we could safely legislate in the way now proposed. When temperance bodies have accomplished that, then they might have the legislation sought for. If we study human nature it is plainly seen that to take away from man the means of one sensual indulgence, to balance that, he resorts to greater excess in other sensual delights, often more body and soul destroying than the one deprived of. Temperance men should be encouraged not to lay aside their armour, but to work nobly on, showing by their example, temperance in all things. Some people think if evil effects are stopped their work is done, their mission accomplished. But there is yet behind it a greater work; to bring men up to a true spirit of Christian self-restraint; not to deny themselves any creature comforts, but to use, and not abuse the gifts of Providence. That accomplished, we will be governed by laws better than of prohibition.

HON. MR. VIDAL'S amendment was then put to the House, and carried on the following vote:—

CONTENTS—The Honorable Messieurs Aikins, Alexander, Allan, Archibald, Armand, Bellerose, Benson, Bourinot, Chapais, Christie (Speaker), Dumouchel, Ferrier, Flint, Guevremont, Howlan, McClelan, McMaster, Muirhead, Read, Scott, Seymour, Shaw, Skead, Trudel, Vidal—25.

NON-CONTENTS—The Honorable Messieurs Baillargeon, Botsford, Carrall, Chaffers, Chinic, Cormier, Cornwall, Fabre, Hamilton (Kingston), Kaulbach, Letellier de St. Just, Macfarlane, Pâquet, Penny, Price, Ryan, Wilmot—17

So it was resolved in the affirmative.

The question being put on the amendment to the main motion as amended, the same was, on a division, resolved in the affirmative.

And the question being put on the adoption of the said report, as amended by the amendment to the amendment, the same was, on a division, resolved in the affirmative.

AMENDED PILOTAGE BILL.

The House then went into Committee of the Whole on the bill amending the Pilotage Act of 1873.—Hon. Mr. Alexander in the chair.

HON. MR. RYAN proposed an amendment to the 6th sub-section, which would put all vessels on the same footing as regarded pilotage as they stood at present under the existing law—that is, ships registered in the Dominion of Canada, of not exceeding 350 tons, should be exempted.

After some further discussion the Committee postponed further consideration of the bill till to-morrow, in order to enable the Government to make some enquires about it.

CRUELTY TO ANIMALS PREVENTION BILL.

HON. MR. PENNY moved the second reading of the bill to prevent cruelty to animals in transit by railway or other public conveyance. He explained that the object of the bill was to provide for the better care of cattle on long lines of transportation. A great many cattle came to our market from a great distance, as far as Texas and Arkansas, and it appeared to be a custom to pack them very closely in railway cars, frequently without ventilation, and sometimes the animals were deprived of sufficient food or water. The bill provided that these animals should be treated with some little humanity. It was copied from an American law, and was to secure better care of animals in transit. No question at all that animals coming to market over many hundred miles of road without rest, and without sufficient air, water or food, could not make healthy meat. Not only was this bill a transcript of an American law, but it was very much the same as an Act passed in England for the purpose of preventing the spread of the rinderpest. When cattle were subjected to such treatment as had been complained of, diseases like the rinderpest were much more likely to break out amongst them, and this bill was therefore of no little public importance. No doubt many cattle were brought on to our market utterly unfit for food, in consequence of the cruelties to which they had been subjected.

HON. MR. MACFARLANE, while quite agreeing with the object of the

bill, said it had several very arbitrary clauses which would seriously interfere with the transit and traffic of cattle over our railways. It would compel a whole train of cars to stop every twenty-four hours, and the cattle to be removed and given water. Enthusiasts might desire to do good, but they ought not to be permitted seriously to hamper ordinary traffic over our railways. Such cases of cruelty as had been mentioned were altogether exceptional.

HON. MR. McMASTER had never known such cases of extreme cruelty as had been mentioned. It must be borne in mind that the owners of cattle almost invariably accompany them, and it was in their interest to have their cattle well treated, in order to be able to sell them well on the market. The bill would involve the railway companies in extreme difficulties, and deprive them of much valuable traffic. He believed most of the laws on this matter were not enforced.

HON. MR. ALEXANDER showed how this bill would unjustly subject the railway companies to great and unnecessary difficulties and expense. He desired as much as any one to prevent cruelty to animals, but the present bill was simply intolerable. Canadian lines would lose all the cattle traffic, which would go into the hands of Americans. This bill was not called for by any circumstances that he was aware of. The railway companies took every pains to have the cattle well treated passing over their lines, and during the past year the Grand Trunk Railway Company had expended £800 in building cattle yards, and providing for the better care of cattle in transit. The bill was utterly impracticable, and showed how utterly useless it was for anyone but railway men to attempt to frame a bill for such a purpose as proposed.

HON. MR. ALLAN thought the principle of the bill was an excellent one, and cases of extreme cruelty to animals in transit had come under his observation, which convinced him that a bill was much needed in the interests of humanity.

HON. MR. READ strongly condemned the bill in its present shape, as being unnecessary, and causing great expense

and annoyance to railway and steam-boat lines.

HON. MR. FERRIER said there appeared to be in both Houses throughout the whole of this session, a determination to bring in a bill to interfere with the business of railways. If this bill was passed in the same shape in which it was proposed in the other House, it would actually ruin any railway coming under its provisions. He had no objection to any necessary legislation for the better treatment of animals, but he decidedly objected to legislation that would seriously interfere with the great railway interest of this country. Cases of cruelty might occur now and then, but as a matter of fact railway companies took great good care of the cattle while under their charge.

HON. MESSRS. LEONARD and SIMPSON briefly supported the bill as being called for by circumstances frequently occurring of unnecessary cruelty.

HON. MR. PENNY replied to the objections urged against the bill, and after some more discussion, it was read a second time, and referred to the Committee on Banking, Commerce, and Railways.

THE INTEREST AND USURY LAW BILL.

HON. MR. DEVER, on moving the second reading, said the bill was intended to abolish the Usury Law in New Brunswick, also to fill up the gap which existed in that Province to make the laws correspond to those of the rest of the Dominion. It was placed in his hands by an eminent legal gentleman of the other House, who represented the City of St. John. Much attention had been given to it, and it had received the concurrence of the several representatives of that Province in the Commons. It was also intended to retain in that Province certain capital that found more profitable investment in other places from the fact that the laws restricted the interest to six per cent.

HON. MR. WILMOT said the present was a particularly unfavourable time to pass such a bill as this, when money could with difficulty be obtained at fifteen per cent. In St. John, at the present time, there was a great drain of gold, and money was becoming very

scarce. He did not oppose the principle of having free trade in interest, but at the same time he would couple with that free trade in gold. The effect of this Act now would be to give notice to parties that have money to loan on mortgage that they must raise the rate of interest, and, in fact, they would be obliged to give whatever was charged. It would be very unwise at this particular time, when there was this pressure in the money market, to impose upon the farmers that they were to be called upon for any amount of interest that their debtors might choose to exact from them. He wished to have the bill postponed.

HON. MR. BOTSFORD said all attempts to prevent usury by establishing a certain rate of interest had failed. The effect of this law of limiting interest in New Brunswick at six per cent. had had the effect, to his certain knowledge, that had been stated by the hon. mover of the second reading. The proper way was to leave money, like any other commodity, to find its value in the market.

HON. MR. ARCHIBALD said they had attempted in Nova Scotia over and over again to do away with the usury law, and had never been able to do so, because in that Province, if a man attempted to charge more than the legal rate of interest he lost both principal and interest. The law in that Province was not like that in New Brunswick and some other places, through which one might drive a horse and cart.

After remarks by HON. MESSRS. McCLELAN and READ,

The bill was read a second time, and referred to the Committee on Banking, Commerce and Railways.

Several bills were received from the House of Commons, and read a first time.

SUPPRESSION OF GAMING HOUSES.

The House went into Committee of the Whole on the bill to suppress Gaming Houses.—Hon. Mr. McClelan in the chair.

HON. MR. ALLAN briefly explained the nature and object of the bill, which was then reported without amendment, read a third time, and passed.

The House adjourned at fifteen minutes to eleven, P.M.

Thursday, April 1, 1875.

The House met at three o'clock.
After routine,

MERCHANTABLE LIQUIDS CASK CAPACITY BILL.

HON. MR. SCOTT moved the third reading of the bill respecting the capacity of casks used in the sale of merchantable liquids.

HON. MR. DICKEY opposed the motion on the ground of the unconstitutionality of the bill, urging that the subject belonged to the Local Governments, and that the measure would occasion great inconvenience to farmers and others using casks in small transactions throughout the country, in connection with excisable articles. He concluded by moving, in amendment, that the bill was unnecessary and vexatious in its provisions; that it affected civil rights within the control of the Local Legislatures, and was in contravention of the British North America Act, and that it be read a third time this day three months.

After considerable discussion,

HON. MR. SCOTT consented, as it appeared to be the wish of the House, to a re-consideration of the bill, with a view to limiting its application to malt liquors and other excisable liquids. He would make amendments on the third reading at another sitting.

HON. MR. DICKEY then withdrew his amendment.

BRITISH COLUMBIA LANDS BILL.

HON. MR. SCOTT moved the second reading of the above bill, which being short, he read. He said its object was to apply the Dominion Land Act to any land in British Columbia which we might acquire. He supposed the twenty-mile block along the railway route would come under its provisions. Motion carried.

HON. MR. CARRALL had no objection to the bill. The Dominion had a perfect right to do what it liked with its lands, actual or future. He believed the Dominion Lands Act would work well enough in British Columbia. He had only to remark, however, for the benefit of the Secretary of State, that if the railway was not built within the forty years, as he

had anticipated, this Act would remain a dead letter for some time. (Laughter.)

On motion of the Hon. Mr. SCOTT, the bill was then read a third time.

INSOLVENCY BILL.

HON. MR. SCOTT moved the second reading of the Insolvency bill.

HON. MR. DICKEY said he had not seen the bill yet, and objected to its being read a second time before it was printed and in the hands of members.

A conversational discussion ensued, several members urging Hon. Mr. Dickey to withdraw his opposition to the bill being now read a second time, on the ground of press of business and the advanced period of the session. Hon. Mr. Dickey persisted in his opposition, and finally Government consented to let the bill stand over till to-morrow, on the understanding that it shall then pass through two stages.

BILLS OF EXCHANGE AMENDMENT BILL.

On the order for the consideration of the bill to amend the law relating to bills of exchange, as amended by the Select Committee on Banking, Commerce and Railways.

HON. MR. FLINT moved concurrence therein.

HON. MR. WILMOT objected to the amendment put in by the Banking Committee, to make the damages 2½ per cent. At the present time, when the telegraph was distributing information from one end of the country to the other, he could see no reason why debtors should be charged with damages in addition to all their other costs. He moved that the amendment be not concurred in.

HON. MR. McMASTER said formerly the damages upon foreign bills were 10 per cent., and the damages upon bills passing from one Province to another were 5 per cent. With respectable customers the banks never thought of imposing such damages. When this bill came before the Committee it was said that these excessive damages should be done away with altogether. But they were equally unanimous that something in addition to the expenses ought to be imposed, in order to make parties more particular in looking after their acceptance. It was provided now that there

should be no damages upon any drafts or bills passing between the Provinces, the provisions of the bill applying only to foreign bills, and that only to the extent of $2\frac{1}{2}$ per cent. It did seem to him that a moderate amount should be imposed, in order to make drawers of bills more particular in seeing that they were drawn at the proper time.

HON. MR. READ said it seemed to him that there was a combination going on between the Government and the Banks against the country. He saw no reason why this relic of barbarism should be left for the special purpose of assisting bankers to screw out some little more from their customers. He should vote for repealing this amendment.

HON. MR. FLINT said this bill had been prepared by an eminent legal gentleman in the other House, and he had consented to take charge of it in this House as a mere matter of form, without binding himself to adopt its provisions. He did not like the amendments made in Committee, and believed what were called damages on bills of exchange should be done away with. He would like to see the amendment struck out, and the bill left in its original shape.

HON. MR. MACPHERSON said, from some remarks that had been made, one would suppose this was a bill imposing penalties upon the customers of the banks. Now, that was an entirely mistaken idea. It was a bill to relieve parties, not to impose burdens, and was one with which the banks had nothing to do. Its effect would be to reduce the penalties on foreign bills from 10 per cent. to $2\frac{1}{2}$ per cent., and to abolish damages entirely upon inland bills of exchange. It treated the Island of Newfoundland as part of the Dominion—that is, bills on Newfoundland should be considered as inland bills of exchange. It was an unusual thing for the banks to exact any damages whatever.

HON. MR. ARCHIBALD thought the Committee had been very moderate in allowing all bills over the Dominion to be free, and also in bringing Newfoundland into the arrangement. He also agreed in placing the damages at $2\frac{1}{2}$ per cent. on foreign bills; probably another year we might take it off alto-

gether. Certainly the old system of charging 8 or 10 per cent., together with the face of the bill, interest, and notarial charges, was simply monstrous, and he was glad the measure had been brought before the House.

HON. MR. WARK admitted that the damages of 10 per cent. under our present system were excessive, but at the same time he thought there should be some check on parties drawing bills of exchange, to make them perfectly sure that these bills would be accepted and honored. (Hear, hear.) The idea that the banks were privy to this legislation had never entered his mind. The banks sometimes suffered themselves for the want of such a measure as this. The amendment was a reasonable one, and he thought the House ought to sustain it.

HON. MR. LEONARD disapproved of the apparent feeling on the part of the Committee that the banks should have a certain preference over other parties. By this bill the banks were protected more than any other part of the community, and he thought they should be put on the same footing. He hoped the amendment would be struck out, and the bill left to pass unmutated.

HON. MR. SIMPSON said the Committee, with the exception of his hon. friend Mr. Wilmot, were unanimous in the desirability of reducing the damages to $2\frac{1}{2}$ per cent. He agreed with his hon. friend from Toronto (Mr. Macpherson), that this bill was not proposing any new tax upon the public for the benefit of the banks.

HON. MR. WILMOT said as this bill came from the other branch of the Legislature, it entirely abolished damages, upon the principle, he supposed, that a bill of exchange was like any other bill, and that as long as the party got his debt and his interest he was indemnified for all the charges. When a man drew a bill or made a shipment, and lost his property aboard, besides paying interest, the Committee came and imposed this extra amount for damages. The House of Commons had taken off these damages, and he could see no reason whatever why we should impose this extra charge upon banks.

HON. MR. RYAN wished to correct

an erroneous impression that seemed to be very general, that this legislation was specially in favor of the banks. Now, he did not think the banks had anything to do with it, but if it did protect the banks it equally protected the interests of the great mass of people of the country. It seemed to be too often forgotten that the interests of the banks and the interests of the public were identical. It should be borne in mind that a great majority of the wealth-producing classes in this country were really and *bonâ fide* shareholders in the banks. The great mass of the population, down even to the poorer classes, had their property in the banks and were interested in them. It was to protect the owners of property that this provision was made. He thought all must admit that something ought to be allowed for the risk incurred of loss, although under the old law there were few instances of damages having been charged. The bill was meant to protect against loss of charges, of interest which might occur in that way. It was essential to the good credit of a commercial community that none but *bonâ fide* bills should be drawn, and this bill was a protection against fictitious bills being drawn.

The vote was then taken on the question of concurrence in the amendments made by the Committee, and they were concurred in on the following vote:—

CONTENTS—The Honorable Messieurs Aikins, Alexander, Allan, Armand, Baillargeon, Bellerose, Bureau, Chaffers, Chapais, Chinic, Cormier, Dumouchel, Fabre, Ferrier, Hamilton (Kingston), Haythorne, McMaster, Macpherson, Miller, Muirhead, Penny, Ryan, Scott, Simpson, Skead, Trudel, Wark—27.

NON-CONTENTS—The Honorable Messieurs Botsford, Christie (Speaker), Dever, Flint, Gilasier, Howlan, Leonard, Macdonald, Montgomery, Read, Shaw, Vidal, Wilmot—13.

The bill was then read a third time and passed.

INCORPORATION BILL.

The bill incorporating the Royal Mutual Life Assurance Company went through Committee of the Whole, the title being amended, on motion of hon.

Mr. Aikins, to read "The Ottawa Royal Life Assurance Company." The bill was read a third time and passed.

LAND CLAIMS IN MANITOBA.

The House went into Committee of the Whole.—Hon. Mr. Wark in the chair.

HON. MR. SCOTT explained the circumstances which gave rise to the necessity of the bill, the object of which was to settle conflicting claims to certain lands in Manitoba, which had been acquired from the Hudson's Bay Company. In 1873 an Act was passed making provision for the appointment of a commission to decide the disputed cases that might arise. But this Act provided for such cumbrous and expensive machinery that the Minister of the Interior was unable to carry it into effect. The present bill was so simple and applied so readily that the disputed cases could be adjusted without much delay, and the provisions for such adjustment were contained in the bill which he now submitted to the Committee.

HON. MR. SUTHERLAND said if this bill had been passed two years ago it would have saved a good deal of loss and trouble, by some of these disputed claims being settled earlier. The present bill was, perhaps, as near the proper thing as could be devised; yet some of its provisions might involve a considerable delay before a decision could be arrived at. He would like to be satisfied the Commission would sit within two or three months, and would suggest to the Government the desirability of carrying out the measure as speedily as possible. Another point to which he wished to call the attention of the Government was the qualification of the Commissioners. It would be well for such gentlemen to be appointed as were acquainted with the nature of the very exceptional tenure under which the lands were held. On the whole he was willing to accept the bill, relying on the promises of Government to carry it out as speedily as possible.

HON. MR. SCOTT said the Government were anxious that the conflicting claims should be settled as early as possible, and they would lose no time in appointing a Committee. In refer-

once to the second point, Government would see that the Commissioners had some acquaintance with the subjects that would come under their consideration.

The bill was reported without amendment, read a third time, and passed.

Several bills were received from the House of Commons, and read a first time.

It being then six o'clock, the House adjourned.

THE QUEBEC GRAVING DOCK.

After recess,

HON. MR. LETELLIER moved the second reading of the bill to provide for a graving dock at Quebec. He explained that the dock was necessary for the repair of vessels coming to that port. The Quebec Harbour Commissioners had asked the assistance of the Federal Government, which had agreed to guarantee the interest of five per cent. upon a loan of half a million. The Minister of Finance was to advance to the Quebec Corporation only in proportion to the work done, so that the Government would, to a certain extent, have control of the enterprise. All the vessels using this dock would pay certain tolls, and out of these receipts the interest on the loan and the sinking fund would be contributed. They intended striking out clause seven, so as to exempt the Montreal Harbour Commissioners from any portion of the expense or annual charge for the dock, leaving it wholly under the management of the Quebec Commissioners. A new clause provided that all ships of Her Majesty's navy should have precedence of all others in the matter of repairs.

In reply to HON. MR. MILLER,

HON. MR. LETELLIER said the Imperial Government did not intend giving any contribution to this scheme. There appeared no fear of the Quebec Commissioners being able to prosecute the work and meet the additional charge occasioned by the relief of the Montreal Commissioners from liability in the matter. Such representations had been made to the Government as to justify it in guaranteeing the loan.

In reply to a member,

HON. MR. SCOTT said the Govern-

ment was in treaty with the Imperial with regard to the loan.

HON. MR. WILMOT, while not desirous of opposing the bill, urged the claims of St. John, as a port open all the year, to a graving dock.

HON. MR. MACPHERSON said he understood that, by an arrangement between both Harbour Boards, the Montreal agreed to contribute \$5,000 a year towards the expenses of this dock. Why was there a change at present?

HON. MR. LETELLIER said that since the bill was introduced, Ministers had received information as to the unwillingness of Montreal to be connected with the enterprise.

HON. MR. PENNY said that a deputation from Montreal, a few days ago, arranged for this alteration, refusing participation in the management and expense of the dock.

HON. MR. RYAN said that all vessels using the graving dock should be put on the same footing as to tolls. It might be judicious to bind the Commissioners in this respect.

HON. MR. LETELLIER said security would be taken as regards the composition of the Commission and other matters against unfair discrimination.

HON. MR. ARCHIBALD said there could be no doubt as to the principle of graving dock charges, which were always regulated in the same way and on the same scale. There could be no discrimination against any ships. He thought it would be a long time before the Government would see any return from this expenditure, or any repayment from such a source as these tolls. In Nova Scotia they got up companies for such enterprises without asking Government assistance. For the repair of vessels they had marine railways, by which vessels were drawn out of the water and returned to it with facility. At Halifax and Sydney, Cape Breton, they could take up and re-fit the largest vessels that entered the St. Lawrence, the fees being 20c. for the hauling and 10 cents per day while the vessel occupied the slip. The expenses of working a slip did not exceed \$3,000 to \$4,000 a year. With all this they could not make more than six to eight per cent. on the capital invested. Now if a marine railway could

be used at Quebec instead of a graving dock, there would be a great saving as the railway need not cost above one hundred thousand dollars.

The bill was read a second time, and referred to Committee.

MERCHANTABLE LIQUIDS CASK CAPACITY BILL.

HON. MR. SCOTT, in moving the third reading of the bill respecting the gauging and marking of casks used in the sale of merchantable liquids, said it had been amended so as to apply only to malt liquors, and any other subject to excise. (Hear, hear.)

Bill as amended read a third time.

CANADA SOUTHERN RAILWAY.

HON. MR. READ moved the second reading of the bill authorizing the extension of the Canada Southern Railway, by enabling it to amalgamate with the Erie Railway. Carried.

PICTOU COAL AND IRON CO.

HON. MR. RYAN moved the second reading of the bill to incorporate the Pictou Coal and Iron Co. Carried.

PILOTAGE ACT.

On motion of HON. MR. LETELLIER, the House went into Committee on the bill to amend the Pilotage Act of 1873. He stated that the Minister of Marine had agreed to certain changes, since the bill was last before the House, on the representations of certain gentlemen interested in shipping. It was thought necessary, at certain Lower Province ports, to offer pilots inducements to go out and pilot ships. There would be no change as to the St. Lawrence pilots.

HON. MR. MILLER—To how many ports will the bill apply?

HON. MR. LETELLIER—All the ports in the Maritime Provinces with corporate bodies to administer pilotage affairs.

The bill was reported with several amendments, and read a third time.

SECOND READINGS.

The following bills were read a second time:—

Red River and Pacific Ocean Railway Bill.—Hon. Mr. Aikins.

Act to incorporate the Canada Land and Investment Company.—Hon. Mr. Penny.

On motion of HON. MR. WARK, the House adjourned at nine o'clock P.M. until Friday.

Friday, April 2, 1875.

The House met at three o'clock.

THIRD READINGS.

The Committee on Banking, Commerce and Railways reported, with amendments, the bill to extend the law requiring railway companies to furnish returns of their capital, traffic and working expenditure. The amendments were concurred in, and the bill read a third time and passed.

The same Committee reported, with amendments, the bill to prevent cruelty to animals while in transit by railway or other means of conveyance within the Dominion of Canada. The amendments were concurred in, and the bill was read a third time and passed.

The Committee on Standing Orders and Private Bills reported, without amendments, the bill to incorporate the Canada Loan and Investment Guarantee Company (limited), which was read a third time and passed.

The same Committee reported, without amendments, the bill to incorporate the Pictou Coal and Iron Company, which was read a third time and passed.

HON. MR. SIMPSON presented the twelfth report of the Joint Committee on Printing, which was put down for consideration on Saturday.

FEES FOR PRIVATE BILLS.

HON. MR. MCCLELAN moved that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a detailed return of all fees or amounts received from members of the Senate or members of the House of Commons, or others, in consequence of the introduction of private bills, since the 1st of January, 1874, to the present time.

HON. MR. SCOTT said Government had no objection to the address going up. He supposed the information would be obtained, but he understood that Government had nothing to do

with the money, but that it went to the Contingent Fund of both Houses. Of course this motion would lead to enquiry.—Motion was carried.

GEORGIAN BAY BRANCH CANADA PACIFIC RAILWAY.

HON. MR. ALEXANDER said he was deeply sensible of the strong feeling of reluctance which prevailed in the Senate, to animadvert upon any of the expenditures proposed by the Government, and especially such as have been sanctioned by the other branch. He shared the feeling to a large extent, but there were occasions upon which he felt it was his imperative duty to express his opinions, and this was a case in point, where it was proposed to increase the public debt, to the extent of \$4,000,000 or \$5,000,000 for a railway which is not a commercial necessity. He had upon former occasions adverted to the enormous expenditures now going on, viz:—For the completion of Intercolonial Railway, \$21,250,000; for canals \$6,000,000; for railway on Vancouver's Island as agreed to by Government in the reference to Lord Carnarvon, \$2,000,000; for the portions of railway from Thunder Bay to Shebandowan, and from North-West Angle to Fort Garry and many other very large amounts. And can we forget that during the last session the Government pleaded the necessity for extracting \$2,000,000 more from the people by additional customs duties. Under those circumstances this was surely a moment when the Government ought to resist all outside pressure, and not to propose to Parliament expenditures which cannot be justified. And he (Mr. Alexander) would ask the House, how could we hope to carry out the great object of pushing through with vigor a railway from Thunder Bay into the heart of the great fertile belt, if we frittered away our resources and credit upon public works which are not required? He could not understand how a Reform Government which made such professions to the people of integrity of purpose, could use the majority power they now possess in another quarter, to propose and sanction an expenditure of \$4,000,000 or \$5,000,000 for such an object—and while this will necessitate large further subsidies to

be granted to the railway known as Mr. Foster's or Canada Central. It appeared that the Province of Ontario was not prepared to give any land towards this road, which we knew would cost \$40,000 a mile. He thought the Ontario Government ought to have been called upon, out of its large surplus, to assist this work. Much of this surplus was being used to multiply railways in certain districts in a manner to produce disaster. He believed this House should not yield to outside pressure in behalf of this branch which he thought was premature. We should concentrate our whole powers upon the railway from Lake Superior to Fort Garry which would bring increased population, wealth and revenue to the Dominion. After that railway was built, and the North-West was somewhat developed, when trade had sprung up there, would be the time for Government to ask Parliament for aid in giving that country the most direct railway route by the Ottawa to Montreal. He believed it could be proved that with the Midland Railway, from Port Hope, striking the Georgian Bay, not more than 40 miles would be saved from Chicago or Thunder Bay by this proposed road, in the journey to Montreal. He quite agreed with Ottawa men that in course of time this valley should be developed, but Ontario ought to give a portion of its surplus to that object, which really at the present moment, under existing circumstances, could only be pronounced a Provincial one. He held that if we crippled our credit by enterprises like this, we could not possibly, without increasing the public burdens enormously, open the door to the great fertile belt. The railway policy of the Government was a weak and piecemeal policy. We act as if we had no true faith in the great future of our North-West. As he had before again and again said, the proper and statesman-like policy for our Government to pursue, was to give liberal subsidies of monies and land to a chartered company of British capitalists to undertake a Trunk line from Thunder Bay, westward into the heart of the prairie region, as a great public enterprise. If the Government were to pursue such a course, we should thus enlist and

secure the powerful immigration influence of such a corporation in the different countries of Europe, to pour into the Valley of the Saskatchewan hundreds of thousands of those emigrating from the Old World. Whereas we are at present spending upwards of \$300,000 annually for emigration purposes, with little result; and the Government policy was to go on building small portions of that great national work, which would have to be operated as Government railways with continual annual deficiencies embarrassing to future Governments, and keeping the Legislature of the Dominion in one perpetual turmoil, in regard to the maladministration of such railways. Every enlightened man must see that such a railway policy as that now enunciated by the present Administration must prove ultimately a disastrous one. It now only remained for him to move—"That the large expenditure now contemplated for the construction of the Georgian Bay branch railway is at the present time premature and unwise." Cheers.

HON. MR. READ, in rising to second the resolution of Hon. Mr. Alexander, did not wish it to be understood as in opposition to a Pacific Railway through Canadian territory, but, on the contrary, he was fully persuaded that the spirit of the people of Canada was to construct an all-rail route through to the Pacific at the earliest moment, and as soon as the circumstances of the country would admit of it, and this was his individual desire, and he hoped to live to see it accomplished, and should use every exertion, both in and out of Parliament, to further so desirable an object, and he believed all these side issues furnished evidence that was not the view of the Ministry. He contended the Georgian Bay Branch was not a portion of the Pacific road proper, but ran about forty miles south of the south-east corner of Lake Nipissing. The Government, by this scheme, designed evading the construction of an all-rail route. What was the branch to cost? First, according to the terms of the contract, Foster was to receive \$10,000 per mile for eighty-five miles—that is \$850,000; then he is to receive the interest on \$7,400 per mile for twenty-five years, at four per cent.;

that amounts to \$640,000. Then he is to receive 20,000 acres of land per mile, which, when a railroad is built through its midst, certainly cannot be worth less than \$2.50 (two dollars and a half) per acre. If land after a road is built is not worth that price we had better not build any, as railroads are not paying speculations directly, their returns are indirect. Now 20,000 acres of land for eighty-five miles at \$2.50 per acre amounts to \$4,250,000. Let it be understood that we must either give our line timber or prairie where a railroad passes through to Mr. Foster. Then he is to receive as a subsidy \$12,000 per mile, or say 135 miles; it may be 150 miles for all we know, for no one has ever been through the country where the road passes that we can hear of; there has never been a theodolite upon the ground, and for all we know, if it is like the country south of it, it is a series of lakes that will lengthen the road immensely. This will make up the nice little sum of \$1,620,000, footing up and all; for this comparatively useless piece of road except for lumbering purposes, as the land through which it passes, I fear, is not much worth for any other; we will pay \$7,360,000 to Mr. Foster, and then he will own it besides, as that is the contract, and after it is finished we are then forty miles from Lake Nipissing where the late Government intended starting from. It may be said \$2.50 per acre is a high price for land; let us see what the lands have sold for in the United States. I hold a return up to 1873 of the sales of lands per acre of 25 railways in the United States, and I find that the average price received was \$6.62½ per acre, and according to this it cannot be said that \$2.50 is unreasonable or high for our fine timber and prairie lands. All this \$7,360,000 is given to Mr. Foster, and not one yard of road built. Can there be any reason given for spending this money, when we have already built six railways in the locality—three on Georgian Bay and three on Lake Huron—and moreover, the roads already built are shorter by rail to Montreal than the Georgian Bay road will be when built. When the Premier, in his Sarnia speech, announced his railroad policy, I could not then believe it was

his intention to attempt to carry it out; a more one-sided policy for this country could not be devised, and for no other purpose than to differ from the late Government policy. I do hope some means will be found to prevent this useless waste of public money, and another point I wish to speak about is—Mr. Mackenzie stated on 5th March this session that the intention was to have a thorough survey and accurate information before contracts were tendered for, so that contractors could not come back and say that they had not information enough to make an estimate, and we now find he has not kept his promise, but has given out this contract contrary to his own statement. What does this mean? In my opinion it is intended to join the Northern Pacific at Sault St. Marie, and give our road the go-by. I am led to this conclusion by what is now taking place, and if so we had better stop at once, and say this vast continent that has been almost given us is not worth a railroad running through it, and we will hand it over to any one that will take it, because that is what it means if it means anything, and I am more convinced by the evidence of a friend of the Prime Minister, who told me when the deputation was here from the North-West, that the Prime Minister pointed out to them that this way the route was intended. For a time I could not believe it, but I fear it will be so if something cannot be done to prevent it. Now what is this for? Simply to pay the Northern Pacific for their assistance through McMullen to defeat the late Government, and also Mr. Foster for the part he took in that transaction. No impartial mind can come to any other conclusion. (Hear, hear.) Although this road runs all this distance in Ontario, Government have not been asked to help this enterprise as they have similar undertakings to the extent of from two to four thousand dollars per mile with their comparatively useless pieces of road, and the great through line which the Canadian people so desire must be a work for future generations. (Hear, hear.)

HON. MR. SCOTT said this subject was disposed of last year. The Pacific railway policy of the Government was

announced before the last general election, and the people, by an unmistakeable verdict, approved of that policy. In the other branch of the Legislature, the subject had been discussed last and the present session, and the Government had been abundantly sustained; so he did not think that this question was one that could be profitably entertained in the Senate. He desired, however, to correct the exaggerated estimates of the hon. gentlemen, as to the probable expenditure upon this line. It was entirely in the interest of economy that this Government was prompted to oppose the gigantic enterprise of their predecessors. Those who had reported on it did not hesitate to say, it would have been quite impossible to build this railway with \$30,000,000 and 50,000,000 acres of land. With regard to this branch railway the actual sum the Government would have to pay therefor was a little over \$80,000 and a subsidy for some years, of \$300 a mile, and all that amount had already been expended in the purchase of the rails, which were, at the time, at a price to induce Government to buy them. In reference to the branch in Vancouver Island, the hon. gentleman opposite (Mr. Read) should remember that the late Government, of which he was a warm admirer, had agreed to make Esquimaux the terminus of the Pacific road. If there was any promise or virtue in the Order in Council, we, their successors, were bound to carry it out. We did not, at the moment, see our way to placing this additional burden upon the people of this country; however, the British Government, which had no party feeling in the matter, having been called in, stated this Vancouver Island was a very fair peace-offering to make to British Columbia. It was purely a matter of arrangement, in order that the people of the Province should feel we were anxious to meet them in the best possible spirit, and to dispel the very unpleasant feeling that was beginning to arise last year, in regard to the delay in the construction of the Pacific Railway. He did not propose to go into this question at length; they had all listened to the hon. mover with pleasure, and having expressed his senti-

ments, he (Mr. Scott) supposed he had accomplished his chief object, and would be willing to withdraw the motion. With reference to the point about the Northern Pacific Railway, of which so much had been made, he had always thought that it would be beneficial to Canada to tap the American railroad system at every possible point, at the south, and all points east and west. We had been striving for years to make such connections, and had them at Detroit, at the Suspension Bridge, opposite Kingston, and all along our frontier. Why it was these American connections that enhanced the value of the Great Western and other railways of Canada, and encouraged British capitalists to invest in them. (Hear, hear.) It was absurd and foolish to the last extent to discountenance the tapping of the United States Railways—it was the reverse of a wise or statesmanlike policy. This ridiculous sentimental antipathy to American railway and business connections had been too much exhibited, and deserved repudiation. (Cheers.)

HON. MR. BUREAU opposed the motion, and urged the mover to withdraw it. Such a motion, attacking our whole railroad policy, would require several days for adequate discussion. It was too late in the session for such an abstract proposition. The policy now objected to was proposed by the late Government. The hon. gentleman concluded by proposing a hostile amendment to the main question.

HON. MR. MACPHERSON said he thought the House was very much indebted to his hon. friend (Mr. Alexander) for submitting this resolution, notwithstanding the advanced period of the session. He could not compliment the Secretary of State upon his attempt to pooh-pooh this question. The country would not pooh-pooh it, for it was one of the most important questions of the day. He entirely differed with the hon. mover of the amendment as to the session being too advanced for the discussion of this question. We had not been here two months yet, and if the business of the country required us to stay another month, he did not think we should be justified in complaining, or pleading the length of the session as an excuse

for not discussing the important business of the country. Those hon. gentlemen opposite should remember that it was just at a corresponding period of last session, or a little later, that the bill authorizing the construction of this railway was introduced. Was there any hon. gentleman who did not believe that the time was selected because it was known the House would be thin. (Hear, hear.) He did not believe that measure would have passed had the Houses been full. (Hear, hear.) It was too much, therefore, to ask that this question should not at present be ventilated. Now, he thought that in view of the condition of the country, and of the very heavy obligations we had come under for the enlargement of canals and the construction of railways and other undertakings of great public utility, very great good would result from delaying or postponing the expenditure upon this Georgian Bay Branch. He did not think the cost of this railway had been at all overstated by the gentleman who had first spoken; nor did he think that the gentlemen who undertook this work would thank the Secretary of State for speaking of the lands to be given in aid of this railway in depreciatory terms. (Hear, hear.) Whatever the cost of the railway would be, it would have to be borne by the country. He hoped the day had gone by when the Government and Parliament of this country would, after authorizing parties to borrow money, and giving them the means, resources and facilities necessary therefor, turn their backs upon the lenders, and say, we have no responsibility in the matter. (Hear, hear.) The delay of a year or two in the construction of this work would not injure any interest in the country entitled to any consideration. The region through which it was proposed to build it was a wilderness, and what interest had the Dominion in it? It owned no land there, whether it was cultivable or not. Why should we spend Dominion money in opening up a territory in which we had no interest, and in which there was no commercial nor national interest at stake? A railway might be of national importance, might be a national necessity, without being commercially profitable.

The Intercolonial was a railway of this class. It was necessary to connect and bind together the several Provinces of the Dominion, but might not be profitable. Anything more absurd than to call this branch a portion of the Pacific Railway could not be conceived. It was not a national road, for it would not connect places of importance. Its construction would be a perfect misapplication and waste of the funds of this Dominion. He contended, moreover, that, as a commercial undertaking, there was no hope for it. He knew that any timber was soon swept away, and what was valuable as a timber country was generally valueless for agriculture. He believed this description was applied to the region in question. The country through which it was proposed to build this railway was a wilderness, and must continue a wilderness for many years to come. The railway could have no local traffic except timber, and certainly it could have no through traffic. Did any hon. gentleman believe or for a moment suppose that the propellers which would float through our enlarged canals, carrying 70,000 bushels of wheat and upwards, loaded at ports on Lakes Michigan and Superior, for tide waters, would transfer those cargoes to a railway at the mouth of the French River? That was out of the question, for the products would be carried more economically, and even more expeditiously, to Montreal by way of the lakes than by a Railway from French River. The railway, if built, would be but a summer road. In winter its western terminus, on Georgian Bay, would be inaccessible from ice. There was no prospect of either local or through traffic for the railway. Commercially the road must be an unqualified, unmitigated failure. If he had been here last year when the bill was discussed he would have opposed it. True, neither he nor any member should depart till all the business was disposed of; they ought not to trust the Government in this way. (Hear, hear, and laughter.) They ought to husband the means of this country. They were going exceedingly fast with expenditure, and every gentleman acquainted with the country, and who had clearly and calmly examined

its condition and prospects, must admit that we ought to be cautious in incurring obligations. (Hear, hear.) It was impossible for any prudent man to look around and not feel anxious as to the future of the country. He was not an alarmist, and hoped and thought the country would continue to prosper. The hon. gentleman went on to argue that whatever money we could afford should be spent in building the road through and opening up the prairie country, the region inviting to emigrants. (Hear, hear.) It was not by giving lands in one place and building railroads in another that we could open up and develop the country, and do justice to those who bought or settled upon those lands unprovided with railway communication. The proceeds of the lands should be spent in improving them by making railways to them and other improvements. He contended that it was the duty of this House to step in and protect the country from this large wasteful expenditure of public money. It was impossible to say that so many discreet, prudent men as were comprised in the cabinet, could have proposed this work of their own motion. They had been coerced into it by a power unseen here, and which, he trusted, would be unfelt in this House, at any rate, but a power which existed. We know what Sir H. Allan had stated of that power—that twenty-seven members of Parliament were banded together to support him in carrying out this very undertaking, and in connection with the Northern Pacific Railway. He (Mr. Macpherson) was far from objecting to connections with American railways. (Hear, hear.) But he did object to building a railway practically American, with Dominion money, and calling it the Canadian Pacific Railway, and that was what was proposed to be done in his opinion. (Hear, hear.) He thought this was just one of those occasions when this House might interpose its authority with advantage to the country, and credit to itself, and save the Dominion from this proposed wasteful outlay. Other public works of the real advantages of which we were doubtful had been put aside or postponed. So had the Bay Verte Canal

to which we were committed as much as to this branch railway. He believed the people would learn of its postponement indefinitely with great satisfaction. The hon. gentleman concluded by an earnest appeal to the House and Government for the postponement of this work for a twelvemonth, in order to its better consideration, and to a safe judgment with regard to the means and prospects of the country some time hence, such as could not now be found, and predicting that this Pacific Railway undertaking and its branches as proposed would swallow up all other undertakings in the way of public works as Aaron's rod swallowed up all the other rods. (Cheers.)

HON. MR. SKEAD—His hon. friend appeared to have gained some new light since last year on this subject. (Hear, hear and a laugh.)

HON. MR. MACPHERSON — Not any.

HON. MR. SKEAD—Oh, yes you have. (Hear, hear.)

HON. MR. MACPHERSON—I must use the hon. gentleman to point out the fact.

HON. MR. SKEAD said he might do so later on. The hon. mover had once more developed the merely sectional view of this whole question. He believed it was a well admitted fact that the Government, which was no favorite with him (Mr. Skead), desired to act fairly in this matter, and when he saw any injustice being done them, he must say a word in their defence. It was admitted, also, the Pacific road had to be built. This Government's new scheme might be wise or unwise—he would probably have gone a little further north with the line, and kept it altogether inland, north of 'Nepigon, to avoid Lake Superior. However, the subject was before the country, the old Government fell on it, and the present attained a powerful majority. This Government knew there was a large stretch of inland water communication which they were, perhaps, right in using. If he thought their intention was to connect this proposed road at Sault St. Marie with the Northern Pacific, he would say at once he should go no farther with them, that they had gone far enough in that direction. (Hear, hear.) He wanted to see a road

across the continent belonging to ourselves. He thought if the hon. gentleman (Mr. Alexander) resided at Ottawa, he would take quite a different view of this Georgian Bay branch. (Hear, hear, and laughter.) Eastern members should bear in mind that they would always find those gentlemen residing on the Ontario frontier, a country well settled, and favored with water communication, and the Grand Trunk and other railway systems, which had had the benefit of a very large public expenditure for the last thirty or forty years, invariably opposing any proposed improvement or expenditure to the north. (Hear, hear.) Quebec and the Maritime Provinces were deeply interested in the Upper Ottawa Railway; and he asked them to pause before taking the guidance, in one way or the other, by the sophistry either of his friend on the right, left or centre. (Messrs. Alexander, Read and Macpherson,—) (Laughter.)

HON. MR. LETELLIER—They make a triangle.

HON. MR. SKEAD—Placed in such a position between his three friends, he began to find there was no honesty in politics. (Renewed laughter.) Now, he found a gentleman here who under the old scheme of the Pacific Railroad was willing to become a contractor, saying the line proposed was good for nothing! What would it have been had it gone north of Nipissing or Superior—would it have been better than the present, commercially or otherwise? The people of the Ottawa section had as good a right to ask that the road be built to the north, as those on the Ontario front had to ask it to be built to the westward. (Hear, hear.) He believed the Government were striving to act for the best. He thought it was unnecessary in the way proposed by the hon. gentleman (Mr. Alexander), to attempt to set aside an Act of Parliament. Upon it a contract had been given in good faith. He believed the hon. gentleman's good sense would induce him to withdraw his motion. The hon. seconder (Mr. Read) was wild in his geography. The section from Nipissing to Georgian Bay had been visited by surveyors, who spoke favourably of it. He (Mr.

Skead) was convinced the road could be built, and, whether the finances justified it or not, a contract was let, and the branch was part of the comprehensive scheme that Canada had to carry out. The hon. gentleman from Toronto (Mr. Macpherson) had been the means of upsetting the late Government on this question, but bad as the present was, he hoped he would not beat it. (Hear, hear, and laughter.) He found that the party men who forced on that change were not true when the hour came. (Renewed laughter.) He was willing to give this Government a fair trial. This link would be a valuable part of the railway to the Pacific.

HON. MR. MACDONALD, of British Columbia, corrected the seconder of the main motion (Mr. Read) with regard to his notions about the Vancouver Island section. The gentleman speaking of Esquimaux and Nanaimo, had mixed up the two routes. The tunneling spoken of would be on the one, the bridging on the other. The hon. gentleman went on to commend as a wise policy the speedy construction of the branch lines, pending that of the main line. Parliament had sanctioned by legislation the wise policy of the Government on this question, which it was injudicious to disturb. (Hear, hear.)

HON. MR. SUTHERLAND was unable to see the advantage of the Georgian Bay branch, which, from all he could learn, would not be a portion of the Canadian Pacific. If it was, it was not fair to take the land for its construction from any other part of the Dominion. Ontario, to be benefitted, should grant the land. (Hear, hear.) The Government had run counter to the feelings at Fort Garry in carrying the line north of that point.

HON. MR. VIDAL, having asked for the reading of the amendment, said he sincerely trusted the action of this Chamber would be in accordance with the sentiments of the mover and seconder of the motion. He should hope that such a resolution as the amendment, saying we should not take time to consider this important subject, would never pass in this House. (Hear, hear.) An amendment to get rid of the main motion should, at least, be in a different form. He

disapproved of treating this matter as a trivial one, and so far from joining in the appeal made to the mover to withdraw the first motion, he was exceedingly obliged to him for giving the House an opportunity of placing on record its sentiments on this important question. Mr. Vidal went on to say that what was done last session should be a sufficient intimation to them that it was not their duty, nor was it wise to surrender their right and privilege to examine and discuss fully the particulars of important measures simply because they were brought down at the eleventh hour. (Hear, hear.) Last year, owing to the very late introduction of the Pacific Railway measure, it was not closely scrutinized, and there had resulted an abnegation of the Senate's rights and privileges. Could they conceive it possible that the House, if full, would have passed a law containing sections taking away from its review the legislation of the other branch, and the power to prevent a misappropriation of the public funds, or an extravagant expenditure of the public money, such as now proposed by the Government. Although we had no power now to put a stop to this unwise expenditure under the legislation of last year, we should at least put ourselves right with the country at large by placing upon record our disapproval of it. Last session we deliberately surrendered our rights, in not requiring that the railway contract should be submitted to this House for approval, as it was required to be to the House of Commons.

HON. MR. SCOTT corrected the hon. gentleman with the reminder that this railway contract, by the Act passed last session, was not to be submitted to Parliament. It was announced the Act was to be entered upon last summer. This House was in full possession of all the facts. The Government resolutions were before Parliament for nearly a month before it rose. Surely, then, it was unfair to charge the Government with taking the House by surprise. The hon. leader of the Opposition in this House told him (Mr. Scott) voluntarily, that he did not intend to oppose the Government policy on this railway. (Hear, hear.)

After some conversational discussion between Messrs. AIKINS and SCOTT,

HON. MR. VIDAL said what he wanted to understand was—had not this House the same right to be informed about these things as the other Chamber? If so, by this hasty legislation of last year we have tied up our own hands, so that Ministers, despite of any resolution passed in the Senate, could tell us boldly they could take their own course. He thought it well that we should have an opportunity of recording the fact that the Act of last session was for the construction of the Pacific Railway and certain branches as a whole, and that the Senate is opposed to the substitution of a branch, at present of no use, instead of a portion of the main line. He argued that, as to what was said about this particular expenditure, nothing could be better than the motion of Mr. Alexander. The arguments adduced established its truth most completely. The Georgian Bay branch never could be part of the Pacific Railway, and its construction would be throwing away six or seven millions. It was wholly unnecessary as a way of reaching the upper lakes, there being already four or five railroads to the waters of Lake Huron and Georgian Bay, by means of which ample accommodation is provided for the speedy transport of emigrants and freight to Thunder Bay or Nipigon. Had the proposed expenditure been for opening a railway from either of these points westward towards Manitoba it would have had his hearty support, and merited the approval of the whole country, but spent at French River at present, it would be money thrown away, and he hoped the House would adopt the motion. (Hear, hear.)

HON. MR. BUREAU, after some further remarks, withdrew his amendment.

HON. MR. PENNY was sorry the country had incurred so many obligations, but he was bound to say the Pacific obligations were assumed by the late Government, not the men now at the head of affairs, who were, however, bound to carry them out. This scheme was, substantially, that laid before the country by the Premier a year and a half ago, at Sarnia, so the statement about the country's being

taken by surprise by the Government policy at present was one of the most remarkable he had heard for a long time. Some might pretend to know nothing of the Government's policy or actions till they were formally brought before this House, but he and others who read the papers knew what was going on in the Lower House with regard to these matters before they came under their notice in the Senate, and could not honestly complain of secrecy or surprise. If hon. members were not here last year when the bill was brought down, it was their own fault. (Hear, hear.) It was most extraordinary they should complain, then, of what was done in their absence the preceding session, when they might have been in their places. The leader of the Opposition, who had the means of defeating the Government here, did not oppose the bill. Mr. Penny went on to argue that so far from this scheme being a surprise by the present Government, it was the deliberate plan of the late Government, and he read extracts from Sir George Cartier's speeches to prove the assertion. He maintained the Dominion had a great interest in this road, which would give the East and Montreal the shortest route to the Great Lakes and the North-West. Whatever gentlemen from Toronto might think, the whole of Quebec was most anxious for this Georgian Bay road, and that leading down the Ottawa Valley to the East. He concluded by urging the futility of attempting, by a motion of this kind, to arrest or interfere with the Government railway policy already approved of by Parliament and the country.

HON. MR. AIKINS denied emphatically that the railway policy of the present was that of the late Government. Such a scheme was never thought of by that Ministry; but some point south of Lake Nipissing, and near it, was to be the eastern terminus of the Pacific Railway, and the several Provincial roads were to be extended thereto by the Provinces interested in them. He read a portion of the Act introduced by the present Government, to show what the policy as to the eastern terminus had been. He defied hon. gentlemen on the Ministerial side to find any reference to this

Georgian Bay branch in the scheme of the late Government, or to show that they designed it to form any portion of the main line. (Hear, hear.) This road did not come within 40 miles of the Trans-Continental Railway, was, therefore, not "near to" Lake Nipissing as the terminus was to be, according to the Act, and could not be regarded as forming any portion of the Canadian Pacific. He went on to censure the easy slipshod style in which the Secretary of State had dealt with this question. Credit had been taken by the Government for the purchase of steel rails for the road, which, if the present price was higher, would be a still better bonus to Mr. Foster.

HON. MR. SCOTT—No.

HON. MR. AIKINS said this denial made the matter worse, for the Government now confessedly had spent a large amount in purchasing rails, &c., two years before they would be wanted. There could be no stronger evidence of their incapacity in dealing with this question. If this branch was to form a portion of the main line, he would not object, but it did not. This useless road would cost in the neighbourhood of six millions, counting land and money subsidies. He held further, that, as to the branch from Esquimaux to Nanaimo, it was not the policy of the late Government that was being carried out. Thus two millions would be spent in addition to over five for the Georgian Bay branch. He had another grievance against the Government. It appeared to be their marked policy to lower this House, and make it appear as small in the eyes of the people as they possibly could. (Hear, hear, and oh, oh!)

HON. MR. SCOTT—No, no.

HON. MR. AIKINS—The very legislation of last session on this question was a proof of the assertion, besides certain things submitted to the other House had not been to this Chamber. In another place, a Minister had voted for the motion affecting the constitution of this House. It was rumoured, though he could hardly believe it possible, that, notwithstanding the adverse vote of this House the other day, on the proposition of the Government respecting the salaries of the Nova Scotia County Court Judges, Ministers

were going to appoint them. It was because they felt that they were going beyond the law, as to the location of the terminus near Lake Nipissing, that they had placed the contract before the other House for its approval. They had to do that.

HON. MR. SCOTT—You are entirely wrong. Refer to the statute.

HON. MR. AIKINS—What does the statute say?

HON. MR. SCOTT—That the contract for this line shall not be submitted to Parliament.

HON. MR. AIKINS—But it defined where the branch and terminus were to be. The terminus was to be "near to" the lake, to the south, but it would not be, if placed, as now proposed, 40 miles away.

HON. MR. SCOTT—If you went further north it would lengthen the line.

HON. MR. AIKINS said his argument was, that if the Government were aware of the fact that their act in the location of this line and the fixing of its starting and terminating points were not in accordance with the statute, a reason was furnished for the submission of the contract for the opinion of Parliament.

HON. MR. SCOTT—The hon. gentleman is the first person I ever heard suggest this point.

HON. MR. AIKINS said the point was raised in the other House. He regretted extremely, in the interest of this country, that its resources should be frittered away in constructing lines of railway, not necessary, and forming no portion of the Canadian Pacific Railway. (Hear, hear.)

HON. MR. ALLAN made a few remarks in reply to the charge of sectional feeling, brought against friends of the motion who, he did not think, could be accused of undue hostility to this particular region. A large portion of the people of Western Ontario felt that this expenditure was sought to be made under what—it might not be parliamentary to say, false pretences—but, at least, not for what it purported to be. While the Government had professedly framed an economical railway scheme, they asked for this branch which could not be honestly and fairly considered a part of the Pacific Road, but which, while costing a large sum,

would be useless. The Senate should, late as it was, set itself right with the country; if members honestly and conscientiously believed this a wasteful expenditure of public money they should state so in their places here. (Hear, hear.)

HON. MR. DICKEY, it being near six o'clock, moved the adjournment of the debate.

HON. MR. LETELLIER, in amendment, moved the House do now adjourn.

HON. MR. DICKEY explained that this amendment would be hostile to the main motion, and prevent further discussion.

The House then divided on the amendment, as follows:—Contents, 18; Non-contents, 25. Lost.

The motion to adjourn the debate was carried, when, it being six o'clock, the Speaker left the chair.

The House met at eight o'clock.

TELEGRAPH TO THE PACIFIC.

HON. MR. ALEXANDER moved that it is premature to issue the contracts at the present time for an entire telegraph line from Fort Garry to the Pacific coast, involving the expenditure of upwards of one million of dollars of the public money.

HON. MR. SCOTT said the telegraph line was a necessary preliminary to the construction of the Pacific Railway, and was an almost indispensable necessity for political and governmental reasons. The telegraph line would follow as closely as possible the proposed line of the railway, and would very materially assist the operations of the Government in constructing that road. He defended the Government from the charges that they had proceeded without allowing Parliament or the country to know what they were doing.

HON. MR. MACPHERSON enquired if the railway was really located where it was proposed to build the telegraph.

HON. MR. SCOTT replied that it was not exactly, but in the main direction of the telegraph. The telegraph would be, to a great extent, the forerunner of the railway. It would be of great immediate advantage to the Government

in the domestic management of the North-West Territory, particularly in connection with the police. The variation between the two lines was very slight at any point.

HON. MR. MACPHERSON said if the telegraph was not exactly along the line of railway, it would be of very little use in the construction of the road.

HON. MR. DICKEY said there was no authority in the Act to construct any telegraph line until after the location of the railway. It was a mistake to construct the telegraph before the railway, because, as everyone knew, it could be built at half the cost if it was built *pari passu* with the railway.

HON. MR. SCOTT said he had just been informed that the Minister of Public Works had stated that the line of telegraph would be directly on the line of the railway.

HON. MR. DICKEY understood that part of the telegraph line had been already built.

HON. MR. SCOTT—The contract was given out some time ago, and I assume that it is being constructed west of Fort Garry. The value of the line to the Government, in the management of the police force there, makes the Government anxious that it should be constructed west of that point as soon as possible.

HON. MR. READ said it was estimated the cost would be about \$500 a mile through the wooded portion, and as the country was chiefly wooded, the whole cost would be very much greater than the Government pretended.

HON. MR. DICKEY said if Government would give them an assurance that the telegraph would be directly where the Act said it should be, that is, along the located line of railway, he would be satisfied, and would advise his hon. friend to withdraw his motion.

HON. MR. LETELLIER DE ST. JUST said the question was a very proper one, but there were certain places where it would be impossible to build the line in the exact place where the railway was located, particularly over some parts of the Rocky Mountains.

HON. MR. MACPHERSON—Is it along the located line of railways, and along that line only?

HON. MR. LETELLIER DE ST. JUST—Yes.

HON. MR. ALEXANDER said he would then withdraw his motion.

GEORGIAN BAY BRANCH RAILWAY.

In resuming the adjourned debate on this subject,

HON. MR. DICKEY said the first reason why he could not approve of the action of the Government was this: That line was not on the line of the branch railway, as determined by the Act of Parliament of last session, because the Act said distinctly that the Georgian Bay Branch Railway was to commence at the eastern terminus of the Canada Pacific Railway near to Lake Nipissing, and thence go to the mouth of French River. But he found that this Georgian Bay Branch Railway was specifically located at a point several townships from the lake altogether, or some thirty-five or forty miles from the eastern terminus of the Pacific Railway. Therefore, the contract was not authorized by the terms of the Act at all. The next reason was their being about five or six lines from Georgian Bay, connecting by an equally short route with Montreal, this line was unnecessary. The objection of his hon. friend (Mr. Alexander) was not that the Government proposed to tap American lines, but that they proposed to expend millions of money and lands, necessary for the construction of a great national work, and to fritter these away in the construction of a local line that would be merely subsidiary to the American line, and form no part of the great trans-continental thoroughfare. (Hear, hear.) But Government had failed in each particular to meet the objections of his hon. friend. There was a difficulty in this matter, to which no one had as yet adverted. An Act of Parliament was passed last year under circumstances which he could not approve, but under which Government though proper to enter into a contract with a gentleman to construct a line of railway in the general direction of this line. He had already pointed out that this Georgian Bay Branch was not the one they were authorized to enter into a contract for under the Act of last session. He pointed out that there was a distinction between being asked now to pro-

nounce that the expenditure of that money at the present time is unwise, and the opinion of the House whether it was wise in the Government to undertake the expenditure of that money before. His impression was that to keep ourselves right in this matter, while he was prepared to state most distinctly that the expenditure of that money was not warranted, yet he did not wish to be put in the position of repudiating a contract thus made, and he shrunk from the responsibility of advising the House to support the resolution of his hon. friend if it was open to the construction which he (Mr. Dickey) put upon it. And in order to take the sense of the House on that point, he would take the liberty of moving an amendment to his hon. friend's motion. He would put it in this way—"That it was premature and unwise in the Government to undertake the large expenditure involved in the Georgian Branch Railway." He thought that was the right way to put it, because he would be the last to interfere in any way with a contract which had been already made by the Government, assuming to act under the authority of Parliament. (Hear, hear.) He would therefore move this amendment, seconded by Mr. Macpherson.

HON. MR. WARK remarked that the hon. gentlemen opposite were asking the House to pass a vote of censure on the Government Act of last session, which had been strongly approved by both Houses of Parliament. He charged the opponents of the Government with having purposely delayed their objections to the Pacific Railway policy until this late period of the session, in order to embarrass the Government more effectually. As to the merits of the question itself it was largely one between the West and the East with a sprinkling of opposition to the Government. He protested against the absurdity of this House passing a vote of censure upon itself, proclaiming that its conduct last year was premature and unwise.

HON. MR. McMASTER sympathized with much that had been said by those who supported the resolution under discussion. Our public debt, already large, was increasing very rapidly; the

financial state of the country was not so promising as some would have us believe, and he was satisfied that before the Pacific Railway and other public works projected were completed, the indebtedness of the Dominion would assume proportions that would render it almost, if not altogether, impossible to manage. If he could in any way check expenditure or ensure delay, he would gladly do so; but it was our duty to look at this matter from a practical stand point, the work to which exception has been taken was authorized by Act of Parliament, the contract had been let out in accordance with that Act, and he held this House could do nothing to repeal or set aside what had been already done, therefore he did not choose to bind himself to this proposed vote of censure, which could have no practical or beneficial result.

Moved by HON. MR. BELLEROSE, seconded by HON. MR. ARMAND, in amendment to the amendment, that the words "premature and" be struck out, and that the following words be added at the end of the motion—"Inasmuch as that route is not the direct route to Lake Nipissing, the eastern terminus of the Pacific Railway."

HON. MR. SCOTT did not think the terms of this amendment in accordance with the fact. The terminal point of the route had never been fixed absolutely, and a wide discretion was left to the Government to fix that terminal point. The Act provided only that it should be at some point near Lake Nipissing, and the only object of the present Government in locating it where they had, was because it was the shortest line, and would lessen the cost to the people of this country. His own impression was that this would be the main line of the Pacific Railway.

HON. MR. BELLEROSE said when the Act was passed he was a member of the other House, and he remembered distinctly that it was pointed out on the map that the terminus of the Pacific Railway was to be at the south-east of Lake Nipissing, and quite near to it. But the present Government had decided to make that terminus thirty-five or forty miles south-east of the Lake, and it was no use for them to say that they were following the

terms of the Act. This would considerably lengthen the route, and though certain private interests might require this route, the public interest required that the shortest route should be taken.

HON. MR. LETELLIER DE ST. JUST said he believed that when this bill was presented to the Commons and to this House, it was well understood by all that no definite point was fixed for the eastern terminus of the road. By the words, "some point near Lake Nipissing" was understood the most convenient point to make a junction with the east. No one could say that forty miles from Lake Nipissing was not near the lake, when it was considered how vast were all the distances in relation to that road. He regretted that this debate had taken place. It belonged to this House to criticise any act of the Government, but it was futile for the Opposition to move resolutions of want of confidence when the Government were sustained by such a large majority of the people of the country. He did not pretend that the opinions of the Senate should not have their due weight in the legislation of this Parliament, but when a vote of want of confidence would not in the slightest degree affect the Government or its policy, he did think the House should abstain from passing such a vote on a complaint so baseless. He regretted equally with an hon. member who had spoken here to-night, that the Commons should have taken any action in the passage of this Act which might appear derogatory to the dignity and character of this House. (Hear, hear.) He differed essentially with the hon. gentleman (Mr. Macpherson) who stated this Pacific Railway could not be favorably regarded in a national or commercial point of view, and he proceeded at some length to show how it would immensely benefit eastern lines, and gradually attract the traffic from the American lines to the south. Last year, when this bill was brought to the House for our assent, one of the longest debates of the session took place upon it, and it was folly for the opponents of the Government to say that no opportunity was afforded the House to canvass that measure. By the resolutions now before the House we were called upon to

declare that the assent of this House and Parliament last year to the construction of this road ought not to have been given, and he hoped the House would pause before committing such an absurdity as that. Every gentleman who was present last year had the fullest opportunity of discussing the matter, and what advantage would it be to the country to have entered upon the journals of this House a vote so absurd as hon. gentlemen now sought to carry? He ventured to say the journals of no legislature contained an instance of a legislative body condemning itself in such a manner as was now proposed. The present Government had been unusually free in exposing its policy to the country. None of its predecessors on the Treasury benches had ever consented to submit their contracts to the Legislature, but in the present case the Premier had, at the earliest opportunity, submitted the contracts to the criticism of Parliament, although no other Government had ever done so. Hon. gentlemen had said this was not a national work, but it was certainly one of the links of the great national route, and would become part of it. At this moment there was a road building on the north shore of the St. Lawrence, and another from Montreal to the north shore of the Ottawa River. When it was known that these two roads would have connections with the Pacific Railway, how could it be said that this was not a great national and commercial undertaking? He was ready to admit that the road might not be a paying enterprise for some time, but such an objection came ill from the friends of the late Government, who had engaged the faith of the country to construct it within a period which it was quite impossible to accomplish. If the present Government were condemned in this House on their railway policy, they would still confidently rely upon the support of the Commons, and with still greater confidence upon the approbation of the country at large. He thought it was scarcely fair in the opponents of the Government to take advantage of their majority in this House to force a vote of want of confidence in regard to this matter. Suppose the present Govern-

ment, following the example of their predecessors, should appoint only its own friends to vacancies in this House, and in course of time they came to be in a majority, would it be fair and generous in that majority, in case of a change of Government, to use its strength to annoy and embarrass the Government?

HON. MR. DICKEY said the course of Government last session had nothing to do with this question at all. But, taking it for granted that the Act was passed, it was perfectly clear that the action of the Government was not in conformity with the Act. He was astonished that the hon. Minister of Agriculture, in his extremity, should have resort to such an argument as he had used—namely, that the terminus of the railway was near to Lake Nipissing, although it was 40 miles away. He might as well contend that if a railway were to start near Ottawa it could commence near Prescott. He had called this Georgian Bay branch a part of the Pacific line when that line has not even been located, and it would take a line of thirty to forty miles to connect its Eastern terminus with the branch. He (Mr. Dickey) did not consider that this motion was one of want of confidence, it simply proposed to pass an opinion on the conduct of the Government. His hon. friend deprecated this motion, but were we to sit here like dumb dogs and when asked to consider an act of Government contrary to Act of Parliament, were we not to pass an opinion upon it? Surely his hon. friend would not pretend that this House should abdicate its functions in this manner. Whether this Georgian Bay branch was on the line or not, its construction was premature and unwise, because it was starting from a line that was not located, and might never be located. It was no part of the Canadian Pacific Railway, and had no connection with it, and it was an unnecessary waste of money, as there were already half a dozen railways connecting Georgian Bay with Lake Erie. (Hear, hear.)

HON. MR. PENNY said his friend's indictment was very indefinite. Being premature and unwise was a different thing from being wrong and illegal.

The motion was a censure, not so much of the Government as of the Parliament which last year determined that this line should be built and this action taken. In the Commons last year the bill passed without any division, and in the Senate 55 or 58 members voted for the Act at a time when the House was thin, so that the motion was not only a censure of the whole House of Commons, but of a great majority of this House as well.

HON. MR. VIDAL said the motion did not declare that the Government had acted illegally, but unwisely and prematurely. The Act gave the Government power to construct the Canada Pacific Railway, and certain branch lines, and where they had acted unwisely was in expending \$6,000,000 or \$7,000,000, not upon the main line or any portion of it, but upon a branch line which did not benefit and never could benefit the main line. They were not charging the Government with having violated the law; they were simply saying—and they said it advisedly and meant it—that they condemned the Government for an unwise expenditure, not upon the Pacific Railway—which we would have cordially approved—but upon a branch of the road which ought to have been left to be constructed at a later date.

HON. MR. BUREAU said the motion of censure was directed at the Act of Parliament passed last year, and not against any action of the Government in the interim. What would be the result of this motion if it was carried? Did the hon. gentlemen think they would then take the Treasury benches, or that the House of Commons, which had heretofore sustained the Government by so large a majority, would concur in the censure of the Senate? We knew that all the appointments to the Senate since Confederation to the advent of the present Government were hostile to the party now in power—(Cries of "Oh! oh!")—and this in spite of an agreement made before Confederation, that the appointments should be made equally from both sides. Supposing that in twenty years' time the majorities were reversed in this House, did his hon. friend opposite think it would be wise for the then majority to obstruct and embarrass the

Government as they were doing? He trusted the good sense of the hon. gentlemen opposite would answer this question in the negative.

HON. MR. LETELLIER DE ST. JUST could not quite agree with what had just fallen from his hon. friend. Though the Senate was composed largely of gentlemen belonging to the Conservative party, the Government had not suffered much inconvenience from that fact. On the whole, the treatment which the Government had received from the majority in this House was not one of which they could complain.

HON. MR. DEVER rose to say he had the honour last year of voting and eulogizing the Government bill introduced for the construction of the Pacific Railway. He believed then that the Government had been actuated by prudence and wisdom, and only aimed at carrying out that great work in proportion to the ability and business of the country. He had no hesitation in stating now that he felt he had placed too much confidence in their honesty, and that he believed he had been deceived by them. He was one of those who would never consent to waste the public money of the country on an evident deviation of the powers given by the Act to carry out what he believed to be a "side show" work in the interest of private friends, and on what cannot be considered a portion of the Pacific Railway proper. He would again point out the fearful taxation this country was labouring under at present, but more especially the Lower Provinces of it, owing to the bad—he might say heartless—fiscal arrangement of the tariff, which was so constructed as to dishearten every thinking man who gave it his consideration. He would say he felt it to be his duty to protest against the action of the Government in thus wasting the public funds of the country on 40 miles of this road, which even the Government had to acknowledge were not authorized by the Act, but were simply a local or side line. The Maritime Provinces had no interest or sympathy with the American policy of the Government in this matter. If they had, they could have done better themselves direct with the States;

their trade and interest pointing in that way. Hence again, he protested against being understood as favouring any such policy on the part of the Government in carrying out the public works of united Canada.

HON. MR. SCOTT said he had been told on the very best authority that the distance from Lake Nipissing was only 25 miles instead of 35 or 40 miles. He had this from an officer who was familiar with the distance, and who had gone over the ground. Government had authority under the Act to select the most convenient point in the interests of the public. Nobody ever pretended for a moment that they were bound to touch the waters of Lake Nipissing. The question was discussed and it was generally admitted in the other House that Government had discretion to place it at any point in the vicinity and south-east of the lake.

HON. MR. FLINT did not consider that in adopting the motion before the House they would be turning the Government out and placing the Opposition in power. He had always been in favour of allowing the present Government an opportunity of going their length, and letting the country see whether they were capable of managing its affairs. He condemned the Government in proposing to expend a vast amount of money upon a line of road which for a long number of years could be of no use.

The members were then called in, and the Hon. Mr. Bellerose's amendment to the amendment was put, and lost by 8 to 27, on the following vote:—

CONTENTS — The Honorable Messieurs Bellerose, Chapais, Chinic, Dumouchel, Flint, Guevremont, Ryan, Trudel—8.

NON-CONTENTS—The Honorable Messieurs Aikins, Allan, Archibald, Benson, Bureau, Chaffers, Christie, (Speaker), Cormier, Cornwall, Glasier, Haythorne, Howlan, Leonard, Letellier de St. Just, McMaster, Macdonald, Macfarlane, Macpherson, Montgomery, Pâquet, Penny, Read, Scott, Simpson, Skoad, Vidal, Wark—27.

HON. MR. DICKEY'S amendment was then put and carried, by 23 to 18, on the following vote:—

CONTENTS — The Honorable Messieurs Aikins, Alexander, Allan, Ben-

son, Bourinot, Chapais, Cornwall, Dever, Dickey, Dumouchel, Flint, Hamilton (Kingston), Howlan, Kaulbach, Macfarlane, Macpherson, Muirhead, Price, Read, Ryan, Seymour, Trudel, Vidal—23.

NON-CONTENTS—The Honorable Messieurs Archibald, Bureau, Chaffers, Christie (Speaker), Cormier, Glasier, Haythorne, Leonard, Letellier de St. Just, McMaster, Macdonald, Montgomery, Pâquet, Penny, Scott, Simpson, Skoad, Wark—18.

The main motion, as thus amended, was then put and carried.

THE AMENDED INSOLVENCY BILL.

On motion for the second reading,

HON. MR. SCOTT said the bill of which the present formed a basis, was introduced into the Parliament of Canada in 1864. At that time the persons who became subject to its provisions were those who were in trade as well as others who were not in trade. At that period a very large number of persons in Ontario became embarrassed and great pressure was brought to bear upon the Legislature, when an exceptional Insolvency Bill was passed which enabled any person to make an assignment and become an insolvent. In the Province of Quebec that law was limited to traders. So the law stood until 1869 when amendments were made in it confining its provisions to traders, but as to who were traders was never clearly defined. The present bill had the advantage that while it confined the law to traders it also very clearly laid down who should be embraced within its provisions. Another important change in the present bill was that of abolishing voluntary assignments. It had been felt that the power of making an assignment induced a number of small traders to go into insolvency without having any understanding with their creditors. Men allowed their estates to run down and then made an assignment, the creditors being called in to divide an estate that was not really worth anything. Another important change was the selection of assignees. At present the assignees were appointed by the Boards of Trade, but the present bill proposed that the powers of assignees should be considerably

modified, and that their nomination should be in the hands of the Crown. It was thought that the system of nominating them would give creditors a much greater security. The creditors at their first meeting and after proving their claims may select another assignee. The judicial powers of the assignee were also considerably diminished, and disputed cases that arose, instead of being settled before him, must now be referred to the judge. The judge of the various Courts named in the bill would be the referee to whom applications would be made if disputes arose in carrying out the law. In connection with the appointments of assignees it was also provided that creditors might appoint from among themselves one or two inspectors who were to act as friendly advisers in the management of the estate. It had been asserted that there were many cases where assignees had speculated largely in the funds of the bankrupt estates, but under this bill creditors have the protection that when the amount received comes to \$100 it must be deposited in a bank and could only be drawn out upon the order of the inspector and assignee. The present law was also applicable to incorporated companies. The law provided that they were entitled to forty-eight hours' notice before any application could be made to the court calling upon them for an investigation of their affairs. On the judge issuing the order, it provided that the incorporated company should have ten days in which to submit their books and papers to the assignee, who was to report whether there were just grounds for issuing the order and whether the company was in a position to meet its liabilities. He concluded by moving the second reading of the bill.

HON. MR. HOWLAN said he had been expecting the appearance of this bill with much interest, as the question of insolvency was one to which he had given a great amount of study and attention. He had had the honor of being the author of an insolvency law which was now on the statute books of Prince Edward Island, and which was giving very general satisfaction. He was somewhat surprised that, after the long time Gov-

ernment had taken in the preparation of this bill, a more perfect one had not been brought forward. In foreign countries it was generally admitted that the English Insolvency law was the most perfect that had been devised, and it had been adopted throughout the United States and, in its general principles, in many other countries. He regretted that the English law had not been more closely copied in this bill, so that then that law might almost be said to be universal in English-speaking communities. The first objection he had to this bill was that the insolvent was obliged to give up everything, whereas the English law provided for leaving the debtor, if he happened to be a mechanic for instance, his tools in trade and some other necessaries for his family, to the value of £20.

HON. MR. SCOTT—The English law goes far beyond this, in stating who shall be an insolvent.

HON. MR. HOWLAN — Although this bill admitted a large number of people to come under its operation, it made no provision that they should have any tools left them, or any necessaries of life. The bill now before the House, in its general features, was more of a protection to the general importer than to the retailer. The whole machinery of the bill would be to force into bankruptcy, while, on the contrary, the English bill protected, to a great extent, the unfortunate debtor. Again, the bill called for an almost immediate sale, in three or six months, of all property, freehold or otherwise, while the English law allowed a little more chance of recovery. There, if a man could realize ten shillings sterling on the pound, he might have an opportunity of recruiting himself, but this bill gave him no chance at all. The English law permitted him to carry on the business on behalf of the creditors, but there was no such provision in this bill. The English Act provided again, that with regard to parochial taxes, debts to the Crown, or rents on buildings, these shall be the first charges on the assets of the creditor, while this bill had no provision at all for that. Again, there was no power in this bill to mortgage property. He failed to see why the experience of England and the United States should be lost

to us in a matter of this kind. The United States had adopted almost word for word the English Act. This bill was too stringent in permitting any five creditors of \$100 each to drive a man to bankruptcy, which was placing far too much power in their hands. So far as he was concerned, he would like to have the bill go over till next session, by which time he would have the opinions of the different Boards of Trade, and of the commercial men upon it. In another respect he noted that the English bill provided that by the consent of the assignee and the creditors, the debtor should have a certain stipend per year to assist him in winding up his affairs and in keeping his family. But the present bill made no provision of that kind, and gave the debtor completely over to the hands of the assignee. When the bill went into Committee, he would be prepared to make such suggestions of amendments as he might think proper.

HON. MR. SCOTT said the first minds in Canada had been engaged on this bill for the last forty-five years. Last year the present Chief Justice Dorion undertook, from his long experience, to frame a bill. He gave a great deal of time and attention to it, and brought it down to the third stage, when it was suggested that the bill lie over, in order to have the opinions of the Boards of Trade upon it. The present bill was the result of the vast experience of Chief Justice Dorion, and of the opinions of the Boards of Trade. He quite admitted that it had not been copied from the English law; but law in England was not exactly suited to the meridian of Canada. After ten years' experience on previous laws, we ought to know what was suited to this country, and this bill was the result of all our past experience. No measure had undergone a keener criticism than the present one. In the other House the bill in its present shape had passed by a large majority, and he trusted it would also be accepted by this Chamber.

HON. MR. DICKEY expressed himself as opposed to the principle of the Insolvency Bill. As the result of a long experience in business, he believed the chief result of a measure like this would be to open a premium upon

dishonesty. The bill said in principle to a party going into business—"If he succeeded he made money, if he failed he lost nothing." In other words it was like the game of "heads I win, tails you lose." He admitted that the bill had been prepared with great care, and agreed with the provision extending the operation of the bill to a large class of people who could scarcely be considered as coming under the denomination of traders. A most objectionable feature had been eliminated from the bill in doing away with the appointment of Government Inspectors, but a little leaven of that custom was left in the official assignees as the first who were to take charge of property. He feared, however, that in giving these assignees so much power, in making them masters of the situation, as it were, they would become permanent assignees. He believed the bill to be generally demanded by the commercial community, but if it were left to the voice of the people in his own Province, Nova Scotia, he believed they would rather not have any bankrupt law at all. The present bill was cumbrous and expensive, but in some respects was an improvement on the old law.

HON. MR. KAULBACH was much of the opinion of his hon. friend from Amherst (Mr. Dickey), and believed that the evils of a bankrupt law on the public, no matter how perfect, were greater than the benefits conferred. There are but few instances where an honest but unfortunate trader has not been voluntarily freed by creditors on surrendering what he possesses. He was not in harmony with the hon. member for Prince Edward Island, who sought postponement, as he (Mr. Kaulbach) believed this bill was a decided improvement on the present law (hear, hear), and delay for another year would prolong the tenure of the present law, which is full of vices. Under it a man had only to seek the office of an official assignee to be encouraged, instructed and qualified to throw off his debts and cheat his creditors. (Hear, hear.) Debtors compounded to suit themselves, and made money out of it, or concealed their property, or got fictitious creditors to grasp the estate in their interest. It

was, in fact, full of temptations, and offered a premium to dishonesty. Voluntary assignments he was glad to find abolished in this bill. Only by the consent or act of the creditors could a party go into bankruptcy. Creditors have prompt, full and absolute control over the estates; and honest debtors will get their discharge even although they pay less than one-third of their unsecured debts, if they show that, through no fault of their own they have suddenly become insolvent, and make a full and complete assignment and a truthful account of their affairs. He mentioned some objections—matters of detail—which could be considered in Committee.

HON. MR. CARRALL would heartily support the second reading of the bill. He believed in the advantages of a general bankruptcy law, and the first speech he made in this House was on the occasion of the introduction of such a bill as the present. He was not quite clear about the classification of people in the list of those who might become bankrupts. If bankruptcy was such a luxury we ought to extend it universally to all the people of the Dominion.

HON. MR. WARK took exception to the position laid down by the hon. member from Cumberland that it was in the interest of debtors to become bankrupt, and that they had nothing to lose by doing so. If so, then we must assume that any man may go into business without any capital of his own. If a man went into business without property he would have to be a man of very high character. He thought the general principle of such a law was established beyond a doubt. The mother country had had such a law for one hundred and fifty years, which had been often amended but never repealed.

HON. MR. MACFARLANE said the general impression of the people throughout the country was that we required a bankrupt law. Without such a law as this it would be impossible for trade and commerce to be carried on. As far as he had been able to look into the present law it was not only a great improvement on the old law, but was one which, when carried into operation, would be productive of

much benefit to the people of this country. Some of the clauses might be improved in Committee, but he could give his hearty concurrence to the general principle of the bill.

HON. MR. DEVER said, after defeating the Government so completely a few minutes ago, he felt it to be his duty to compliment them on the introduction of this measure, which he had read somewhat carefully, and believed it to be in many respects superior to the old Act. He would also say he was sorry to have so soon to differ with his hon. and highly esteemed legal friend from Nova Scotia (Mr. Dickey) on the principle of insolvency. In his (Mr. Dever's) experience he had found the principle of insolvency a good one. It gave the unfortunate and honest debtor, who, by some misfortune, was unable to meet his whole indebtedness, a chance to see his creditors, and give them all he had equally, instead of, as under the old system of execution, letting or giving one creditor all and the others nothing, while the poor unfortunate debtor was frightened from making succeeding attempts to retrieve his lost business and possible wealth—fearing the unsatisfied claims of his late creditors might come down on him ere he was able to meet them. It was true a great deal of what his hon. friend from Nova Scotia had said was perfectly true. Debtors were too apt to consider it no shame to plunder and waste property of their creditors, and then seek relief by such a bill as this, and come out better off than they should be at the expense of their creditors. He trusted though this Act would not enable such conduct to go unpunished—even the creditor did not get much—and he was now prepared to give it his support in Committee of the Whole.

The motion for the second reading was carried, after which the House went into Committee of the Whole on the bill.—Hon. Mr. Bellerose in the chair.

The Committee passed the first eight clauses, after which it rose, and obtained permission to sit again to-morrow.

Several bills were received from the House of Commons and advanced a stage.

The House adjourned at half-past eleven o'clock, P.M.

Saturday, April 3, 1875.

The Speaker took the chair at three o'clock.

THIRD READINGS.

The following bills were reported from the Banking and Commerce Committee, and read a third time:—

An Act to legalize a certain agreement between the Niagara Falls International Bridge Company and the Niagara Falls Suspension Bridge Company, and the Great Western Railway Company.

An Act to change the corporate name of the St. Lawrence Steam Navigation Company.

An Act to authorize the Canada Southern Railway Company to acquire the Niagara and Erie Railway.

A WINTER STEAMER FOR P. E. ISLAND.

HON. MR. HOWLAN said he wished to call the attention of the House particularly to the fact, in connection with the subject of his enquiry, that the contractor had the right for the next ten years to run a boat, and even if he performed the service inefficiently, he was entitled to three months' notice before any change was made. He believed it was admitted on all hands that the present boat was totally inefficient, and he wanted to ascertain if the Government knew whether the contractor was building another boat. If he was not, it would be necessary to give him the three months' notice early, as it would take eight or nine months at the very least to construct a suitable steamer; and unless Ministers had proof that he had such vessel in course of construction—one up to the requirements of the contract—next year would be a repetition of the present, and they would be getting nothing for a large expenditure. This ferry service was one of the terms of Confederation, the cost of which did not come out of annual revenue, but from the consolidated fund. A proper boat could be got for \$50,000, entailing an interest charge of \$2,000 a year. There was a considerable difference between this sum and the \$8,000 Government paid now for an inefficient boat. Such a vessel might be got as did not float in Dominion waters. The one thought of for this service would

have engines of 150 horse-power, and might be made of great service to the Marine and Fisheries Department in the Gulf, as a light-ship at times, while at others she could be used as a tug in the St. Lawrence, in cases of disaster. A gentleman was here with a model of a boat, which he (Mr. Howlan) and other gentlemen from Prince Edward Island agreed would more completely meet the necessities of the case than any they had yet seen. They believed if a steamer was constructed on this principle, she would suffice for the service. At the same time he wished no injustice done the contractor, who might have a similar vessel ready; but if there was none such, he held that the Government should immediately give the three months' notice to have the contract annulled, and another made with the owner of this model or some other gentleman. It was proposed the Government should purchase the boat after the constructor had proved beyond a doubt that the service could be performed by her, and received fair compensation for work of the trial period. That would be the better way of meeting the difficulty. He believed the Government were spending money foolishly at present. His only wish was to get an efficient boat, believing that we were paying more for that now running than would procure such a vessel. It was important for all the Maritime Provinces that a good steamer should be put on the route, because it might thus be demonstrated that the winter navigation of the St. Lawrence was practicable. The best informed men of Prince Edward's Island affirmed that it was. He was convinced the Government was desirous of carrying out fairly this stipulation of the Union—the maintenance of a winter steamer, but through the mismanagement of the Post Office Department the money had been spent without securing the performance of the work. He was quite satisfied that a boat built on the model and lines proposed by Mr. Sewell, of Quebec, could perform the service successfully. He did not think any boat he had seen would answer. Having made a mis-step in the first place, Government ought to be careful how they proceeded in future.

The present contractor ought to be building a suitable boat; if not, the three months' notice should be given to him immediately. He would ask whether the Government have cancelled the contract for the winter steamer at Prince Edward Island by giving the contractor three months' notice, as required by the terms of the contract; if not, whether they have information that at the present time he has under construction a new boat, in accordance with the Government specification, so as to perform the next nine years of his contract. And if the contract is cancelled, what arrangement the Government purposes making for the carrying out of that item in the terms of Confederation with said island.

HON. MR. SCOTT said the Government had, as yet, given no notice of the annulment of the contract. They were aware of great difference of opinion as to the possibility of the scheme. However, they were most anxious to give it the fullest trial, and the sum of \$15,000 was put in the estimates this year for this ferry service. The contractor wanted \$20,000 a year. The \$15,000 was voted with a view to inducing some builder to construct a boat to perform the service, or, at all events, to make the attempt. The matter was engaging the attention of Government, and he hoped they should have a winter boat, if it was possible, to cope with the present difficulties of navigation in this season.

HON. MR. HOWLAN again urged a prompt contract for the boat, as it would take eight or nine months to build and equip her. Otherwise, next year would witness a repetition of past difficulties.

HON. MR. HAYTHORNE said the reply of the Secretary of State was by no means satisfactory. It was impossible to extemporize a boat for such a service, and therefore he urged early action, to be in readiness for the exigencies of next winter.

BEACON LIGHTS NEAR TADOUSAC.

HON. MR. PRICE, on rising to speak to the motion in his name on the Orders, was understood to say that last session \$1,000 was placed in the estimates for the building of beacon lights at the island near Tadousac,

County of Saguenay. Any one acquainted with the navigation of the Lower St. Lawrence was perfectly aware it was impossible to put up lights, as projected, at this spot. The water was so deep, and the cliffs so high and perpendicular, that there was no means of carrying out this object. He was quite surprised, therefore, to find this sum in the estimates, but learned it was placed there through the representations of the member for Charlevoix, the neighbouring county. On enquiry, he had learned that a light-house was to be erected to provide a place for the brother of that member, who could not be provided for anywhere else. He (Mr. Price) had the testimony of pilots and captains of steamers running to the Saguenay, to the effect that the proposed lights were unnecessary, and likely to prove dangerous to vessels by drawing them out of their safe course. He had acquainted the Marine and Fisheries Department and the Minister of Public Works with these facts, but, meantime, had heard the member for Charlevoix had managed to get another light-keeper to resign, so as to afford a berth for his (the member's) brother. He heard the contract for the lights at Tadousac was to be carried out. He protested against this objectionable expense, in order that the Government might enquire into the matter before proceeding further. All they wanted at the entrance to the Saguenay was a small steam-whistle which could be heard two or three miles off, and would not cost above \$250. If the rest of the money was spent for improvements at Chicoutimi, some good might be done. Instead of a general call for tenders being given, as it should be in these cases, a notice was stuck up at the Court House door or the bridge. Several persons in Quebec would readily tender for these works did they ever hear of them. He knew the reason for giving the tenders to the favored parties, for they had boasted of it for a long time previous, but was it fair in Government to take such means to please a partizan, who, some day or another, would regret giving him their support, as he (Mr. Price) had done. (Hear, hear, and laughter.) When the light-house was erected at

Seven Islands he notified the Government it would be the cause of more shipwrecks than benefits, and such had been the case, as the steersmen took it for the light at Point des Monts, all the wrecks at that place being due to that light. Yet it was proposed to spend \$7,000 more in these lights to provide for Mr. Tremblay's brother! (Hear, hear.) He urged the Government to pause and enquire before proceeding further, and moved,

"That an humble Address be presented to His Excellency the Governor General praying that His Excellency will be pleased to lay before this House a return of the moneys voted, and all the correspondence, reports and tenders received by the Government with regard to the Beacon Lights proposed to be erected at Tadousac; County of Saguenay."

HON. MR. LETELLIER had no objection to the motion, and would take the first opportunity to place before the Minister of Marine the information just given, but it must be given *cum grano salis*, for this reason that the hon. gentleman had not retained any of his former love for Mr. Tremblay, and this reverse of feeling might have colored his views.

HON. MR. PRICE—Not in the least. He never allowed his feelings to influence his conduct in such matters.

HON. MR. LETELLIER was ready to accept this disclaimer. It had been on the recommendation of voters as well as Mr. Tremblay that the lights of the entrance of the Saguenay were proposed to be erected; but if Government should ascertain that they would be a danger and not a protection to the shipping, they would not have them put up. He believed the hon. gentleman was mistaken as to the wrecks at Seven Islands being all due to the lighthouse there, as, but for that light, he (Mr. Letellier), might not have been present to-day. He owed to it his safety on one occasion. This work being 300 miles from Quebec, could be done more cheaply by people on the spot than by Quebec men. The advertisement could not have been published in the newspapers of Saguenay and Chicoutimi for there were none in these counties.

HON. MR. PRICE said he was not opposed to the light at Seven Islands, but it ought to be a minor light, for coasting vessels, not for vessels coming

up the other side of the St. Lawrence and making for Point des Monts—that was the source of danger.

RULES OF THE HOUSE.

HON. MR. BOTSFORD said he had already expressed the opinion that on the republication of the rules of this House, which would be necessary shortly, a copy of the Royal instructions should be added thereto, and he also thought it was very desirable that all the amendments to the British North America Act, as also any Acts relating to the constitution of the respective Provinces, and any other documents respecting the constitution, should be appended to the standing orders. Such a collection would be useful in the discussion of constitutional questions. He moved, therefore,

"That in view of the publication of a new edition of the book of rules and appendices, His Honor the Speaker be requested to examine during the recess of Parliament the rules and forms of proceeding of the Senate, and suggest to the House at the next Session of Parliament such amendments as he may deem desirable, particularly to assimilate the standing orders of the two Houses relating to private bills; also as to the expediency of inserting in the appendix all additions and amendments made to the British North America Act of 1867, and that references to all statutes, journals, Orders in Council and documents affecting the interests or Constitution of the Dominion and of the several Provinces forming a portion thereof, be noted at the foot of each page."

HON. MR. SCOTT thought the suggestion very good.

Motion agreed to.

PROTECTION TO PERSONS AND PROPERTY ON RAILWAYS.

HON. MR. SCOTT, on moving that the House go into Committee to consider the bill respecting protection to persons and property on railways, said he would accept all the amendments suggested here except one. The Minister of Public Works, who took a great interest in this matter, thought that a door for railway carriages could be made that would open outwards as well as inwards, on the removal of a bolt. He had been much impressed with the accidents resulting from inability to open these doors from the inside at critical moments. It was intended to call in the aid of skilled mechanics with a view to such an improvement. He (Mr. Scott), therefore, desired to restore the clause respecting

these doors, to carry out the original object of the measure.

After some discussion the motion was lost. Contents, 18; non-contents, 20.

HON. MR. SCOTT then moved that the order be discharged (abandoning the bill.) Carried.

SENATE DEBATES.

HON. MR. DICKEY moved the adoption of the third report of the Select Committee on printing and publishing the debates of the Senate. Carried.

ELEVENTH REPORT OF JOINT COMMITTEE ON PRINTING.

HON. MR. SIMPSON moved the adoption of the eleventh report of the Joint Committee on Printing. Carried.

GATINEAU BOOMS AND WORKS.

HON. MR. READ, in moving the consideration of the third report of the Select Committee on Gatineau Booms and Works, said it will be in the recollection of the members of the House, that in moving for a Committee to enquire into the construction of the booms, piers and other works on the Gatineau River in the spring of 1874, I did so without making any remark or giving any explanation, as I had agreed with the leader of the Government in this House on the names that were to be moved as the members to compose that Committee. As the Government have repeatedly complained against any interference of this House in the Executive Administration of the Departments, I for one feel it is our duty, as well as our privilege, to enquire into any Administrative Act where in our opinion an injustice has been done to any of Her Majesty's subjects, and I think before I take my seat I will show conclusively that this is a case demanding a Parliamentary investigation and interference, as in the Committee they were unanimous that justice had been meted out to the complainant. Booms and piers were to be built on the Gatineau River. Tenders were asked for, and advertised only in one paper, and that for only five days (a very strange circumstance.) This is the notice:—

NOTICE TO CONTRACTORS.

“Sealed tenders addressed to the undersigned

and endorsed ‘Tenders for Works’ will be received at this office until Saturday next, the 7th instant at noon for the following works:—

“The construction of a new boom, one mooring pier, four anchor piers and the enlargement of the present upper mooring pier at the Gatineau, about three-quarters of a mile above the mouth of that river.

“Plans and specifications for the above works can be seen on and after Wednesday, the 4th instant, at the office of the Superintendent of Ottawa River Works, where printed forms of tender and all other necessary information can be obtained.

“There will be required the actual signatures, occupations and residence of the parties tendering as well as of two responsible persons willing to become sureties for the due fulfilment of the works.

“The Department does not bind itself to accept the lowest or any tender.

“By order,

“SECRETARY.

“Department of Public Works,

“Ottawa, 2nd February, 1874.”

In response to that notice were received the following tenders:—

Schedule of Tenders received for the Gatineau Boom Extension.

No. 1—W. Palen.....	\$15,863 86
“ 2—J. Harvey.....	16,069 18
“ 3—Murphy & Braden.....	16,550 50
“ 4—Pidgeon.....	17,193 90
“ 5—Robert Stanley.....	19,131 79
“ 6—J. Lyons.....	19,415 01
“ 7—F. McKenna (drawing chains only).....	

By this it will be seen Wm. Palen's was the lowest, but what comes next the following letters will show, and the results by evidence fully explain that John Lyons was to be rewarded for some service, and was so rewarded at the expense of the tax-payers of the country, and the work and money beside of Wm. Palen.

“OTTAWA, January 14th, 1874.

“We, the undersigned, are acquainted with the bearer, Mr. John Lyons, of Ottawa, contractor, and know him to be a good and competent person to fulfill whatever undertaking he tenders for. We have confidence in his sobriety and honesty of purpose and industry, and he has our earnest wishes for the success in whatever undertaking he enters upon.

(Signed,) W. H. WALLER,
JOHN P. FEATHERSTONE,
WM. FINLAND,
DR. P. ST. JEAN,
FRANCIS McDUGGALL,
CHARLES BATE.

“The Hon. R. W. Scott.”

Here commences the bargain. John Lyons is an active political canvasser, and not in accord with the present Government; the signers to this are all of the purest of Grits, one the now sitting member. We know them all except

the last signer, Charles Bate. We know C. T. Bate—it cannot be him, this letter is dated 14th January, 1874, two weeks before the general election, which was held 28th January, 1874, and it was open voting, so that we all knew how each other voted. It was necessary to secure this active man for the election—we all know the results. He having performed his part, the next thing was to get his pay. He tendered for this contract, being a mechanic, and, knowing the influences he had exerted and the friends he had at Court, he put in very high, so much so that he could not possibly get it himself. However, let us look at the influences brought to bear. Mind, these letters are not dated—a very unusual thing:—

“DEAR SIR,—The bearer is Mr. Lyons, a contractor in this city, who, I think, has tendered for the construction of the Gatineau Booms. Mr. Lyons is well recommended, and is able, I think, to fulfil a contract if the work is given to him.

“Yours, A. A. DORION.

“T. Trudeau, Esq.,

“Assistant Engineer.”

“DEAR TRUDEAU,—Mr. John Lyons has a number of friends in the city who would be gratified by our giving him some work. Can we employ him to construct Gatineau boom.

“Yours truly,
“R. W. SCOTT.”

Now, who are A. A. Dorion and R. W. Scott?—both Ministers of the Crown, writing to the Deputy Minister of Public Works, their employec; and when I show by the evidence of Joseph Sawse, Clerk of Works, Public Buildings, that John Lyons was a partner, I think I have proved my case, which is simply this—that a member of the Government agreed for political support before the election, received such support, and paid for it after the election, to the great injustice of others and a great loss to the country, and I say further, that the evidence connects conclusively the Premier with it, he having performed the act upon the recommendation of his associates. I fully comprehend what I am saying, and the evidence is now before the House for their judgment.

“OTTAWA RIVER WORKS,
“SUPERINTENDENT'S OFFICE,
“OTTAWA, 9th Feb., 1874.

“SIR,—I have the honor to transmit to the Department the tenders for the Gatineau Boom

Works, together with a statement of calculations showing the lowest tender to be that of Mr. Wm. Palen, contractor of this city.

“Mr. Palen is a practical man of much experience and his sureties are perfectly good. I would respectfully recommend that the contract be awarded to him, and as the time for doing the work is now quite limited, it is desirable that a decision should be come to at the earliest possible moment.

“I have the honor to be, Sir,

“Your most obedient servant,

“HORACE MERRILL,

“Superintendent Ottawa River Works.

“F. Braun, Esq.,

“Secretary of Public Works, Ottawa.”

Mr. Merrill at once ordered his deputy to see Mr. Palen, as the weather was unfavourable, and no time to be lost. Palen, under the orders of Merrill, on Tuesday commenced to hire men, and on Wednesday, with forty or fifty men with four teams and the deputy superintendent, Mr. Brophy, with Eastman as Government Inspector went to work, in earnest, and continued at it until Monday, when he was officially notified to discontinue work. For all the work and other expenses he has not received nor been offered one dollar, although he has petitioned the Government and presented his claim without even a reply. He says it cost him about one thousand dollars, but he claims that he was wronged by the contract being given to another, and ought to get more. It may be said, and it is so intimated by the Premier's evidence, that he had reason to believe that Palen had received improper information from the Superintendent's office of the other tenders before he mailed his, and that is the reason he gives for not giving the contract to Palen—a very poor one when we consider the evidence in connection. Mr. Trudeau, Deputy-Minister, says: “We give a day to clear the post-offices, and we do not object to receive a tender, as in time, if it bears the postmark in Montreal, a.m., on the day it should be received in Ottawa here.” Were these tenders treated, they were to be received on Saturday, 7th February, at noon? We find, although Saturday is a half-holiday, four tenders were sent to Merrill's office at the Chaudiere for extension. Merrill, thinking it something strange that only four were sent, as about fifteen persons had looked over the plans, went to the Department on Monday to enquire, as he expected others, Palen's

amongst them, when two other tenders turned up marked "too late." Palen had in the meantime enquired at the office to see what his chance was, when he was informed that no tender was received from him, but there were two there, and he pointed out one as his, and told the Department he could convince them that he had mailed his tender before noon at the Ottawa Post Office. He then got a letter from the Deputy Postmaster, which is this:—

"POST OFFICE DEPARTMENT,
"OTTAWA, 9th February, 1874.

"MY DEAR SIR,—Mr. Wm. Palen states that he dropped into the receiver's box of the Ottawa Post Office on Saturday last, a little before twelve at noon, a tender addressed to your Department; then he shortly afterwards came up to this Department to see the Postmaster General, and mentioned that he had so tendered. The Honorable Mr. Macdonald remembers that Mr. Palen did so call and make mention of his having tendered. This was between twelve and one o'clock on Saturday. Mr. Hopkirk, the Postmaster General's Secretary, also remembers Mr. Palen's visit, and that it was about half-past twelve on Saturday. Mr. Palen states that after posting his tender, he went back to the Russell House, and was some time there before he came up to the Postmaster General. The circumstantial evidence is therefore somewhat strong that the tender was posted as stated, though not taken out of the post office receiver until after twelve, as shown by the Postmaster's stamp.

"Yours truly, W. H. GRIFFIN.

"F. Braun, Esq.,
"Secretary, Public Works."

Upon this letter being produced, after consultation with the Minister (Mr. Mackenzie) and Deputy Minister Trudeau, and Braun, these two tenders marked "too late" were opened, and sent to Merrill's office for extension. I have read his report of 9th February. Nothing more appears to have taken place until it was known round town that Palen had the job. Then it appears that a member of the city called upon Mr. Mackenzie and told him that there was something wrong about Palen, and then we are led to believe, and indeed we know, these letters and recommendations were brought to bear for their friends; but how was he to get rid of Palen? Only by saying his tender was too late; and he did take that course. Now, I say most decidedly Mr. Mackenzie is guilty, and did do a very unjust act to pay for political support, as I will corroborate by Joseph Larose, who says, although the contract was with Murphy, Lyons was a partner. Here is what Larose says:

"[Joseph Larose, Clerk of Works on Public Buildings:]

"I superintended the building of the Gatineau Booms, when they were built by Messrs. Murphy, Lyons, and Samuel Bingham. Bingham built the piers, Lyons the booms, and Murphy was doing the general work. They said they were in partnership. They did their work satisfactorily.

"JOSEPH LAROSE.

"Ottawa, 27th March, 1875."

And we know as a fact that he was in partnership with the contractor, and that they made about \$6,000 between them. Now, what about the two letters being too late. Let us see what John Harvey says, who is still in the Government employ, and has been in the summer time for twenty years, and in the winter takes jobs from the Government, generally under Mr. Merrill,

"In the matter of the tender for the boom at the mouth of the Gatineau:

"I, John Harvey, of the village of Arnprior, in the County of Renfrew, and Province of Ontario, contractor, make oath and say as follows:—

"1. That I tendered for the contract of the boom to be constructed at the mouth of the Gatineau River.

"2. That my tender for the said contract was deposited by myself in Her Majesty's post office at the City of Ottawa, in the County of Carleton, on Saturday last, in the forenoon, addressed 'F. Braun, Esq., Secretary of Public Works, Ottawa,' and marked on the outside 'Tender for Gatineau Boom.'

"3. That immediately after I had deposited the said tender as aforesaid in the post office, I went down to the Russell House, and met William Palen on the street opposite the Russell, and he asked me if I was putting in a tender for the Gatineau boom, to which I answered 'Yes.' 'I have just now dropped my tender into the post office,' I said. Palen then told me that he had put in his tender.

"4. That previously to putting in my tender, I went to the office of Horace Merrill, Esq., to examine the plans and specifications for the said boom; that I saw Mr. Merrill on that occasion, and that the only question I asked respecting the works was if the timbers and plank mentioned in the specifications were on hand. And I positively and solemnly swear that I had no conversation with Mr. Merrill before I had deposited my tender in the post office as aforesaid, as to the prices or costs of the materials or the work; nor did I ask, nor did he inform me, what his estimate of the costs of the work was.

"5. That the 'twelve o'clock noon gun was fired on the Government Hill while I was holding the conversation referred to in the third paragraph of this affidavit with said William Palen, and that I had previously deposited my tender in the post-office, as already stated.

"JOHN HARVEY, Contractor.

"Sworn before me at the City of Ottawa, in the County of Carleton, this 13th day of February, A.D., 1874.

"THOS. LANGRELL, J.P."

There is evidence that at least his tender was in the post office in time, and his was one of two marked "too late" and opened afterwards; but it will be seen that his was higher than Palen's. Now this man came from Arnprior to tender, and tells the Committee what he did exactly. Here is another affidavit of Palen's also:—

"In the matter of the Gatineau Boom Contract:

"I, William Palen, of the City of Ottawa, in the County of Carleton, contractor, make oath and say as follows:—

"1st. That I tendered for the construction of the Gatineau Boom in accordance with the advertised conditions calling for such tender, as published in the *Ottawa Times*, and that my tender was by myself in person deposited in the post office in the City of Ottawa, at least twenty minutes before twelve of the clock of the forenoon of Saturday, the seventh day of February instant. To this fact, without any reservations whatsoever, I solemnly swear and make oath.

"2nd. That I have been informed, and verily believe, that my tender was opened, extended, and found to be the lowest of any tender received; that notwithstanding that fact, and that I had already made commencement of the work, it was taken from me and awarded to another and higher tenderer, on the grounds—as I am led to believe through private and public sources, notably through the columns of the public press, to wit, the *Montreal Herald* of Saturday, the 21st day of February instant—that I had improperly obtained information respecting the prices contained in the other tenders for the said work, before depositing my own in the post office, as aforesaid.

"That on the face of such charge it would appear that such information must have been obtained from Horace Merrill, Esq., Superintendent of Public Works for the Ottawa, to whom was entrusted the duty of extending and making up the gross amount of the said tenders, or from some one or other of his assistants.

"I solemnly swear that beyond the ordinary and necessary communication which I had with Mr. Merrill, for the purpose of framing my tender, the plans and specifications being in his charge, I had no communications of any kind whatever with Mr. Merrill, or any of his assistants, respecting the said contract after that I had deposited my tender in the Post Office in Ottawa before twelve o'clock of the forenoon aforesaid.

"That I never did know, and do not now know, the amounts of the tenders of the contractors for the said work other than my own, and that I never asked and never was supplied with any information respecting such tenders.

"That I have been a contractor for the last twenty-five years, and have always tendered on my own responsibility, without regard to the prices of other contractors, and to the best of my knowledge and ability.

(Signed,) WM. PALEN.

"Sworn before me at the City of Ottawa, in the County of Carleton, this 27th day of February, A.D. 1873.

(Signed,) GEO. HAY,

"A Justice of the Peace in and for the County of Carleton."

I think I have clearly shown that these two tenders were in in time, and have fully substantiated that the contract was taken from Palen and given to Lyons, Murphy, and Bingham, to pay for their support to the city member, who called upon Mr. Mackenzie when it was found that Palen had been set to work by Merrill. All the witnesses before the Committee are now in the Government employ, and after I had finished the investigation the friends of the Government informed us Mr. Mackenzie wished to be heard, and after he was so heard I thought it only fair Palen should be heard also. I called him accordingly. Let us see what the person superintending the works says:—

"In the matter of the Gatineau Boom Contract:

"I, Alfred Aubry, of the City of Ottawa, in the County of Carleton, carpenter, depose and say as follows:—

"1st. That on Tuesday, the tenth day of February instant, I was engaged by William Palen, Esq., of the City of Ottawa, to take charge of the works in constructing a retaining boom and piers at the mouth of the Gatineau River, for which the said Palen informed me he was contractor. I was engaged as foreman over the said works.

"2nd. That on Wednesday, the 11th instant, I proceeded with a force of thirty-five men and four span of horses to the site of the proposed works, and commenced operations in accordance with the plan and specifications. I was acting under the advice and orders of the Inspector of the said works, John Eastman, who assisted me in laying out part of the work and gave me the pattern of the boom. That the said force of men and horses were as many as could be advantageously employed in the mere commencement of the work and until it got properly under way.

"3rd. That I continued to work at the said boom with the men under my charge without any interruption whatsoever until Saturday, the fourteenth instant, when, between the hours of three and four of the afternoon, several persons—about five in number—came to me at the said works whilst I was engaged about my ordinary business, and verbally requested me to desist.

"4th. That among the said persons I knew Mr. Brophy, Murphy, Lyons and Eastman. Mr. Brophy told me that the contract had been taken from Mr. Palen and given to Mr. Murphy, and that I would stop working. I asked if he had any written authority. He said not—that it was not necessary, but that I had better give up working for Palen and hire with Murphy. This I refused to do, stating that I must see Mr. Palen. They then went away, Mr. Lyons, whom I understood to be a partner of Mr. Murphy's, stating that he would bring a gang of fifty men on Monday and drive me off.

"5th. That on Monday morning I again proceeded (with an increased force of men,

as the requirement of the work required) to the boom, and continued to work thereat until ordered to desist by my employer—Mr. Palen. At noon on Monday I paid off my men and retired from the work.

"That, from my knowledge of works of a similar character, the work would have been satisfactorily completed within the time specified, as the force of men I supplied was amply sufficient, and that the interruption of the work under the control of Mr. Palen has been a serious loss and damage to me and to the other workmen employed.

"(Signed) ALFRED AUBREY.

"Sworn before me at the city of Ottawa, in the County of Carleton, this eighteenth day of February, A.D., 1874.

"(Signed) THO. LANGRELL, J.P.,

"A Justice of the Peace,

"In and for the County of Carleton."

I hope I have made it clear to this House that a great injustice has been done, and it is a proper subject for this House to take up, with a view to the remedy, and I now move that this report be now concurred in:—

"THE SENATE COMMITTEE ROOM,
1st April, 1875.

"The Select Committee appointed 'to enquire into all matters connected with the construction of booms, piers and other works on the Gatineau River during the spring of 1874, with power to send for persons, papers and records, and to report from time to time,' beg leave to make the following as their third report:—

"The Committee have examined the following persons, viz:—

"Mr. G. P. Brophy, Assistant Superintendent of the Ottawa River Works;

"Mr. F. Braun, Secretary of the Board of Public Works;

"Mr. T. Trudeau, Deputy Minister of Public Works;

"Mr. Horace Merrill, Superintendent of the Ottawa River Works;

"Mr. W. H. Griffin, Deputy Postmaster General;

"Mr. John Harvey, contractor;

"Mr. Alfred Aubrey, carpenter;

"Mr. Joseph Larose, Clerk of Works, Public Buildings;

"The Honorable Mr. Mackenzie, Minister of Public Works, and Mr. William Palen, contractor, and the documentary evidence connected with the subject, copies of which, with the evidence, accompany this report.

"It appears that tenders were called for by the Department of Public Works on the 2nd of February, 1874, for certain work connected with the Gatineau booms, to be sent in by noon of the 7th February. That on the afternoon of that day, Mr. Trudeau, the Deputy Minister, and Mr. Braun, the Secretary of the Department, proceeded to open such tenders as had been received, being four in number, and these tenders were sent to the Superintendent, Mr. Merrill, to be extended; subsequent to these tenders being opened, two other tenders were received by the Department from the Ottawa Post Office, stamped 'p.m., Saturday, the 7th,' and marked 'too late' by the offi-

cers of the Department. In consequence of information received by the Minister of Public Works (the Honorable Mr. Mackenzie), he directed these tenders to be opened and sent to the usual officer to be extended, and they, upon examination, showed Palen's to be the lowest. That Mr. Merrill, the Superintendent, upon ascertaining this fact, without authority from the Head of the Department, sent for Palen on Monday, the 9th, and informed him that he had the contract, and that he must proceed without delay to execute the work, as the state of the weather rendered it imperative that the work should be done at once.

"That in consequence of this direction from Mr. Merrill, Palen commenced immediately to make the necessary preparations to carry on the work, and continued to employ men and teams, and provide material until Monday, the 16th, when he received the first official information that the contract had been awarded to another party, and at once ceased to work.

"That the reasons given by the Honorable Mr. Mackenzie, the Minister of Public Works, for awarding the contract to Murphy, are thus stated in his evidence, viz:—

"I had reason to believe immediately afterwards that there was a doubt whether they were so mailed or not, that Mr. Merrill had communicated to Mr. Palen that his tender was the lowest. I thought this conduct very singular on Mr. Merrill's part, and I sent for him and asked him if he had made this communication. He admitted he had. This being so very unusual a thing to happen in the department, and it being possible for any person to get information from Mr. Merrill's office in time to put in a tender, after the time mentioned in the advertisement, we determined in consultation (Mr. Trudeau and myself,) to adhere rigidly to the rules of the department. The circumstantial evidence pointed strongly to the conclusion that information had been improperly obtained, but there being no direct evidence to implicate Mr. Merrill's office, I took no further steps."

"From the evidence, however, before the Committee, it seems clearly established that the two tenders marked 'P. M.' in the Ottawa Post Office, and 'too late' in the department, were duly posted before the time mentioned in the advertisement calling for such tenders.

"That under all the circumstances of the case, the Committee is of the opinion that Palen should be refunded the actual cost he incurred in the work performed by him, which according to the evidence appears to have been about \$1,000.

"Your Committee recommend that an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct that steps be taken to reimburse William Palen for expenses incurred by him on the works connected with the Gatineau River Booms.

"All which is respectfully submitted.

"ROBERT READ, Chairman.

"A. E. EOTSFORD,

"JAMES R. BENSON,

"CLEMENT F. CORNWALL,

"BILLA FLINT."

It being then six o'clock, the House adjourned.

After recess,

The House met at eight o'clock, and resumed the debate on the report of the Gatineau Booms Committee.

HON. MR. LETELLIER DE ST. JUST said the Chairman of the Committee had shown considerable warmth in his presentation of the case which, however, was no more than he had expected. He (the Chairman) had stated that he had succeeded in proving that a great wrong had been committed, and that the Premier was not free from blame: that this wrong had been committed for a particular purpose, which was to favour a certain election at a time that the contract was given, and that he had full evidence to prove that this was actually the case. As to this contract having had anything to do with the election he (Mr. Letellier de St. Just) affirmed there was not the shadow of proof, and after looking over all the evidence laid before the Committee, the House could say that this part of the allegation made by the hon. gentleman had completely fallen to the ground. As to the giving of the contract the statement made by the Premier showed distinctly that the party who was claimed to have been injured by the action of the Premier suffered only because he had not complied with the conditions of the tender. It appeared that an employé of that department, without any authority from the Premier, had taken it upon himself to state to the party whose tender arrived too late that he was to get the contract, and that when the Premier was informed of the case he said he did not like to leave the administration of his department in the hands of a man who had no authority to dispose of the contract, and that he was disposed to accord the contract according to the conditions of the tenders placed before the public. But if on the other hand, it had been a friend of the Government who was favored by his tender arriving too late, what would have been the cry raised by the hon. chairman of the Committee? Even this, that notwithstanding the tender was made after the time prescribed, the Government had given the contract to one of its own friends. That would then have been the com-

plaint of the hon. gentlemen. The Premier had acted in the matter precisely as he was bound to act. It was no doubt much to be regretted that an employé of that department had taken it upon himself to give such information to one who had no right to have the contract. And it was also much to be regretted that Mr. Palen, on the strength of the information wrongfully given him, should have gone on to make considerable expenditure in the accomplishment of the contract. Every one would admit that there should be certain rules and regulations with regard to the giving of contracts, which ought to be strictly carried out. That is to say, after the time had elapsed during which tenders were to be received, any one tendering after that ought not to be allowed to take a contract out of the hands of a *bonâ fide* and accepted tenderer on the strength of outside information, which he had no right to receive, and which had been wrongfully communicated to him. He (Mr. Lotellier de St. Just) would not attempt to notice all the accusations that had been brought by the hon. gentleman against the Department, but he must say that the temper in which he had brought this matter before the House, and in which he had assailed the Government, betrayed a motive other than that of doing justice to the party claimed to have been wronged. The conclusion of the report was to the effect that the damage which, in the opinion of the Committee, had been done to Mr. Palen, must be repaired. He (Mr. Letellier de St. Just) hoped Mr. Palen would not suffer from any damage he might have sustained in the matter, but, on the other hand, he must say that his interests would have been better served and protected if he had left them in other hands. Still, justice was the same everywhere, and if any good cause could be made out in his favor, it would be the duty of the Government to render him that justice. He was bound to say that the last portion of the report was not prepared in such terms as would lead the House to consider the matter in the same light the Committee appeared to have done. He was perfectly satisfied that the members of the Committee had done their ut-

most to render justice to all parties, but he believed they had erred in making the recommendation contained in the conclusion of their report. He believed the action they recommended the Senate to take was unconstitutional under the 54th clause of the Act of Confederation, and it was his intention to refer the matter to the decision of the Speaker.

HON. MR. SCOTT thought the hon. gentleman opposite (Mr. Read) was not justified in coming to the conclusion that the Government had taken any action in the matter, either one way or the other. The officers of the Government were guided by the usual practice, and that practice was justifiable. He proceeded to comment upon some of the evidence, holding that the action of the Government had been wholly unbiassed by any political motive, as had been the burden of the charge of the hon. gentleman opposite. Government had no objection to the hon. gentleman going as fully as he pleased into this case, since it was one that, on the very face of it, showed that a fair and straightforward course had been adopted by them. The members of the Government probably knew nothing about the matter personally, and he believed all the officers of the Government had acted fairly and according to law. Giving contracts was a very delicate matter, and it was necessary that both sides should conform exactly to the terms of the tender. But it must be manifestly improper for this House to assess the sum of \$1,000 against the Government. The Committee had arrived at this conclusion without any direct evidence, though no doubt their sympathies were affected. He did not see how Mr. Palen could have suffered in his interests—though if he had, he (Mr. Scott) would be very sorry—but no one could say from the evidence that Government were responsible for such loss. The sum due to Mr. Palen ought to be reached in some other way, that is, by the direct testimony of those acquainted with the facts.

HON. MR. BOTSFORD proposed to consider this matter under two points of view, one, the right of this House to pass the address recommended in the report, and the other, the merits of

the case itself. He could not agree with the interpretation the hon. Minister of Agriculture had put upon the 54th clause of the Act, and maintained that this House possessed the same rights and privileges in analogous cases as were possessed by the English House of Commons in 1867, at the time of the passage of the British North America Act. By that Act the powers of the House of Commons were abridged, but those of the Senate remained intact. As the English House of Commons had clearly the right to originate money bills, this Senate had clearly the right to make the recommendation contained in the report. He then proceeded to show that the English House of Commons, in 1867, possessed the power which he now assumed for the Senate, and that they had exercised that power until this day, that is, they possessed the right of making expenditures of money, without their having been sanctioned by the Crown. The hon. gentleman went on to refer to numerous precedents in the proceedings of the British Parliament, and to quote from May's Parliamentary Practice to show what had been the rights and privileges of the House of Lords, and that in particular they had exercised the right of instituting inquiries into matters which involved the expenditure of public money. He proceeded to state that according to these precedents the adoption of the report recommended by the Committee was clearly within the jurisdiction and power of the Senate. He regarded the present inquiry, not as one into the conduct of the Government, or of any officers of the Government, but as an inquiry into the claim of an individual, to be reimbursed for certain expenditures he had made upon a public work. He did not attach any blame to the Minister of Public Works or to his deputies. The only one to blame was the Superintendent, who, however, had acknowledged his error, under whose authority Palen had gone on and done a large amount of work. The evidence of Palen himself, was to the effect that he had sustained a loss of \$1,000, and he (Mr. Botsford) did not believe that sum to be an over estimate.

HON. MR. MACPHERSON said this question had assumed much larger

proportions than had probably at first been anticipated. The question of jurisdiction which had been raised, was so important that he would like to have the whole matter postponed until Monday, in order that we might have time to consider it as its importance deserved. He would therefore ask the Hon. Minister of Agriculture not now to press his question of order.

HON. MR. LETELLIER DE ST. JUST consented to postpone the decision of the point of order he had raised, and the debate was then adjourned until Monday.

QUEBEC GRAVING DOCK.

The House went into Committee of the Whole on the Quebec Graving Dock Bill.—Hon. Mr. Chapais in the chair.

The Committee, after a short time, rose and reported the same with amendments, which were concurred in.

SEAMAN'S ACT.

HON. MR. SCOTT moved the second reading of the bill extending the Seaman's Act of 1873. He explained that great inconvenience had arisen between the masters and sailors of vessels on the inland waters of this country in consequence of desertions, and in many cases when vessels called at American ports the crews had left the vessels, and great anxiety and loss were the consequence. This bill provided that when a master hired a crew an agreement must be entered into with them, which must be registered in the ship itself. No extra expense attended this measure.

The bill was read a second time.

APPROPRIATION OF LANDS BY RAILWAYS.

The House went into Committee of the Whole.—Hon. Mr. McClelan in the chair

HON. MR. BUREAU said this was a very short bill, and proposed to repeal section twenty-eight of the Railway Act of 1868. That section provided that when a railway company wished to take possession of lands for the construction of a railway they had to apply to a judge, and on giving security for twice the value of the land, the judge gave permission to the company to enter into possession of the land. But the experience of the last year or two had proved that this system of giving securities was contrary to the interests of the owners of the land. At the end

of four weeks the companies were bound to pay the amount of the expropriation, but in many cases the companies would not pay this amount, and there were some railways in the Province of Quebec which had obtained possession of the lands from the judge, and though a long time had elapsed, had not yet paid for them, and probably the proprietors in many cases would lose their lands altogether. For time to come, he proposed to repeal the 28th section, granting that power to judges, and to place it in the hands of juries; and after the railway company had come in possession of the lands, if they did not pay for them after a certain time, they would be treated for contempt of court.

HON. MR. DICKEY expressed his opinion that this bill was brought in to meet an exceptional case. He quoted from the Railway Act of 1868, which enabled companies to get possession of land by going through certain processes. He had heard no complaint about the Act anywhere else, and he did not see why his hon. friend wished to have that part of it repealed. He hoped the bill would be rejected.

HON. MR. PENNY thought the legislation proposed in this bill was needed. He knew of a line of railway 100 miles in length, the land for which the company had not yet paid a cent for. His hon. friend (Mr. Bureau) had nothing to do with the object of the bill except so far as the public was concerned.

After some further conversation, Hon. Mr. Bureau consented to strike out the two sub-sections to which objection had been taken.

The bill was then reported with the amendments which were concurred in.

PRINTING.

HON. MR. SIMPSON moved, seconded by **HON. MR. AIKINS**, the adoption of the twelfth report of the Joint Committee on Printing.

THE INSOLVENCY BILL.

The House then went into Committee of the Whole on the Insolvency Bill.—Hon. Mr. Bellerose in the chair.

Several suggestions of amendments were made, which Hon. Mr. Scott promised to lay before the Government.

The House adjourned at thirty-five minutes past eleven o'clock, P.M.

Monday, April 5, 1875.

The House met at three o'clock.

HON. MR. HAMILTON, for the Committee on Banking, Commerce and Railways, reported without amendment the bill to change the name of the Mutual Insurance Company of Canada to that of the Dominion Mutual Life Assurance Company, and to amend their Act of Incorporation. The bill was read a third time and passed.

HON. MR. HAMILTON, for the same Committee, reported without amendment, the bill to incorporate a company to construct and operate a railway from the Red River, in the Province of Manitoba, to a point in British Columbia, on the Pacific Ocean. The bill was read a third time and passed.

HON. MR. HAMILTON, for the same Committee, reported, with various amendments, the bill to incorporate the Quebec and Lake Huron Direct Railway Company.

HON. MR. LETELLIER DE ST. JUST requested that the question of concurrence be postponed, and that the bill be taken into consideration at the next sitting of the House.—Agreed to.

HON. MR. BOURINOT inquired whether the Government had come to a decision for the immediate erection of the Marine and Quarantine Hospitals at Sydney, Cape Breton; also requested that the names be given of the respective sites, with the sums to be paid the builders, and the owners of the sites? He stated that some time ago he had moved for some papers in relation to the Marine and Quarantine Hospital at Sydney. In looking over the tenders, he found that five had been sent in for the erection of the Marine Hospital. He would only mention the two lowest—one from Abner McKeen for \$6,720, the other from Patrick O'Toole for \$8,898; the latter, although the highest, had the contract awarded to him, having received official intimation from the Dominion Government to give the required bonds, &c. He left his home at Louisburg and went to Sydney, a distance of twenty-six miles, to comply with the order, but to his great astonishment he was informed on his arrival there, by the gentleman acting on behalf of the Government, that they had

reconsidered the matter, and had decided to give the work to Abner McKeen. Now he (Mr. Bourinot) wished to ascertain why the Government had changed their mind; evidently there was some good reason for refusing the lowest tender in the first instance, and some mysterious influence had evidently induced the Minister to change his views. Patrick O'Toole had, at much inconvenience and expense, gone a long distance, at an inclement season, at the instance of the Government. He wished, then, to know clearly and explicitly why he had been so deceived; had the lowest tender been increased, or a promise to be so on the completion of the work? He wished, also, to know the sites determined on for both hospitals, and the prices given for them.

HON. MR. SCOTT replied that he had information only in regard to one hospital, as he had understood that the notice of enquiry only referred to one. He would say that the Government intended proceeding with the erection of a Marine Hospital at Sydney. The site chosen was the property of A. J. White, and the price to be paid therefor was \$800. One other proposed site was Point Edward, the property of the Imperial Government, but seeing they could not obtain Point Edward, they purchased the other site at the price named. With regard to the other points of his hon. friend's inquiry, he was not able to answer just now, but he would endeavor to get further information regarding the matter to-morrow.

THE INSOLVENCY BILL.

HON. MR. SCOTT moved the House go into Committee of the Whole to resume the consideration of the Insolvency Bill.—Hon. Mr. Bollerose was called to the chair.

HON. MR. SCOTT moved the adoption of clause 125, which, he explained, related to imprisonment for debt, and was in the Act of 1869. Carried.

Clause 128, regulating the power of appeal from the order of the judges in Quebec and elsewhere, was agreed to. Mr. Scott explained that all the clauses respecting frauds and preferences were the same almost as those of the Act of 1869. The alterations were very few. They were all agreed to.

HON. MR. RYAN moved an amendment of the 29th clause, requiring a majority of the creditors in number and value to be present at the first meeting, which, after some discussion, was accepted. The hon. gentleman next proposed an addition to the 45th clause, providing that no inspector or assignee of any insolvent estate should purchase any portion of the debts or assets thereof. He also moved an amendment of clause 47th to oblige assignees who had not rendered an account of insolvent estates, under the previous Act, to do so, and to deposit any surplus funds arising from those estates with the Government. Carried.

HON. MR. PENNY moved an amendment of clause eighty-four; to simplify and condense a portion of its language, and render the meaning clear. He proposed the use of the language of the Scotch Act. Carried.

The bill having been gone through and reviewed,

HON. MR. SCOTT moved the Committee rise and report the bill with amendments, also concurrence therein. Carried.

LANDS FOR RAILWAYS.

HON. MR. BUREAU moved the third reading of the bill to amend the law respecting the appropriation of lands by railway companies. Carried.

INSPECTION OF PRODUCE.

HON. MR. SCOTT moved the third reading of the bill to amend the law relating to the inspection of staple articles of produce. He explained that it required pickled fish and fish oils, designed for exportation, or a foreign market, to be inspected. It would apply to all the Provinces but British Columbia and Manitoba.

HON. MR. HOWLAND asked what reason was there for an alteration of the existing Inspection Law.

HON. MR. SCOTT replied the bill was intended to exempt from its provisions British Columbia and Manitoba.

HON. MR. DICKEY said this inspection was to be compulsory in all cases of the removal of fish from one part of the Dominion to the other. The clause was rather involved.

HON. MR. SCOTT promised to call the attention of his colleagues to the matter. Motion agreed to.

HARBOR MASTERS.

HON. MR. LETELLIER moved the second reading of a bill to amend the laws respecting the appointment of harbor masters. He said the object of the bill was to have these officers wholly paid by the fees on vessels visiting the ports, instead of but partly, as hitherto. Registered vessels of 50 tons and under would pay a fee of 50 cents for each visit to two, but nothing for the subsequent visits; vessels of over 50 tons would pay \$1, only two visits in the year in this case, also, to be charged.

After some discussion, the motion was carried.

HURON AND ONTARIO SHIP CANAL.

HON. MR. ALLAN moved the second reading of the bill respecting the Huron and Ontario Ship Canal Company, whose object, he explained, was to extend the time for the completion of its undertaking. Carried.

CAPE RACE LIGHT-HOUSE.

HON. MR. SCOTT moved the second reading of the bill to repeal the Cape Race Light-House toll law. He said it was intended to relieve shipping of the toll levied on passing Cape Race by the Prince Edward Island Government.

HON. MR. HOWLAND stated that new ships, on their first voyage to England, had been charged a toll, as a contribution to the expense of this light-house, which the Newfoundland Government erected. Prince Edward Island collected this toll for that government. He did not know whether the loss of this toll to the Newfoundland authorities would be made up by the Dominion Government. Motion carried.

VIOLENCE AND THREATS BILL.

HON. MR. SCOTT moved the second reading of the bill to amend the criminal law relating to violence and threats. Carried.

House adjourned at six o'clock.

The House met at eight o'clock.
The Insolvency Bill was read a third time and passed.

THE SUPREME COURT BILL.

HON. MR. LETELLIER moved the second reading of the bill to establish a Supreme Court. He said it had been carefully considered by the best minds and highest legal authorities in the House of Commons. It was founded, moreover, upon the Confederation Act, the framers of which contemplated the necessity of this court at a future day, for the final decision of civil and criminal cases of appeal. Sir John Macdonald had brought a similar measure before Parliament on two occasions, with a view to carrying out the understanding at Confederation. When this court was first proposed there were fewer difficulties showing its necessity than at present—fewer conflicts of jurisdiction; the requirements of the country had increased with its extension and growth, and to-day its standing was such as to demand imperatively a national court of ultimate jurisdiction. It was in view of these circumstances that the present Government had determined to bring in a bill to establish such a tribunal. The court would be composed of six members, to be selected from the bench of the Superior Courts of the different Provinces, or parties eligible for such position at the bar. The Chief Justice would receive a salary of \$8,000, and the other judges \$7,000 each. Two were to be selected from Lower Canada. He admitted this was an exceptional principle, but the peculiar circumstances of Quebec justified it. Its civil rights being regulated by the French law, its people would feel more confidence in a court thus constituted, where its two representatives sit beside four gentlemen learned more particularly in the law of England and Canada. They had found with Her Majesty's Privy Council much learning, ability, and a strong desire to determine justly the cases from Lower Canada and the rest of this country, but though these hon. judges were well versed in English statutory law and in French law, they exercised a certain discrimination in the application of the French law in cases from Lower Canada, because, since the adoption of the Code Napoleon, many of the laws of France differed from the *Coutume de*

Paris observed in Quebec. The English judges learned in the present and recent French law, but not in the *Coutume*, had not been able to make the necessary distinction, or apply the *Coutume*, in many instances desirable in cases from Lower Canada. In many instances errors had resulted. The two Quebec judges would be associated with gentlemen versed in English and Canadian law, and better acquainted with the manner of its interpretation than members of the Privy Council could be. Without derogating from this respected tribunal, the Canadian Court would offer more security to us, afford greater facilities for the settlement of appeals, and prove far less expensive to suitors. As to the question of constitutionality, he believed we had ample power to establish this Supreme Court, if the British North America Act meant anything. Any doubt on this point must have been removed by the opinions expressed by members of this and the other House, of the highest standing; and he must add, it was matter for congratulation that no party feeling had marred the discussion and action in regard to this important measure. (Hear, hear.) Even those opposed to the Government had lent their best efforts to make this Act worthy of the country, a benefit to the people, and to establish a tribunal that would do honour to the Dominion. He had remarked, in French, how difficult it would be for British Canadians to put confidence in the decisions of the Court des Cessions, of Paris, learned and able though its judges were, and because of their not being thoroughly versed in the laws of this country. The French Canadians were in a similar position with regard to the trial of their cases by the English Privy Council. Thus it was that we could have felt safer with a court composed of Canadian judges, or lawyers, some of them from Lower Canada, than with the tribunal 3,000 miles away. The bill would be discussed in Committee, and, he hoped, would be fairly considered with a view to its passage in the best possible form. He hoped all would treat it with consideration, and that its objects would be achieved in a manner advantageous to the people of Canada.

HON. MR. CAMPBELL said it was difficult to exaggerate the importance of the bill before the House, and he concurred with many of the remarks of the hon. Minister of Agriculture in bringing it before the notice of this Chamber. For many years appeals from this country to the existing Appeal Courts had been chiefly from his own part of the country, and he was, perhaps, therefore entitled to more authority with reference to the results of that system than those of us who came from some other part of the Dominion. There was certainly this to be said, that in the appeals that had been made under that system there was a great security to be derived from the permanence and stability with which the laws for many generations had been administered in England, and he thought that those who lived in the colonies had undoubtedly felt that there was great security to us to our rights and to our properties in maintaining that right of appeal which had always been the privilege of those living in the British Empire, whether or not the system which was sought to be substituted for the present one in which we had had this confidence, was one which would be followed by the same results of confidence, by the same results of stability of purpose, and by the results in the stability of the administration of law, remained to be seen. Undoubtedly one of the great elements of strength and one of the great elements of confidence which had always been felt in the administration of the laws in England, had been the reverence for authority and precedent with which the laws were now administered, and had been for hundreds of years upon principles which were studied out *au fond* by gentlemen of high education and capacity, and who possessed in that way attributes which were sometimes sought for with great difficulty in the colonies. Whether or not we could get men of that earnestness of purpose, and could get them in sufficient numbers and get them constantly in a colony comparatively small as compared with the Empire, remained to be seen. Undoubtedly there was something that recommended itself to the minds of Canadians in the establishment of a court of our own. We

all felt the desire—inherent, he supposed, in young nations—to stand upon our own strength, and to endeavor to accumulate upon ourselves all the attributes of nationality. There was no doubt something in the idea of such a court that recommended itself to the minds of those who framed the Confederation Act, as it did to us, but still those of them who were tolerably advanced in life—and he was one of the number—still felt that they had had a security in the past, and they entertained, perhaps, a little too freely, a doubt as to the future. There was, perhaps, a tendency to linger upon the system which had afforded them such perfect security in the past, and in considering this additional endeavour to take upon ourselves all the attributes of nationality there was, perhaps, in many minds a doubt as to our being able to secure all the advantages derived from the administration of law upon fixed principles which followed from the exertions and the lives of men whose learning, intelligence, earnestness of purpose, and perfect uprightiness commended themselves to the mind of every student and every person who had at all imbued himself with legal knowledge in England. He was quite ready to acknowledge, as had been mentioned by the hon. Minister of Agriculture, that this was a measure which had occupied the attention of a former administration as well as of the present one, and as such, undoubtedly, many members of this House would be disposed to give it a more favourable consideration than under other circumstances they might be disposed to do. When we came to study it more fully in detail, and to possess ourselves more completely of the provisions which the bill contained, we would be able, no doubt, to suggest changes or amendments, which might or might not receive the favourable consideration of the Government. But he thought that the bill, as it was now presented to the House, was one that ought to receive the earnest consideration of this Chamber. His hon. friend had pointed out in detail some of the provisions which it contained, but there were certain difficulties which, whether advisedly or otherwise, his hon. friend had not alluded to. There were difficulties con-

cerning the question of jurisdiction, and difficulties concerning the question of constitutionality, and perhaps upon some other points involved in the bill. He did not know whether these difficulties had suggested themselves to the mind of his hon. friend, but at this stage of the bill he did not think there was any occasion for him to enter into those points. He was anxious that the bill should be considered with all possible carefulness and deliberation, and was glad to hear that the Government proposed to allow the most ample time for the discussion of the bill. Still, however willing the Government might be to allow them the fullest time for discussion, it was somewhat difficult, at this late period of the session, to secure that consideration for the measure which its importance deserved. Even though the House might prolong its session, there was a hurried feeling on the part of members, who were anxious to get away, which would prevent that free and calm deliberation which it was so desirable that this measure should receive. It was, indeed, impossible to consider this measure as he would like to have done if it had been brought down a month ago.

HON. MR. LETELLIER DE ST. JUST.—If we had got it a month ago, it would not then have been passed by the Commons. They were fifteen days without making any progress with it.

HON. MR. CAMPBELL was quite conscious of the difficulty, and it was very embarrassing for the Government to deal with the matter in any other way. It was very difficult to get a bill of this kind through the Commons in order to present it to this House during the same session. He was anxious, as far as we could on that side of the House, to consider the measure, and see if it was one which ought to receive the ultimate vote of this Senate. He had listened with great attention to the remarks of his hon. friend, and had endeavoured, as far as one could, to appreciate them. He supposed that during some subsequent stage of the bill we would have a more laboured explanation of the details of the measure, and some discussion of the constitutional question involved, from his hon. friend or his colleague in the Government, and then the House would

be in a better position to pronounce ultimately upon the bill.

HON. MR. BOURINOT wished to offer a few remarks, and in doing so he was obliged to differ entirely from the hon. leader of the Government. In the first place this measure was not at all necessary. The cases for the adjudication of such a court were few and far between. The population of the country was so small and the means of the country so limited, that the great annual expense of over \$60,000, which this court would necessitate, was a sufficient objection to the bill to ensure its rejection by this Chamber. The country had not demanded this measure. If a Court of Appeal were required, we already had the machinery sufficient to provide one, that is, the most eminent judges of the several Provinces might be called together once or twice a year and compose a Court of Appeal, supplementing their present salaries for this extra work. Let two of the most eminent judges from Ontario, two from Quebec, and two from the Maritime Provinces, be called together for this purpose, and in ten or twelve days they would settle all the cases that would come before them, and this court would be likely to suffice for many years to come, and when the population and the revenue would admit of it, perhaps, it would then be time enough to establish such tribunal. He felt it to be his duty to oppose this bill at every stage.

HON. MR. TRUDEL said he admitted that a great deal of time and attention had been bestowed upon this measure, but he could not entirely approve of the course of the Government in asking the Senate to accept so important a bill at a period in the session when it was impossible to consider it fully. He would have preferred to see the Government consult the popular feeling in the Provinces to ascertain if this measure was generally demanded, and if so, he would have liked to have seen greater care taken that all the rights of the several Provinces were secured, a thing which did not seem to have been done. The establishment of a Supreme Court being a work of extreme delicacy, as well as of importance, under our con-

stitution, he thought it would have been better to take the opinion of the different Provinces on the matter, and if this had been done, probably a different result would have been arrived at from that now attained. For his part he thought this Senate itself should be the highest Court of Appeal for the people of the Dominion, just as the English House of Lords was the highest tribunal in the British Empire. He saw nothing in our constitution which would prevent the Government from naming seven or eight members of this Senate as a Judicial Committee which might be vested with appellate jurisdiction. His greatest objection to the bill was that it would institute another jurisdiction when we already had too many degrees of jurisdiction. He quoted from Jeremy Bentham, who stated that there ought not to be in any country more than two degrees of jurisdiction. In the Province of Quebec they already had three degrees of jurisdiction, while this proposed Supreme Court would make a fourth, and if, as many desired, the right of appeal to the Privy Council was retained, there would be five degrees of jurisdiction for that Province. He also argued that there should be some connection between the legislative and judicial powers, in the manner he had just suggested, in appointing a Judicial Committee from the Senate. The intention of the framers of the Confederation Act seemed to have been that a Supreme Court of Appeal should be created only when the assimilation of the laws of the various Provinces was completed—a process which was yet far from being realized. The constitutional difficulty was also one which seemed to him not easy to get over. He considered that by the 14th subsection of the 92nd clause of the British North America Act, the whole administration of justice, without any reserve—except that provided in clause 101, was put into the hands of the Local Legislatures of the Provinces. This bill proposed to give judges, chosen from all parts of the Dominion, power to decide civil cases, which, under the constitution, belonged exclusively to the jurisdiction of the Provincial Courts. He did not see how this court would afford perfect

security to parties claiming the protection of the laws of their own Province. How could they, in the Province of Quebec, for example, have a stronger assurance of obtaining justice in a court of six judges, of which only two were from that Province, than in their own Court of Appeals composed of five or six judges thoroughly versed in all the laws and jurisprudence which prevailed in that Province. He maintained that it was clearly beyond the power of this Dominion Legislature to abolish the right of appeal to the Privy Council, a right which at present was guaranteed to each Canadian under the laws of the several provinces. It had been decided in England that every British subject had the right of appeal to the Privy Council. He considered that the bill, in several particulars, was unconstitutional, and that the Ministry should not press its acceptance upon the Senate at this late hour of the session. It would encroach upon the jurisdiction and powers of the judiciary of the several provinces. Some of its provisions had not evidently received a sufficiently careful attention from its framers. He concluded by announcing his opposition to the bill, although some of its clauses were not objectionable. Still he would oppose the second reading of the bill, since Government had promised an ample opportunity for its discussion in Committee.

HON. MR. ALLAN agreed that the bill ought to receive the most careful consideration by this House. The establishment of a Supreme Court was a necessity that must come sooner or later, though it might be a matter of opinion whether that time had already arrived. The bill had been frequently brought up in previous sessions of Parliament and by the late Government, but somehow or other it never seemed to have made much progress, a fact which might perhaps be attributed to a general feeling that the time for the establishment of a Supreme Court had not yet arrived. He would not now pronounce for or against the bill, and wished to hold himself perfectly free to deal with it as he heard its provisions explained in Committee. He thought it was beyond the power of this Legislature to abolish the right of

appeal to the Privy Council, as that was one of the inalienable rights of a British subject. The cost of the proposed court was also a serious objection, and the state of our finances was such that we could not indulge in expensive luxuries, whether it was a Supreme Court or a Georgian Bay Branch Railway.

HON. MR. BUREAU replied to some of the objections urged against the bill by his hon. friend from De Salaberry (Mr. Trudel.) At first he (Mr. Bureau) had been disposed to oppose the bill on account of its abolishing the appeal to England, but he had changed his opinion since he had more fully reflected upon the nature of the bill. The appeal to the Privy Council, on account of its great expense, was beyond the means of every one but the most wealthy, and he had known individuals to be ruined thereby. But an appeal to the proposed Supreme Court would be within the power and means of everyone. He was quite satisfied to trust the rights of his compatriots of the Province of Quebec to this Supreme Court, as he considered their rights would be quite safe in a court of which two of the judges would have to be taken from the Bench of that Province. On the whole, he would prefer to trust the rights of French Canadians to the proposed Supreme Court than to the Privy Council; at the same time that he gladly acknowledged that they had never yet had any reason to complain with the decisions rendered by that august tribunal.

HON. MR. SCOTT had been much gratified by the observations of his hon. friend from Kingston, who had approached this question in a spirit which might have been expected from a member of the late Government, which had formerly proposed a measure of this kind. He was, therefore, quite prepared for the frank and generous way in which that hon. gentleman proposed to deal with the bill. The weight of the discussion, so far, had been upon the least important section of the bill, that is to say, upon the sentimental clause—that in reference to the Privy Council. Now, he thought it would be admitted that the deprivation of a right that had only been exercised in Ontario once in six years,

could not be a very serious matter. It was certainly the best possible evidence that the people of Ontario were well suited with the way in which the laws were administered in that Province, and with the men who administered them. In the sister Province of Quebec he would have expected that the feeling would have been very strong indeed in favour of any Court of final appeal which would have prevented suitors from going across the waters to a bench of judges, who were in one sense strangers to their laws. He thought he was correct in saying that if the public sentiment of Lower Canada were consulted, it would very largely support any measure to do away with that appeal. In a very important case that occurred lately, where nine judges took part, eight of them took one view, the ninth dissenting, and the views of the dissenting judge were those upheld by the Privy Council at home. The hon. gentleman opposite (Mr. Trudel) had thrown out a suggestion which had not occurred to him before—that was that we should ourselves constitute that high Court of Appeal, following the example of the House of Lords. He (Mr. Scott) was afraid that, considering what took place in another part of this building a short time ago, such a proposition would not meet with very warm favor in that quarter. In reference to the Maritime Provinces, he had just been informed that a case in appeal rarely went home from that quarter—only one in six or seven years. As had been remarked by the hon. gentleman from Montreal (Mr. Trudel), the Parliament of Great Britain had conceived the idea of abolishing the Privy Council, admitting that it was possible to establish a court that would receive higher consideration from the people of the Empire than the one at present existing. He believed it was conceded in the bill before the House that unless by special desire of the parties directly interested the appeal to the Privy Council would be denied. Cases might still go from the local courts to the Supreme Court or to the Privy Council, as the case might be, until the Local Legislatures had accepted the provisions of this bill. Suitors would still have a right to appeal to the Judi-

cial Committee of the Privy Council, or to whatever might be the Supreme Court in existence in Great Britain. Reference had been made to the 101st and the 14th clauses. The framers of this constitution were still alive, and it might be presumed they had in view in the framing of that clause the establishment of a court such as this bill contemplated. If the 14th clause were standing alone there could be no doubt as to its meaning, but in the 101st clause it was stated that Parliament might, "notwithstanding anything in this Act," which clearly had reference to something that had gone before. The fact that so many Acts in the different Provinces were *ultra vires* showed that a bill of this kind was necessary. For instance, in the Province of Ontario it was decided that the Legislature of that Province had the power to restrict altogether the issue of shop licenses, and to limit to any extent the issue of tavern licenses. About the same time a similar case involving the same principle was brought before the courts in New Brunswick, when an entirely opposite conclusion was arrived at. Cases of that kind were constantly arising where there was a clear variation in the interpretation of the powers given to the Local Legislatures. Measures were frequently brought up in both Houses of Parliament of only a local character which many believed ought to have been left to the Local Legislatures to deal with. But they had no tribunal to consult as to jurisdiction, and the question was generally decided by the majority of the moment. Under this bill this House would have the power to remit these petitions and bills to the judges of this Court who would readily give advice, and aid us in coming to conclusions as to whether these bills ought properly to be entertained by this House, or sent back to the Local Legislatures.

HON. MR. ALEXANDER considered that after this bill had received such careful attention from the other House, this Chamber ought to give it the greatest consideration. He was not quite sure, however, that there was any urgency for the bill being passed at this moment. There did not seem to be any public need of it in addition

to the present Court of Appeal in Ontario and that of Quebec. He doubted if the time had arrived when we ought to pass this bill. The great expense which the Supreme Court would involve—about \$60,000—was also a very serious objection to it at this time.

HON. MR. HAYTHORNE thought it incumbent on every member of this House to express his opinion on this measure. He regretted that this matter should have come before us at so late a period in the session. These important measures were crowded upon the House with such rapidity that it was impossible for us to devote that attention to them which they deserved. Generally speaking, he approved the principles of the bill. It was high time that a country of the extent and importance of this Dominion should have an Appeal Court of its own. There was one clause in it which he thought introduced a principle out of harmony with the rest of the bill, and opposed the general principles of Parliamentary Government. He alluded to the 53rd clause, by which it appeared that the "Governor in Council could refer to the Supreme Court for hearing or consideration, any matters whatsoever as he might think fit." It was interfering with the responsibility of Parliament, and therefore he could not accept it. With such a clause in the bill, great evils might result to the privileges of the Local Legislatures and perhaps to some of the Provinces. Suppose that the Government were under a strong pressure to set aside some Act of the Local Legislatures, or suppose they differed in opinion among themselves, or that the Queen's representative was opposed to the views of his advisers; what more convenient than to have a Court of Appeal to whom the Governor in Council could remit such questions for their decision? Any measure arising proving inconvenient to the Ministry of the day, they could remit it to the Supreme Court, and then come down to this Legislature and declare that the Supreme Court had given an adverse decision upon it. In this way it was clear that the Ministry would avoid much of that responsibility to Parliament under which they now rested. He preferred to leave the rights and

the safety of the smaller Provinces, such as Prince Edward Island, whence he came, to the care of this Senate, where each member would have the right to stand upon the floor of this Chamber and question the Ministry of the day upon any of their acts, and hold them responsible therefor.

The bill was then read a second time, and referred to a Committee of the whole House to-morrow.

QUEBEC TRINITY HOUSE.

HON. MR. LETELLIER DE ST. JUST moved the second reading of the Quebec Trinity House and Harbor Bill. He explained that the bill was intended to alter the composition of the Harbor Commission, and render it similar to that in Montreal. A large number of the merchants of Quebec were desirous of the proposed change.

HON. MR. RYAN strongly opposed the bill, saying that the present Board had performed their duty well, and no complaints were made against it. He was opposed to the principle of making the Commission nominative, and preferred to leave it as at present constituted.

HON. MR. PRICE said if the control of the Harbor Commission was vested in the Commissioners, they would waste ten times more money than the present Board, and would forfeit entirely the confidence of the merchants of Quebec. If the merchants of Quebec had not a majority on that Board, the merchants of that city would never be got to work in unison.

After considerable further discussion, the vote was taken on the second reading of the bill, which was carried by 23 to 17, as follows:—

CONTENTS—The Honorable Messieurs Armand, Bureau, Carrall, Chaffers, Chinic, Christie (Speaker), Cormier, Glasier, Guevremont, Leonard, Letellier de St. Just, McClelan, McMaster, Macdonald, Miller, Montgomery, Muirhead, Paquet, Penny, Scott, Simpson, Sutherland, Trudel—23.

NON-CONTENTS—The Honorable Messieurs Aikins, Alexander, Allan, Belle-rose, Botsford, Campbell, Chapais, Dickey, Dumouchel, Flint, Haythorne, Kaulbach, Macpherson, Price, Road, Ryan, Skead—17.

SUITS AGAINST THE CROWN.

HON. MR. SCOTT, on moving the second reading of the bill relating to suits against the Crown by Petition of Rights, explained the object of this bill was to give those persons who believed they had some good case against the Government, an opportunity of having their case heard before one of the Superior Courts of either of the Provinces.

The bill was read a second time.

MISCELLANEOUS BILLS.

HON. MR. TRUDEL moved the second reading of the bill relating to Galarneau's Toll Bridge over l'Assomption River. Carried.

The Fisheries Act Amendment Bill was read a second time, passed through Committee, read a third time and passed.

The Coasting Trade Amendment Bill was read a second time, passed through Committee of the Whole, read a third time and passed.

The bill entitled an Act to continue for a limited time the Acts therein mentioned, was read a second time.

The Stave Bolts and Oak Logs Export Duty Bill was read a second time.

The House went into Committee of the Whole on the bill for the extension of the Seamen's Act of 1873. The bill was reported without amendment, read a third time and passed.

The bill further to amend the Act respecting Railways was read a second time.

The bill respecting Larceny and other similar offences was read a second time.

The House adjourned at twenty minutes past twelve o'clock, P.M.

Tuesday, April 6, 1875.

The Speaker took the chair at three o'clock.

GATINEAU BOOM AND WORKS.

On the order for the resumption of the adjourned debate on Hon. Mr. Read's motion for the adoption of the third report of the Committee on Gatineau Booms and Works,

HON. MR. LETELLIER spoke upon the point of the Senate's powers in regard to the disposal of the report. He

argued it had no powers beyond those of the Committee in the matter, and could not, therefore, claim more. The motion before the House ought not to be pushed further. It was contrary to the constitution to act in the way proposed. In the second place, the matter did not deserve all the attention given it. The Committee's mode of taking the evidence, if not illegal, was not far from it. The affidavits used to influence the judgment of the Committee were, to its knowledge, of a kind to subject the makers to proceedings for a misdemeanor by the Act of last session. The Committee ought to have rejected such evidence. This fact alone was sufficient to justify the House in refusing to entertain the present motion.

HON. MR. BOTSFORD, in reply to the remark as to the illegality of the Committee's acceptance or use of the affidavits, said they were presented to the House by the Secretary of State, in answer to an address, and were connected with this investigation. He had never read them, as he preferred examining their authors when before the Committee.

HON. MR. LETELLIER—Then why bring those affidavits to bear on a judgment to be rendered by the House?

HON. MR. BOTSFORD—Those documents were already before the House.

HON. MR. PENNY said he had looked into the report and the evidence upon which it was based, and must say that the accusation of the Government's having changed the contract for political purposes, was plainly negated by all the circumstances shown by the evidence. The mere fact of Palen's tender being received after the hour for posting—the other tenders being in before this one—was conclusive proof of the absence of any intention to do him wrong. On the other hand, the circumstance of Palen's tender being \$686 below the others, was some indication that he was acting in good faith, too. He (Mr. Penny) wished to make no charge against any one in this connection. The report stated that the evidence clearly established that Palen's letter, inclosing his tender, was posted before noon on Saturday, the 7th. Now, the only evidence of that fact that he could find,

was Palen's own statement on two occasions; and all knew the rule of law as to the inadmissibility of a man's evidence in his own case. Neither person to whom he made the statement saw him post the letter, nor had any personal knowledge of such act. Mr. Penny analyzed the evidence, recalling that of Mr. Griffin, as to Palen's letter being marked in the post office "P.M.," meaning half-past twelve p.m. that day. So, if the mark was put on regularly, it was quite impossible the letter could have been posted at the time pretended. He contended the fact assumed by the report was not clearly established, but that the presumption was the other way. Merrill received the letters about one o'clock p.m., it being three when he reached the Chaudiere. It was most natural to suppose he would have asked for any others; at any rate he got none. As to the opening of the tenders, this was done by the officers of the department, and not by Mr. Mackenzie, and Merrill acknowledged he had done wrong—that after he had extended the tenders he told Palen he had got the contract. Palen then entered upon and proceeded with the work; he had nothing in writing, having only got the word of an official he knew to be a subordinate. Palen, instead of not knowing this till the 16th, began the work on Tuesday, and knew all about the matter on Thursday following. Merrill having told Palen he could not have the work, he promised to give it up and take his men away on Thursday, but in place of doing so, on Monday following he put on fifty or sixty more men. Now, where was the evidence of the work performed being worth \$1,000. He (Mr. Penny) had looked in vain for any. Before reporting as to what had been spent, the Committee ought to have enquired into matters a little particularly, instead of accepting the mere *ipse dixit* of the interested party. The persons who might have known something about it were never questioned. He believed that the whole circumstances of this case were exceedingly simple, and that Mr. Mackenzie's first connection with this work was not to direct that Palen should be cut out, but rather in favour of his admission. He denied any proof

of a desire to make of this contract a political job. The Premier very frankly stated that the reason why he cast aside this man's tender was the extraordinary circumstance of Merrill having given Palen this information—in fact, the order to go on with the work—joined with the fact of the letter, the whole circumstances leading him (Mr. Mackenzie) to believe there was, if not collusion, so much suspicion of it as to justify the stoppage of the work by Palen. If there was collusion, what could have been more suspicious than these circumstances, including Palen's care to inform people about the posting of his letter, the time, and so on. All this suspicion was increased by the fact that Merrill seemed very anxious to put Palen in the position he occupied without any authority. For all that, the evidence showed Palen's letter might not have been posted till four or five o'clock, p.m. Nobody saw Palen post the letter. Therefore it was quite possible for Merrill to have shown the tenders to Palen before his letter was posted, for we did not know when it was posted. Mr. Mackenzie's evidence was perfectly straightforward and consistent with all the facts proved here. He stated, when he found Merrill had exceeded his duty, and that there was no proof of the hour of the posting of the letter, and that collusion might have taken place, he threw Palen's tender aside. The only thing that justified this report was Palen's having spent money, and he admitted it was quite right he should be paid for whatever work he had done, by some party; and if the amount had not been fixed at \$1,000, for which he (Mr. Penny) could see no justification, he thought this portion of the report, at least, could not have been objected to. (Hear, hear.)

HON. MR. CAMPBELL thought the amendment of the last paragraph of the report would meet the object of the member from Alma, and remove the objections of the Minister of Agriculture. It was, no doubt, somewhat difficult for the House to assert absolutely that a specific sum should be paid to Palen. He questioned very much whether the concluding recommendation was such as should emanate from this House. (Hear, hear.) He

would move in amendment to strike out the concluding paragraphs of the report, and substitute a recommendation of an address to His Excellency praying a favourable consideration of the case of Wm. Palen. This would leave the matter in the hands of the Government, with an expression of the mind of the House in a manner favourable to Palen's case. Government could then deal with it according to their sense of duty to the public.

HON. MR. PENNY suggested an amendment of the language of the report in instances incorrectly alleged that certain things were clearly proved.

After some remarks by HON. MR. CAMPBELL,

HON. MR. LETELLIER said the affidavits, which exposed their authors to a penalty for misdemeanor, should be struck out of the report in Committee. He thought the House was not prepared to accept what was illegally taken.

HON. MR. BOTSFORD said they formed part of the papers brought down to the House.

After some further remarks by Hon. Messrs. Campbell and Benson, who disclaimed any political motive for his action in the Committee, and also by the Hon. Messrs. Dickey, Scott, Aikins, Penny, Flint and Read, in reply,

HON. MR. CAMPBELL'S amendment modified, to strike out the objectionable affidavits, as Hon. Messrs. Letellier and Scott urged, was put, and, amidst shouts of "Carried," HON. MR. LETELLIER said the Government would not consider themselves bound by it.

Several Members—This is simply a recommendation; upon Ministers lies the responsibility.

The amendment was declared carried.

STAVE BOLTS AND OAK LOGS DUTY.

HON. MR. SCOTT moved the third reading of the bill to remove the export duty from stave bolts and oak logs.

MESSRS. FLINT, WILMOT and READ opposed it, arguing it was better to discourage the exportation of our woods, and encourage manufactures therefrom in Canada. Too much of our best timber had already been exported,

greatly reducing the stock in Canada.

HON. MR. FLINT moved the three months' hoist.

Contents, 25; non-contents, 27. The third reading carried on the same division.

HOUSE IN COMMITTEE.

The following bills were considered in Committee and reported, some with amendments, and read a third time:—

Criminal Law relating to Violence and Threats Amendment Bill.—Hon. Mr. Scott.

Staple articles of Produce Inspection Law Amendment Bill.—Hon. Mr. Scott.

Harbor Masters' Appointment Laws Amendment Bill.—Hon. Mr. Letellier.

Cape Race Light-House Bill—Law Repeal Bill.—Hon. Mr. Scott.

In obedience to the wish of several members, HON. MR. SCOTT consented to strike out the first clause of the Inspection bill requiring the inspection of pickled fish and fish oils. He said the second clause merely corrected clerical errors in the former bill.

THE SUPREME COURT BILL.

On motion of HON. MR. SCOTT, the House went into Committee, for the consideration of the Supreme Court bill. After considerable discussion, and the suggestion of various amendments, the different clauses were all agreed to, and the bill reported with several amendments, it being agreed discussion on the others proposed, should take place on the third reading. The Government amendments were concurred in.

QUEBEC AND HURON RAILWAY.

HON. MR. CAMPBELL moved the adoption of the amendments by the Banking and Railway Committee to the Quebec and Lake Huron Direct Railway bill. Carried.

LARCENY BILL.

On motion of the HON. MR. SCOTT, the bill respecting Larceny and other offences, reported from Committee of the Whole, was read a third time.

It being then six o'clock the House rose.

The House met at eight o'clock.

HON. MR. BOTSFORD moved, seconded by the HON. MR. READ,

"That a humble Address be presented to His Excellency the Governor General praying that His Excellency will be pleased to take into his favourable consideration the case of Mr. Wm. Palen." Carried.

THE SUPREME COURT BILL.

HON. MR. SCOTT moved the third reading.

HON. MR. DICKEY rose to state his objections to the bill. We were dealing with it as it came from the Committee without any amendment, and he proposed to take the sense of the House upon the bill as it stood. The power of the House to pass the bill depended upon the 101st section of the British North America Act. That section was very comprehensive in its terms, and it was contended that it applied entirely to the establishment of a Court of Appeal for Canada. The House would recollect that by section 92 the question of civil rights and property was entirely local. It was therefore contended on the one hand that this power was confined to a Court of Appeal for the laws of the Dominion; on the other hand it was contended that this clause, following those relating to the question of civil rights and property and the constitution of the courts in the different Provinces, must be taken to include the Court of Appeal. There was a great deal of difficulty in considering this question, and his own opinion was by no means made up. But if this bill passed it would have to come under the review of the law officers of the Crown, and it would be determined by those high authorities in England whether that bill was within the competence of this Parliament. Amongst the provisions of the bill was an appeal from a decision upon civil rights which were within the powers of the Local Legislatures. Now, with regard to those rights it was a singular thing that in the 55th clause of the bill it seemed to be taken for granted that when you came to deal with anything that was of a provincial nature you must have the permission of the Provincial Legislatures. That section expressly declared that there was no authority to consider the question of the jurisdiction of a Local Legislature to pass a law unless there was first a law passed by the Legislatures of those

different Provinces to place that matter under the jurisdiction of the Supreme Court. That seemed to be an anomaly. We had been told that it was very desirable to have some tribunal to which could be referred those disputed questions of jurisdiction between the Local Legislatures and the Dominion Parliament. But in looking at the bill he found that so far from the Supreme Court having in itself power to consider whether an act of the Local Legislature or the Dominion Parliament was *ultra vires* or not, it had no power to decide upon any of those questions until laws were passed by the different Provinces. This was a very serious defect in the bill. He would have supposed that the first power given to this Court would have been an absolute power to determine the question of constitutionality or otherwise. Coming to the practical working of the bill he found—assuming that this court was to have jurisdiction over civil rights as a matter of appeal—a most extraordinary provision in it, that where a trial had taken place of rights between parties, there was no power to appeal to the Supreme Court against the result of that trial unless on the single ground of misdirection of a judge. Where the weight of evidence might be altogether on one side the party could have no remedy at all unless he took it under another section, which put it in the power of a judge in the court below, under special circumstances and by a special application, to grant an appeal. Another curious anomaly was that these judges performed the functions of a double court—on the one hand a Court of Appeal, and on the other a Court of Exchequer—and yet there was an appeal from all decisions of the Court of Exchequer to the same judges sitting in the Supreme Court. Another inconsistency was that this bill required all those judges to live at Ottawa. He was not aware of any such rule in England, or in any of the Provinces of the Dominion which required all the judges to live in one place. He thought it would be better to have them reside in different parts of the Dominion. Here, for the first time, we found one tribunal, centralized in Ottawa, one which enabled the

Government of the day to bring cases before a single judge in any part of this Dominion, to have the single judge declare, not only the law, but the fact, without the intervention of a jury between man and man. That he considered a very serious defect. Another important feature was that in the Province of Quebec there must be a claim of at least \$2,000 to invoke the aid of the court, while in any other part of the Dominion a man might be dragged up to the city of Ottawa before this court for the most trifling damages. Another objection was that this bill gave the judges of this court unlimited power to fix the scale of costs in their discretion. He was not aware that in any other tribunal in this country there was such a power. In all other cases the costs were fixed by the Act which gave power to the court. He next alluded to the 4th section, which his hon. friend (Mr. Scott) had called the sentimental clause, which, for the first time, took away from the people the right of appeal from the mother land. His hon. friend must recollect that after all the world was very much governed by sentiment, especially in a matter of this kind. We were jealous of having the smallest link torn apart that ties us—with a silken thread, it might be—to the mother land. (Hear, hear.) This clause was of a highly objectionable character, and when we came to look at it as British subjects we would be the last to desire to take away the right which enabled us to go to the fountain of justice on the other side of the water. It might be a mere silken tie, but it bound willing hearts on both sides of the Atlantic. It gave us a refuge where we might resort for justice when we could not get it on this side of the water. His hon. friend had used as an argument for the bill the fact that very few cases had hitherto been carried to the Privy Council. That very fact was one of the strongest arguments against the necessity of the bill. As regarded Quebec, from the present position of the Bench in that Province, there was not likely to be so many appeals as in time past. Then there was the question of expense. For instance, he saw in the Supply Bill an item of \$3,000 for books to commence with. There was a prospect

of unlimited expense in connection with this court, and he urged the House to reject the bill. No one had yet suffered from the want of this court, though he was not prepared to say that the time might not come when such a court would be a necessity. He trusted, therefore, that the House would pause before they gave their assent to this bill. He thought it would do no harm to let it stand till another year, when the people might know what the bill was, and be prepared to express their opinion upon it. He therefore moved, seconded by HON. MR. FLINT, that the bill be not now read a third time, but that the third reading be postponed for three months.

HON. MR. LETELLIER DE ST. JUST said this House could not complain that sufficient time had not been given for the consideration of this measure. It had been discussed for six weeks in the Commons and in the press. Every one knew with what care it had been scrutinized by both parties in the other House, and finally accepted by them without divisions, and now it is pretended that the bill should be thrown out because sufficient time had not been given for its consideration. He thought it would look far better for its opponents to endeavour to amend it than thus to try to throw it overboard altogether. The objections urged by the hon. gentleman were not sufficient to justify this House in rejecting the bill. If this country was not able to find among its own men those qualified to be the judges in the last resort on cases affecting our civil rights, we would have reason to despair of our country. One objection made by his hon. friend was that all the judges were required to reside at Ottawa. There were many reasons why they should reside in this city. Since the court was established, more particularly for the purpose of settling the doubtful cases of jurisdiction between the Local and Federal Governments, and questions of privilege, it was manifestly desirable that they should at all times be near the seat of Government. The hon. gentleman had complained about the item of \$3,000 for a library. Was that sum too much for an institution that would be an honour to our country? The sum was

not too large for a library that they ought to have ready to their hands. He (Mr. Letellier De St. Just) ventured to doubt the sincerity of those who pretended to oppose this bill on the ground of economy. The hon. gentleman had opposed the abolition of appeal to the Privy Council solely on the ground of feeling—he had given no other reason. They in Lower Canada did not complain that their cases had to be submitted to the Privy Council, though, on account of the peculiar character of the laws in that Province, cases carried to the Privy Council were subjected to difficulties which the hon. gentlemen opposite could not understand. So that when cases were sent home from Quebec they were likely to be decided not according to the old French laws prevailing in Canada, but according to the Code Napoleon, with which their Lordships of the Privy Council seemed to be much better acquainted. It had been contended that the time for the establishment of this court had not arrived. He claimed that it had, and that the framers of our Constitution foresaw its immediate necessity and provided for its creation. When the first Parliament met after Confederation one of the first questions put to the Government was in relation to the early establishment of a Supreme Court. Seven years had now passed, and a great many cases had arisen which showed the necessity of a court such as now proposed, which would greatly contribute to the smooth working of our Act of Confederation. When this bill was in the House of Commons there was no division upon it, and the amendments adopted by the Government were carried by three to one. This was a proof that the people, through their representatives, had declared that the time had arrived for the establishment of this court. The arguments of the hon. gentleman (Mr. Dickey) had no weight and were not founded on fact. He ought to have shown wherein the bill was defective, and endeavoured to convince the Senate of the necessity of amendments, instead of trying to throw the bill out altogether. Instead of proposing to amend the defects of the bill, he had taken a course which would not add to

his reputation for dealing fairly and wisely with the questions coming before this House. He (Mr. Letellier de St. Just) hoped the Senate would vote down the motion for throwing over the bill.

HON. MR. BELLEROSE regretted that he was obliged to oppose this measure. He did so, not from motives of mere party opposition to the Government, but because he conscientiously believed the measure was a wrong one, and would be prejudicial to the interests of the people of the Provinces of this Dominion. He had opposed the idea of such a Supreme Court from the very first, and when, while he was a member of the Lower House, and the late Government, composed of his political friends, proposed to establish a similar Court, he had told his late lamented political chief, Sir George E. Cartier, that he could not support him in this measure. He opposed it, not only because he believed it unconstitutional, but because he considered it an act of treachery towards the people of the different Provinces, and because he felt then, as he felt now, that it would be a gross injustice towards the ratepayers of the country. Our expenses were already very great, and a general feeling of uneasiness pervaded the community regarding our enormous and increasing public debt, and in face of these facts was it wise to burden the tax-payers with an additional \$100,000 a year—for he fully believed the whole expense of the Court would amount to that—for an establishment which the people did not want and had never asked for? Scarcely twelve months have elapsed since the Minister of Finance stated in the Commons that he regretted to say that the Government had felt it their duty to impose new taxes on the people of the country to the amount of \$3,000,000, and when he was asked Why? His answer was that it was necessitated by the legislation of the late Government, which could not be carried out without that increased taxation. Now, if the Hon. Minister spoke what he thought true, how could his Government come and ask for the adoption of such legislation involving such an expense? An hon. gentleman had stated that this bill, if passed, would be a great boon to the

poor, as the appeal to the Privy Council in England would be abolished. He (Mr. Bellerose) would say that it would be, as a rule, a great boon to the rich, but a great charge to the poor. Hon. gentlemen knew full well that as a rule the poor had no occasion to seek for such a tribunal, while the rich often require it. The Hon. Minister of Agriculture had stated the hon. gentleman from Nova Scotia (Mr. Dickey) ought to have proposed some amendments instead of moving the rejection of the entire bill; but it was well known that every kind of amendment had been proposed in the Commons, and how had the Government received them? Why, they had accepted a few unimportant changes and refused all the rest. What would be the use of proposing amendments when the hon. gentlemen on the Treasury benches were not in a position to accept any amendment whatever? Where were the Commons today? They had nearly all gone home, and there scarcely remained a quorum to transact business. So that the Government could not accept any amendments except those forced upon them by the majority of this House. And that was the reason why the Government, with such indecent haste, were endeavouring to force this measure through the house at any cost, and just as it stood. The hon. gentleman then proceeded at considerable length to discuss the constitutional aspect of the question, declaring that under the terms of the Union Act, this Legislature had no right to establish the court as proposed. The compact which we had entered into was a Federal one, which left to the several Provinces the sole administration of all their local affairs. The 13th and 14th sub-sections of the 92nd clause of the British North America Act gave to the Provinces exclusive right to legislate upon matters relating to civil rights and the administration of justice, but the proposed Supreme Court would interfere with those rights and wrest from the Local Legislature some of the privileges they now enjoyed. After having adverted to the purport of the 101st clause of the Union Act, and shewn that this clause could not be constructed so as to be understood to give

to this Parliament the power to create such a Court of Appeal as is now under consideration, the hon. gentleman denied to the Dominion Parliament the constitutional right which an hon. member had stated they had, to deprive the people of the Provinces of the appeal to the Privy Council. This he said was left to the several Provinces to decide upon. He concluded by announcing his intention to vote for the three months' Poist.

HON. MR. SCOTT did not propose to discuss the constitutional question involved in the 101st clause, as the general opinion seemed to be that we had the power under that Act to institute a Supreme Court. The hon. gentleman (Mr. Dickey) had not made any point of magnitude or importance. He had objected to all the judges residing at one point, but further reflection would convince that gentleman that it was desirable to have the judges all reside at or near the seat of Government. Another point alluded to was that the judges had the power of fixing the tariff. We have found as a matter of convenience that it was always very much safer to leave these details to the judges. In Ontario the Legislature invariably left the forming of the tariff to the bench of judges, who were in a much better position to do that than a legislative body. His hon. friend had dwelt for some time on the forty-seventh clause, making some observations of his own on what had been termed the sentimental clause. He (Mr. Scott) regarded that as the least important part of the bill. The people of Ontario were almost unanimously against appeal to England, as being altogether unnecessary. They felt that the judges we were likely to have on that tribunal would be quite as equal in point of ability, to give intelligent expression to our laws, as the judges in England. Her Majesty was quite as much represented on the judiciary of this country as on the Supreme Court in the City of London. Some gentlemen, no doubt, felt that it was cutting asunder the "tender cord," the "silken tie," and he would now state that if there were a general sentiment prevailing in this House that the 47th clause should be struck out, the Government would consent to do so if by that

they could meet the objections of hon. gentlemen.

HON. MR. KAULBACH said—it is apparent the Government do not comprehend the full scope and effect of this bill beyond that it adds to the burdens on the country, as seems admitted, of some \$100,000 annually, and this to be done by a Government professing purity, temperance, and economy, but practising none of those virtues. Even the introduction of this bill to us, the honorable Minister of Agriculture, after all the light shed on it in another place, could not, or failed to, inform us whether appeals to the Judicial Committee of the Privy Council were possible as an alternative to the appeal to the court, proposed to be intituled by this bill. He was free to admit that the framers of our Constitution gave us powers to organize, under the British North America Act, a general Court of Appeal; the power to administer laws, not to over-ride them, or to take from this Parliament the right to decide constitutional questions, or our rights, as British subjects, of appeal to the highest courts of the Empire. This bill would curtail the liberties of the people, and tend to sever British connection. The time may come when such an expensive court may be necessary to complete our general judicial system. But we should not impose this expense until it is needed and demanded by the country. The very promoters of this bill were the strongest opponents to such a court some eighteen months ago. It may be fairly asked, Have we the right thus to interfere with appeals to Westminster. It has been urged that the prerogative of the Crown is saved. But it is well known that there would be few if any cases in which such privilege would be granted. He had heard it urged by hon. gentlemen that suitors should be obliged to appeal to this proposed court, otherwise there would be little or nothing for it to do. To my mind that argument is conclusive that the court is not needed. Honorable gentlemen will see that by the sixty-fifth clause the right of trial by jury of issue of facts is taken away. And the fifty-third clause would make the judges of the court, censors—yes, more than that; dictators

—to this Parliament; and the Government be able to shirk responsibility, and throw it on the judges, who might mistake or misjudge a constitutional question. Judges ought to be kept free from politics. This is a new bill, unlike anything yet produced. There should be more time given them to consider it. The country will not suffer by the delay, and by the next meeting of Parliament hon. gentlemen will be better prepared to legislate on this important subject.

The vote was then taken on hon. Mr. Dickey's amendment, which was lost by 27 to 31, as follows:—

CONTENTS—The Honorable Messieurs Aikins, Alexander, Allan, Armand, Bellerose, Benson, Bourinot, Campbell, Chapais, Cornwall, Dever, Dickey, Dumouchel, Ferrier, Flint, Guevreumont, Hamilton, (Inkerman), Hamilton (Kingston), Howlan, Kaulbach, Macfarlane, Macpherson, Read, Ryan, Shaw, Trudel, Vidal—27.

NON-CONTENTS—The Honorable Messieurs Archibald, Baillargeon, Botsford, Brown, Bureau, Carrall, Chaffers, Chinic, Christie, Cormier, Fabre, Glasier, Haythorne, Leonard, Letellier de St. Just, McClelan, McMaster, Macdonald, Miller, Montgomery, Muirhead, Paquet, Penny, Price, Scott, Seymour, Simpson, Skead, Sutherland, Wark, Wilmot—31.

HON. MR. ALLAN moved, seconded by HON. MR. CAMPBELL, that the forty-seventh clause be struck out.

HON. MR. CARRALL was in favor of the principle of the bill, but was opposed to abolishing the appeal to England. He had just voted against the amendment since the Government had expressed a willingness to meet the views of the House by expunging the clause. He apprehended that the striking out of this clause would not invalidate the working of the Act, and commended the Government for consenting to leave the question to the sentiment of the House.

HON. MR. LETELLIER DE ST. JUST did not consider the retention of this clause as absolutely necessary to the working of the bill. He knew, however, that there were great objections to it in his own Province.

HON. MR. WILMOT said if this clause was struck out the bill would be worth

nothing, and he should vote against it. The Supreme Court would then be only a circumlocution office, and make only one more degree of jurisdiction. It would mean more expense to the litigants. What would be the use of saddling this country with \$75,000 a year if this appeal to England was still allowed? It would be better to remain as we were. He trusted that the majority of this House would not so mutilate this bill.

HON. MR. ALLAN voted against the bill because this clause was in it. But the bill having been carried, he considered it his duty at all events to eliminate this most objectionable feature of it. He understood the hon. Secretary of State to say that he did not attach importance, from this point of view, to what he had called the sentimental clause.

HON. MR. SCOTT said the fairest way would be to take the sense of the House without any more discussion.

HON. MR. MILLER wished to know if the Government were united on this point?

HON. MR. LETELLIER DE ST. JUST said they were not united, but they agreed to leave it to the House to pronounce whether they wished it to be struck out or not. For himself he was in favour of retaining it.

HON. MR. SCOTT regarded the bill as one of great importance. Three or four years had been taken in its elaboration. Gentlemen high in the legal profession and distinguished statesmen belonging to both the political parties had combined to make this bill something worthy of Canada. With the view of making it acceptable he had stated he was willing it should be struck out if the House desired. He was content to abide the decision of public opinion, feeling satisfied that if the clause were struck out now the public would ultimately demand the abolition of the appeal to England. At present if this House was hostile to the appeal being abolished, he was prepared to yield. He did so in the hope of lessening the opposition of hon. gentlemen.

HON. MR. BROWN thought this clause was more one of sentiment than of practical importance. Still we were bound to give great consideration to matters of feeling and sentiment. It

was one of the links that reminded us of our connection with the British Empire, and if we could strike it out without doing the bill any serious injury perhaps it had better be expunged. For his own part, he thought it absolutely necessary we should have some such Court as this. Every day cases were arising involving doubts as to Provincial or Federal jurisdiction which ought to be clearly defined by some authority.

The question was then put on Hon. Mr. Allan's amendment, which resulted in a tie (29 to 29), as follows:—

CONTENTS—The Honorable Messieurs Aikins, Alexander, Allan, Armand, Bellerose, Benson, Botsford, Bourinot, Campbell, Carrall, Cornwall, Dever, Dickey, Dumouchel, Ferrier, Flint, Hamilton (Inkerman), Hamilton (Kingston), Howlan, Kaulbach, Macfarlane, Macpherson, Price, Read, Ryan, Shaw, Skead, Trudel, Vidal—29.

NON-CONTENTS—The Honorable Messieurs Archibald, Baillargeon, Brown, Bureau, Chaffers, Chapais, Chinic, Christie (Speaker), Cormier, Fabre, Glasier, Guevremont, Haythorne, Leonard, Letellier de St. Just, McClelan, McMaster, Macdonald, Miller, Montgomery, Muirhead, Pâquet, Penny, Scott, Seymour, Simpson, Sutherland, Wark, Wilmot—29.

The Speaker therefore declared the motion lost.

HON. MR. BELLEROSE moved, seconded by **HON. MR. ARMAND**, that the bill be not now read a third time, but that it be re-committed with instructions to amend it by adding to the 15th clause the following words:

“In relation to all matters not coming within the classes of subjects by the British North America Act assigned exclusively to the Legislatures of the Provinces.”

HON. MR. SCOTT—Of course we cannot accept that amendment, as it would destroy the whole vitality of the bill.

The amendment was declared lost on a division.

HON. MR. DICKEY moved, seconded by **HON. MR. ALEXANDER**, that at the end of the 80th section the following words be added:—

“And that such rules shall only be enforced for thirty days after the opening of the session, or until approved by Parliament.”

Motion lost on division.

HON. MR. BELLEROSE moved, seconded by **HON. MR. ARMAND**, that section 81 of the bill be amended by adding after the words “under order of the Governor in Council” the following:—

“But in so far as this Act concerns the Province of Quebec, no such proclamation shall have effect, unless and until this Act is adopted and approved by the Legislature of the Province of Quebec, as to the appellate jurisdiction of the Supreme Court in cases relating to property, civil rights, and civil procedure in the said Province of Quebec.”

He added that he wished to put on record his protest that the Province of Quebec should not be denied these rights. He was not willing to vote away the privileges now possessed by that Province. He held that this House had no right to interfere with the legislation of the Provinces. He had always understood that by the British North America Act the Provinces were to have sole control of their own affairs. If he had not so understood it he would never have voted for the Act of Confederation in 1865, as he had done. He expected the Hon. Minister of Agriculture would appoint two of his friends as the Supreme Court Judges from the Province of Quebec, who would not represent the opinion of the majority of the people of Quebec. Therefore he would rather go to England where justice had always been accorded them.

The amendment was put, and lost by 18 to 35, as follows:—

CONTENTS—The Honorable Messieurs Armand, Bellerose, Bourinot, Chapais, Dever, Dickey, Dumouchel, Ferrier, Guevremont, Hamilton (Inkerman), Howlan, Price, Read, Ryan, Shaw, Skead, Trudel, Wilmot—18.

NON-CONTENTS—The Honorable Messieurs Aikins, Allan, Archibald, Baillargeon, Botsford, Brown, Bureau, Campbell, Carrall, Chaffers, Chinic, Christie, Cormier, Fabre, Flint, Glasier, Haythorne, Leonard, Letellier de St. Just, McClelan (Hopewell), McMaster, Macdonald (Victoria), Macfarlane, Macpherson, Miller, Montgomery, Muirhead, Pâquet, Penny, Scott, Seymour, Simpson, Sutherland, Vidal, Ward—35.

HON. MR. DICKEY moved, seconded by **HON. MR. ALEXANDER**, that the 65th clause be struck out.

Lost on division.

HON. MR. TRUDEL moved, seconded by HON. MR. DEVER, that clause 27 be struck out.

Lost on division.

HON. MR. HAYTHORNE moved that the 53rd clause be struck out. He said, in moving the omission of the 53rd clause, which he did at this stage by consent, instead of the Committee of the Whole, he would be as brief as possible, knowing the House was weary of this discussion. It could not, however, be said that in adopting this course he was acting from factious motives, since he had supported the Government on every division which had been taken on this bill. He opposed the clause not only because he considered it to be unnecessary, because the Executive had their proper responsible legal advisers—the Crown law officers—but because it was inexpedient to mingle law and politics, and because Ministers might to some extent relieve themselves of their responsibility to Parliament for the advice they gave the Crown, on the plea that they acted on the advice of the Supreme Court. It was most essential that the principle of Ministerial responsibility should be maintained inviolate, and therefore the utmost caution should be exercised to prevent a clause of this nature slipping through unperceived. Hon. gentlemen should remember that their power of interpretation ceased when the bill passed; and as to repealing it, he reminded them that the consent of other parties would be required before that could be accomplished. He did not see that the general utility of the bill would be interfered with by the omission of this clause—as it had no reference to the establishment of the new Court of Appeal as such. He should move, seconded by the Hon. Mr. Wilmot, that the clause be struck out.

The motion was put and declared lost on division.

HON. MR. HAYTHORNE said, as his motion to omit clause 53 had been lost, perhaps the Hon. Secretary of State would not object to amend the clause by adding some words restricting its operation. He would, therefore, move, seconded by Hon. Mr. Wilmot, that the following words be added to the end of the clause:—

“But nothing in this clause contained shall be held to release Ministers of the Crown from their responsibility to Parliament for any advice they may give to Her Majesty's representative in this Dominion.”

The question of concurrence being put thereon, the same was, on a division, resolved in the negative.

The bill was then read a third time as amended, and passed.

ESQUIMALT AND NANAIMO RAILWAY.

HON. MR. SCOTT moved the second reading of the bill to authorize the construction of a railway from Esquimalt to Nanaimo, in British Columbia. He said that owing to the failure to carry out the terms of Union with British Columbia, it became necessary to enter into negotiations with her, in order to effect a better understanding and to the relief of Canada from the very stringent terms of the Union. Consequently, Mr. Edgar visited that Province last spring, with a view to conciliating the people, and ascertaining their feelings in reference to extension of the time for carrying out the terms, or building the Pacific Railway. It was then suggested, among other things, that the Government of Canada should build a railroad on Vancouver Island; that was conceded rather through the interference of the Imperial Government, who thought it was a concession that might fairly be made, and it was in accordance with the desire of the Dominion, to create a state of good feeling in British Columbia. We had been obliged to extend very considerably the time of the completion of the railway. This island road was to be built under terms similar to those of the bill authorizing the construction of the Canada Pacific Railway; 20,000 acres and \$10,000 a mile would be given for its construction, and a further sum of four per cent. on the amount stated in the tender. In consequence of Government having undertaken to lose no time in the construction of this work, it was impossible to complete the surveys and have the contracts prepared at the meeting of Parliament. Government, therefore, asked authority to accept tenders and give out the work after Parliament rose. There was, however, a provision in the bill, that if the work was not

undertaken before next year, the contracts would be submitted to the House.

HON. MR. AIKINS gave his explanation of the causes of the trouble with British Columbia, namely, the failure to carry out the bargain made at the Union, and the undertakings of the Government's own bill of last year. If they had only acted in accordance with that statute, the British Columbians would have been satisfied. By the provisions of the present bill, not only was the Canadian Pacific to be built, but, in order to allay the discontent in British Columbia, in consequence of the Government not implementing their bargain with it, they now proposed to build sixty-five miles of railway on that Island. If this formed any part of the Canadian Pacific Railroad, he, for one, would not object to the bill, but it was not so understood. If it did, there would be no necessity for Government to submit this bill. The Government undertakings already were very large; the Georgian Bay branch was to cost \$2,300,000 in cash; then we had to spend two to two-and-a-half millions a year on the Pacific Railway proper, and, in addition to all this, sixty-five miles on Vancouver Island had to be constructed almost immediately. This local work would cost another two-and-a-half millions, which was a large price to pay for a relaxation of the terms of Union. He was prepared to implement this arrangement with British Columbia, under the circumstances. Government had no right to assume an obligation of this kind and pledge the faith of the country to the measure. He presumed British Columbia did not expect this undertaking would be carried out, unless sanctioned by Parliament. He moved in amendment that the bill be read a second time this day six months.

HON. MR. CARRALL said, as one of the negotiators of the first treaty with Canada, he understood it to mean that the Dominion should commence the survey, locate the line, and construct the Pacific Railway as soon as was compatible with its resources, but in order that the clause should not be too vague, we put in a term of years. If the clause meant anything, it was that

Canada should be made the portage between the Occident and the Orient—it devised a great scheme, too big for the present Government to swallow. Our ideas were not the objects of British Columbia only, but those of the whole Empire. They were large ideas, and the true spirit of that engagement being respected, there never would have been any reason for a cry of relaxation of the terms. The Government had treated British Columbia very curtly, if not discourteously, in recalling Mr. Edgar the moment his authority to treat was asked for, their conduct showing a lack of sincerity. The result, or, as the miners would say, the "wash-up" of the whole was a new treaty between Lord Carnarvon, Walkem, and Mackenzie, which was acceptable to our people. The speaker went on to say that, although as a British Columbian he was compelled to accept and work for this bill, yet he regarded as absurd and almost approaching criminality, 300 gentlemen sitting in Parliament and frittering away on branch roads, to connect rivers frozen six months of the year, with Canada, on portages, etc., the means of the country. Could the Georgian Bay Railway ever compete with the existing lines? The blame of these expensive works had been thrown on British Columbia, which had been treated as too troublesome and expensive a legacy—as if she alone needed this railway, and not Canada also. While members opposed the Trans-Continental as too expensive, they voted for three branch railways not portions of the main line. This conduct was not logical; their reasoning was not clear and conclusive. Though a railroad to Nipissing might give us ice in summer from frozen northern rivers and lakes was possible, but that it would make a nation he could not see. (Laughter.) Having entered his protest emphatically and solemnly against the railway policy of the present Government, which he was sure would recoil on their heads, he would say that British Columbians had accepted the last convention in the full conviction that the powers that be had not the inclination or intention to construct the Trans-Continental Railway, seeming to say to themselves, if there

is to be universal chaos, we will go in for looting like the rest of them. (Hear, and renewed laughter.) He believed in British Columbia there was a want of confidence in Canada, based upon the utterances of the hon. gentlemen on the Ministerial side—a suspicion that they would never even attempt to construct the Pacific Railway, in which belief he was, unwillingly, a sharer. Therefore, under the altered conditions, he accepted this compromise, but solemnly convinced these 65 miles would never be travelled as part of the Trans-Continental Railway. The Canadian Government had got the better of our people in this treaty, after many complaints of British Columbia having got the better of them in the old one; but, for the peace, good order, and welfare of the whole country, he thought it his duty to help the Government in carrying out the present. Every member should support Government in constructing this local line. The gentlemen who supported the larger scheme ought to favor this bill.

HON. MR. DICKEY said the hon. gentleman had furnished many arguments for opposing this bill, and he quite agreed with him in condemning the frittering away of our resources on branch railroads, not a portion of the trunk line. The ground of a treaty was the only one possible upon which this bill could be defended. This railway was already a local line. Lord Carnarvon's despatch of the 17th November stipulated that two millions a year should be the minimum spent on the Pacific Railway by Canada "from the time at which the surveys are sufficiently completed." The Government, certainly, had given us no intimation of the arrival of that period. The expenditure of these two millions, therefore, could not be begun till the surveys were completed.

HON. MR. SCOT said the two millions on the main land were entirely over and beyond the Island obligation.

HON. MR. DICKEY did not think that view correct. He apprehended we should take this as the whole expenditure talked of in connection with those railway works. He maintained this was not a treaty, as the Chief Commissioner of the British Columbia

Government (Mr. Beaver) stated in the Legislature on 10th March last, on the occasion of Mr. Walkem laying on the table the report of his mission to England, in reply to a member, "Now, if hon. members will read the reports they will find that no arbitration or legislation took place upon them, and that the old terms (with Canada) remain intact." He made use of these words again, "Although the British Columbia Government had preserved the terms intact." That was the view of British Columbians, of what was called here a new treaty. Under these circumstances, he did not see how this Government were justified in putting this heavy expense on the Dominion for what his hon. friend (Mr. Carrall) had truly called a local work. Nor could the principle of allowing Government to make contracts, without submitting them to Parliament, be defended, except a case of necessity was shown. In view of the incompleteness of the surveys, the commencement of the railway could possibly be left over till next year, and, if so, why should not the contracts be submitted to Parliament next Session? That there was no necessity for this bill was quite clear, for construction could not be commenced till after the line was thoroughly surveyed and located.

HON. MR. MACDONALD, of British Columbia, said the remark of the British Columbia Minister, read by the hon. gentleman from Cumberland (Mr. Dickey) with reference to that Province having accepted no new terms, and the old terms with Canada remaining intact, was made for a political purpose; that British Columbia had consented to the recent terms was quite clear; she had placed the whole matter in the hands of Lord Carnarvon for arbitration, as his letter to Lord Dufferin, dated 16th August, showed. Ever since, British Columbia considered herself bound by the terms agreed on with the Government of Canada. The sum mentioned was to be spent within that Province when the surveys were completed, and not before. They might be finished by July or August next, but if this bill should not pass the Government would not have power to carry on the work. Probably not more than \$250,000 could be

spent on the Vancouver Island Railway this year in construction, though a good deal might be expended in the purchase of rails. British Columbia was not unreasonable in this matter. So long as reasonable progress was made with the work she would be content.

HON. MR. READ in approaching this question would only review the commercial aspect, as the political had been fully gone into by other hon. gentlemen who preceded him. What were we asked to do for extending the time for constructing the Pacific Railway? It was simply this: The Government have agreed in reality to build a line of railway from Victoria to Nanaimo, on Vancouver Island, which by water is said to be sixty-five miles, but by the sinuosity of the coast may be eighty-five miles, and this alongside the best water communication in the world every day of the year, as there is no frost in that country to interfere as in this; and, moreover, this can never be a portion of the Pacific Railway without this country is prepared to forego every other improvement to finish a useless and exceedingly expensive one, even if it could be done at once, which I have very great doubts. We could build the road along the island, which is nearly two hundred miles long, to the place where there is some probability of crossing from island to island by spans of bridges and tunnelling through the mountains. The cost would be something enormous to contemplate. There would be hence to be built seven spans, varying, by Mr. Fleming's report, from 640 to 1,375 feet, with a tide running from four to eight miles per hour, and the depth of the water, by the Admiralty charts, something enormous, so that it would be impossible to put down piers. Now, just fancy a span of a bridge 1,300 feet or more, and seven of them. That of itself is enough to preclude its construction, all this work being unnecessary, as there is plenty of opportunity of reaching the mainland with ships of any draught of water, and easy of access. The next question is—what is this road for, and what trade will spring up for it when constructed? The whole country through which it passes is mountainous

and barren, but there are some coal mines at Nanaimo. From Mr. Langevin's report, who visited that country in 1872, we find that about \$120,000 worth per year were shipped from all British Columbia, mostly to the United States. These mines are near the water, so that the railroad would not assist that trade, if there is any, is not assisted. Indeed I cannot see, nor has any one explained what the road is expected to do when completed. Of the whole export trade, it amounts to about \$2,000,000—\$1,000,000 is in gold, \$340,000 in furs, \$300,000 in coals, the rest fish, &c., &c. This is the trade of last year for the whole of British Columbia. What is this road to cost is the next question—say sixty-five miles at \$60,000 per mile, would amount to \$3,900,000. It may be said that is too high a figure: it might be so, but from experience we know roads on the Pacific Ocean have cost very much more than that, and when we consider the rate of wages in that country, it is not too much, and it will be so found. The rate of wages taken from the Hon. Mr. Langevin's report, is for laborers, \$1.75 to \$2.00 per day, and every other thing in proportion. Now, how is the railroad to accommodate less than six thousand people? The last census report says there are 5,959 souls, and for these we are to build a railway, costing about \$4,000,000, an expenditure of over \$650 per head. At the last election for the Vancouver District there were three candidates, and after a severe contest the number of votes polled was only 553; whilst for Victoria (the capital) we find there were four candidates, and the total number of votes polled was 959, so that for each voter the expenditure will be about \$2,600. The whole scheme is an absurdity, and should not be carried out. It is true they have a fine climate, but there are no people except Indians. The census report only gives a little over ten thousand Chinese in all British Columbia. In looking at the trade, I find they expend annually about \$90,000 in horses and cattle; \$220,000 in hay, straw, eggs, butter, wheat, flour, lard, &c.; about \$80,000 in cigars and tobacco; and \$40,000 in tea and coffee. There being no manufactories, they buy their machines, and last year they purchased

to the amount of \$2,948 of mowing, reaping, and threshing machines, and expended \$2,026 in playing cards—this will give us some idea of the habits of the people, and the business they are engaged in. While I feel we must do everything reasonable to satisfy British Columbia, we must not make ourselves ridiculous. While I am in favor, and I believe this country has the ability to construct a Pacific Railway in a reasonable time, I am not prepared to fritter away these vast sums of money on totally useless undertakings. Let the Government make an exhaustive survey of the country (which they are doing as fast as can be done), then select the proper place for the terminus, and go to work with no uncertain sound to construct a railway from the Atlantic to the Pacific, and they shall have my hearty support; but why spend our means on useless pieces and leave the main line untouched, is more than I can comprehend, without it is to do something contrary to the late Government policy, which was the only feasible one. However, I am free to admit I am not much surprised, as there is not the talent in this Government necessary to make a nation. Well might a writer in the *Nation* say, who is supposed to be Goldwin Smith, as he was interested in that paper, that the Pacific scandal spoiled a statesman, and raised up another in his stead that never could be one. This Government, to my mind, is an incapable one—I said so last session, and I have more reason to say so this. Every move they make fully convinces me that I am right in the opinion I hold, that they have not either the honesty or the ability necessary for the situation. However, I hope this House will resist this measure, and save this country from this enormous unnecessary outlay merely for hush money, as the original terms of Union will have to be carried out besides. The Premier of British Columbia, a few days since, stated in his place in Parliament that there was no relaxation of the terms, only a little extension of time, for which we are to throw away about \$4,000,000, and do them little or no good. The thing is too wild and should be defeated. If it could possibly do any good more than

the spending the money in their midst, we might consider it, but the road being built there could not be enough work for a train a month over the road. I do not object to expending money upon the Pacific slope, upon a railway running east, and will be quite prepared that the Government should proceed vigorously with the work in that direction, as that will be in keeping with the spirit of Canada, which is ultimately to construct an all rail route from the Pacific to the Atlantic. But this Vancouver Island Railway is not needed, and will cost a very large sum; this with the Georgian Bay Branch, the Pembina Branch, the Thunder Bay Branch, altogether costing about twenty millions of dollars, and then we are not a mile on the way to the Pacific by an all rail route. In view of the circumstances I do think it time to pause before we are ruined in almost useless work. I therefore have great pleasure in supporting the amendment for the three months' hoist. (Cheers.)

HON. MR. LETELLIER DE ST. JUST said the bill now before the House had been accepted by the Commons as one of those necessities bequeathed this Government by their predecessors. When British Columbia was annexed to this Dominion, it was found necessary to enter into a treaty by which we bound ourselves within a certain time to build a railroad from the Pacific to connect with the railway lines of the Dominion. But the works were not proceeded with according to agreement and the bargain was not kept with British Columbia. Then that Province had some reason to complain that we had not carried out our part of the obligations. They brought their case before Lord Carnarvon, as the British Government had been a party to the treaty, and they complained they had not been fairly treated by Canada. In accordance with the noble Lord we took into consideration the strong claims of British Columbia, and this bill was the result of the compromise that had been effected. We had been told that this country was not able to bear the expense which this Pacific route would entail. The ability of this Dominion to carry out the present was certainly not less than its ability to carry out the former arrange-

ment. Our financial position now was certainly not less strong than it was then. Objection was made that the Government would not have to submit the contracts to Parliament. But he would remind hon. gentlemen that the late Government never submitted its contracts to Parliament, and this Government submitted its contracts until the present time, and now, when, for a specific reason, they desired to depart from that custom, he thought hon. gentlemen ought not to complain. We were bound to show British Columbia good faith, not in carrying out the original proposition, which was out of the question, but the present one submitted in its place. He admitted the burden was a heavy one for us to bear, but the stipulations of the treaty must be fulfilled. It was impossible for the Government to submit the contract before next year; therefore, if Parliament insisted upon the contract being submitted, the work could not be gone on with by the time agreed upon.

HON. MR. MILLER wished to state briefly the reason why he would support the bill. He was one of those who had voted for the admission of British Columbia into the Confederation, on the terms of the construction of a Pacific railway. He (Mr. Miller) would not now discuss the wisdom or unwisdom of the terms of admission granted to the Western Province, but he did not admit that the Pacific Railway was a purely British Columbian affair. It was a national undertaking in which the whole Dominion, from Cape Breton to Vancouver Island, was deeply concerned. The greater portion of the whole line was necessary to the carrying out of their colonization policy in the great North-West Territory. But it was true British Columbia had the greatest interest in the Pacific Railway, which they found they were now unable to construct according to the terms of Union with that Province, and therefore had a just ground of complaint against the Dominion. The line of railway proposed by the bill was in satisfaction of the breach of the original terms, and had been recommended by the Imperial Government. Was it wise in this House to reject the compromise made under such circumstances? He did not think it would

be wise or policy to do so. As one of those who had supported the original terms made with British Columbia, he felt bound to support this bill, which was a compensation for the non-fulfillment of those terms. The rejection of the bill would neither improve their relations with that Province or the Imperial Government, and he therefore hoped the measure would become law. He (Mr. Millard) at any rate, would not take the responsibility of voting against it, whatever he might feel with regard to the burden the work would impose on the country.

After remarks by HON. MESSRS. VIDAL, HOWLAN and SCOTT, Hon. Mr. Aikins' amendment, giving the bill the six months' hoist, was put to vote and carried by 23 to 21, as follows:—

CONTENTS — The Honorable Messieurs Aikins, Alexander, Allan, Armand, Bellerose, Benson, Campbell, Chapais, Chinic, Dever, Dickey, Dumouchel, Flint, Hamilton (Inkerman), Hamilton (Kingston), McClelan, Macpherson, Penny, Read, Ryan, Seymour, Trudel, Vida!—23.

NON-CONTENTS — The Honorable Messieurs Baillargeon, Brown, Bureau, Carrall, Chaffers, Christie (Speaker), Cormier, Cornwall, Haythorne, Howlan, Leonard, Letellier de St. Just, Macdonald, Miller, Montgomery, Muirhead, Pâquet, Scott, Simpson, Skead, Wark—21.

The House adjourned at twelve o'clock, p. m.

Wednesday, April 7, 1875.

The House met at eleven o'clock.

INCREASE OF MINISTERS.

HON. MR. READ gave notice that he would, at the next sitting, ask if the Government intended increasing the number of Ministers in this House.

HON. MR. LETELLIER said he could answer on the spot—the Government did not so intend.

CENSUS RETURNS.

HON. MR. RYAN asked—How soon were we likely to have the forthcoming volume of the census?

HON. MR. LETELLIER—The third will issue almost immediately, and the fourth was partly in press.

QUEBEC TRINITY HOUSE AND HARBOUR
BILL.

On motion of HON. MR. LETELLIER, the House went into Committee of the Whole on the Quebec Trinity House and Harbor Bill.

To HON. MR. RYAN,

HON. MR. LETELLIER replied it was intended to abolish the Trinity House.

A discussion took place between Mr. LETELLIER and Messrs. RYAN and MACPHERSON, who objected to the bill in its present shape, and advocated a fair and adequate representation of the shipping and commercial interest of the Harbour Board.

HON. MR. MACPHERSON thought the measure unnecessary.

Finally, Mr. RYAN moved an amendment to the effect that of the nine Harbor Commissioners desired by the Government, five should be appointed by the Governor in Council, and of the remaining four, one should be elected by the Council of the Board of Trade of Quebec, another by the Levis Board of Trade, and two should be elected by the mercantile and shipping interest.

HON. MR. LETELLIER said he would have had no objection to the election of a member by the Quebec City Corporation. As to the mercantile and shipping interest, Government would see that persons well acquainted with it were selected to give it ample protection. He did not see why the interests of the Quebec and Levis corporations should not be protected in these selections.

HON. MR. RYAN said the Government, in their appointments, had full power to give the Corporations of Quebec and Levis ample representation on the Board. He was anxious that the mercantile representatives should be elected specially for the protection of this interest, and on account of their fitness for the office.

HON. MR. LETELLIER having accepted the amendment, the bill was reported and read a third time as amended.

QUEBEC GRAVING DOCK.

HON. MR. LETELLIER moved the third reading of the Quebec Graving Dock Bill.—Carried.

THE SUPPLY BILL.

HON. MR. SCOTT on moving the second reading of the Supply Bill, said it was found necessary to increase the 15 per cent duties to 17½c. last year, in order to meet the growing expenditure of the country. The estimates for 1873-4 reached \$23,316,000, or nearly four millions in excess of those of the former years. The actual receipts from 1873-4 were \$23,200,000, leaving a balance to the credit of the year, of \$800,000. This balance was proved to be due entirely to the fact that some two millions were obtained from the increase of taxation. This was the best possible justification for raising the tariff. The next most important matter was the loan obtained by the Finance Minister of \$17,500,000. Of that we had paid and were paying off ten millions of debt, six millions in six per cent debentures, which matured before the 1st July of this year 1875, and four millions of other liabilities, chiefly seigniorial, at six per cent interest. The great advantage of this loan was that it would cost us, in interest, only \$778,000 a year; but by means of it, we paid off those ten millions of six per cents, upon which we had been paying \$600,000 a year, which left a balance of interest chargeable to us, as against the rest of the loan, of only \$178,000; so that we paid for \$7,500,000, only this \$177,000, or a little over two and a half per cent. The Finance Minister hoped to be able, in a few years, as the credit of Canada ascended, to substitute our four per cent. debentures largely for the five and six per cents. Now the estimates for the present year reached \$25,250,000, of which customs and excise were expected to contribute \$21,000,000, and public works \$1,750,000, other small sums making up the remainder. In these estimates before the House thirteen millions were voted on capital account. It was not to be supposed this money would all be spent, however. About six millions of this amount was for railways, some of which, like the Prince Edward Island and Intercolonial, would, in another year, drop out of the estimates altogether. Six millions would go to the Welland, St. Lawrence, and other canals. The amount authorized under

the various Acts of Parliament, including subsidies, &c., came to \$12,160,000 making a total of over \$25,000,000. The sum of \$25,250,000 asked, would be amply sufficient for all the ordinary demands of the country. (Hear, hear.)

HON. MR. ALEXANDER briefly reviewed the financial position of the country, beginning by reiterating his remonstrance against the Government's delaying the introduction, in the Senate, of nearly all the important bills till within 36 hours of the end of the session. Did Ministers attach any value to this House as a co-ordinate branch of the Legislature? He hoped this was the last time he would have to make this remonstrance. The Senate was equally responsible with the Commons as a co-ordinate branch, in the matter of preventing any mal-administration of the finances. He regretted he would not compliment the Government on the estimates submitted to-day. He was sure that members must admit that several of the items of those estimates were unwise, and opposed to the public interest. He instanced \$919,350 for harbors, contending half the expense of those works should be borne by the localities more particularly interested, and this amount saved to the Dominion. Where was the use of devoting \$282,000 to emigration before we had a suitable policy for opening up the North-West to emigrants? From this item they could not expect much useful result. The item of \$1,358,000 was for maintenance and repairs of the Intercolonial Railway, which was outside the \$21,250,000 to be spent on the road for its completion. He did not charge the Maritime Provinces with this expenditure, but mentioned it to show that the sooner we placed all the Government railways in the hands of private companies the better for this country. Then there was one million for the telegraph to the Pacific coast. The Government were guilty of violating the Pacific Railroad Act of last session, in awarding the contract before the line was located. (Hear, hear.) He knew a Minister here had assured us the telegraph would not be proceeded with till the line was located, but what could justify a Reform Government in acting

with such unseemly haste in issuing this contract ere the line was located.

HON. MR. SCOTT said he stated most emphatically that Government were only building the short lines. Between Lake Superior and Fort Garry, the portion of Shebandowan, and that from Lake of the Woods to Winnipeg, and the country north of it, there was a gap of 200 miles. He stated that, as far as practicable, they would keep to the line of the railway. They did not exactly know where all parts of it would be, but that the telegraph would in the main run in the direction of the railway. There might be a diversion for a mile or two here and there.

HON. MR. ALEXANDER was surprised that a Reform Government, which last session got the bill passed on the assurance that its provisions would be carried out in good faith, should take refuge in the reservation, "as far as practicable." If this line was not upon the line of the railway they would require to build another line. Having censured the proposed expenditure upon the Georgian Bay Branch, and expressed his willingness to do anything he could to meet the wishes and promote the interests of British Columbia, the bill in respect to the branch railway, which he was sorry they had to throw out last night, he concluded by an appeal to the members to strive to maintain the usefulness and influence of the Senate by insisting upon the submission to it of important measures at an earlier period of the session.

HON. MR. READ desired to say a few words upon the subject of the Estimates—the largest ever presented, and some of them exceedingly objectionable, amongst them the items for the Georgian Bay Branch and the Vancouver Island Railroad, two unnecessary roads which ought not to be built, even if we had plenty of money to spare. However, I am happy to know that the revenue for the first nine months of the financial year amounts to eighteen million (18,000,000) dollars, and if the next three months come up to the last year's receipts, we may anticipate this year's revenue to amount to \$25,000,000, a very large increase over last year's; and when we consider that Mr. Cartwright, in making

his financial speech this year, stated that we had borrowed from this year's revenue \$2,000,000, the correctness of which I am led to dispute. Admit this to be the case, our revenue would be over \$27,000,000. However, I think I can conclusively show to the contrary by a comparison of other years, but I do admit we may have borrowed \$500,000, this the outside figure, Mr. Cartwright's statements notwithstanding. It will be in the recollection of honorable members, that on speaking of the Tariff Bill of last session, I then said our revenue for 1874-5 would amount to \$23,800,000, it only fell short of that amount \$34,000, and at the same time instead of a deficiency of \$3,000,000, as Mr. Cartwright stated, there was a surplus of \$500,000, a conclusive proof of the mischievous tariff of last year. Especially do I take exception to that very objectionable tax on ship-building material. We ought rather to foster than tax our shipping interests, as we are raising up a merchant marine, which we ought justly to be proud of; and it is a very mistaken policy, even if we needed the money, to put any burthen upon this branch of our greatness—one calculated to raise us higher in the scale of nations than any other—and I will strongly urge upon the Government to remove at once this tax, and let our ships go to the most distant parts of the world as free as the water in which they float. Let us examine and see if we have borrowed from this year's revenue, as Mr. Cartwright stated to make good his assertion last year, that the late Government had been exceeding the revenue in expenditure, an assertion not in accordance with the fact. It will be recollected that it was only the Customs and Excise that were raised, so I will only compare the receipts from these two sources, and I will compare the calendar years 1873 and 1874 to prove that we did not borrow as Mr. Cartwright would now make us believe. The Customs receipts for the calendar year 1873 amount to \$12,975,386.58; the Customs receipts for 1874 amount to \$15,895,335.56, an increase from Customs of \$2,919,937.98. Excise receipts for the calendar year 1873 were \$4,761,555.20; the receipts for 1874 were \$5,629,252.08,

being an increase of \$867,696.88 from Excise for 1874. Now, as the duties were increased in April, 1874, it is reasonable to suppose that nine months was sufficient time to regulate the trade, and it will be seen that for this period our revenue increase from these two sources amounts to \$3,787,634.86. I made this calculation from the *Canada Gazette*; but recently from returns I have discovered that the *Gazette* was incorrect in October, 1874, to the amount of \$776,000.00, which has to be deducted, so that the real amount is three million eleven thousand dollars (\$3,011,000); the result of last year's transaction showed an increase in revenue in three years of \$10,000,000, and I now feel assured this year's receipts will be much in excess of any other, a very pleasing circumstance. Should this state of prosperity continue, we will have but little difficulty in building an all-rail route from the Atlantic to the Pacific, and the people of Canada will not rest satisfied until this great scheme is accomplished, if it takes twenty-five years to accomplish it.

HON. MR. MACDONALD, of British Columbia, observed the member from Woodstock (Mr. Alexander) was kind enough to say he would take into consideration any wrong proposed to be done British Columbia. He knew a wrong had been done, and, so far as he could, had helped to perpetrate it. British Columbia required no sympathy from anyone, no hypocritical sympathy, particularly. All she wanted was her rights and dues promised for the last four years. Last night they were alluded to in a personal manner, but he desired to say they wanted no special favor nor hypocritical promises from any member of this House.

HON. MR. DICKEY rose to correct the remarks of the Secretary of State. When the resolution condemning the building of a telegraph line not upon the line of railway was before the House, the Minister of Agriculture stated in the frankest manner that there was no intention whatever to place it anywhere but on the located line of the railway, upon which assurance, he (Mr. Dickey) appealed to the hon. gentleman beside him (Mr. Alexander) to withdraw his motion, which he did.

HON. MR. ALEXANDER—Hear, hear.

HON. MR. DICKEY, continuing, said, but for that assurance, he would not have asked him to withdraw the motion.

HON. MR. LETELLIER said he stated the telegraph line would be in the direction of the located railway,—that was the intention of the Government, to be carried out in good faith. But in places where from the nature of the ground or other circumstances that could not be absolutely done, if they kept within a short distance of the railway, they would carry out the spirit of the Act, and not injure the road. There necessity did not cease, they would follow the railway line in all parts.

HON. MR. DICKEY said there was no interpretation of that kind given at that time, and it was now too late to put this one upon the original statement. It would have been fair to give it at the time, when his hon. friend would, doubtless, have pressed his resolution.

After some further discussion,

HON. MR. MACPHERSON said he remembered distinctly that the Minister of Agriculture had stated the telegraph line to be built would be confined to the located line of railway. He had put the question, "To the located line only?" and the Minister of Agriculture replied, "Yes."

HON. MR. LETELLIER said hon. gentlemen must understand that to all general promises or assurances of this kind, exceptions based on emergencies or necessities, must be understood or expected. If hon. gentlemen did not understand the practice of allowing for exceptions to all general rules, it was not his fault.

HON. MR. ALEXANDER said he would not have withdrawn his motion except for the assurance mentioned by Mr. Dickey and himself.

HON. MR. PENNY said allowance was always made for certain troublesome contingencies or unexpected difficulties in enterprises like this, which justified slight departures from original plans. No one could find fault for a deviation of a mile or two in exceptional localities.

HON. MR. MACPHERSON warned

the Government of their duty to practise economy at present, because he could assure them there was very great necessity for it. He might add it was becoming the custom in England, in the case of expenditures of public money, to submit the schemes to both Houses, that they might approve or reject them. He dare say the non-submission of the Georgian Bay Railway contracts to this House, was an omission; but he hoped the Government would not overlook the opinion of the House in this case, nor the fact that the contract was disapproved of by so many. If the contract was not actually approved of, it should be postponed another year.

HON. MR. SCOTT said it had been.

HON. MR. MACPHERSON said the best thing the Government could do, then, was to consider how they could most economically get rid of that contract, especially as the proposed expenditure on the Pacific side of the continent, for the other branch road was not to be proceeded with. As the expenditure upon the Pacific branch had been saved by the action of the House last night, he hoped that the contemplated outlay upon the road by the waters that flowed to the Atlantic, would also be saved. Those two branches would have absorbed a considerable portion of the amount adequate to the construction of the true Canadian Pacific Railway—in fact they would have led to a sad waste of the public money.

HON. MR. CAMPBELL said, with regard to the Supply Bill, that if it had now to be framed, after the action of this House on certain questions, it would not contain several items, among them, that for the Vancouver Island Railway, and for the payment of County Court Justices in Nova Scotia, which he heard appeared in the bill. He hoped it did not, however. He was quite sure that the Government would so deal with it in supply as not to run counter to the action of this branch of the Legislature. He regretted to notice a neglect of exertion on the part of Ministers to secure to the Senate that share in the initiation of public measures which he thought might have been secured. A number of bills were introduced in the other

branch which might have been introduced and considered here as thoroughly, and with a considerable saving of time, while enabling the Upper House to devote an amount of attention to the subjects which it had been unable to give as matters were arranged. The Insolvency and Supreme Court Bills might have been discussed here as well as in the other branch.

HON. MR. SCOTT—They never would have got to the other House, perhaps.

HON. MR. CAMPBELL thought that remark unnecessary: He believed the Government should have simply considered they were responsible to both Houses, and that it was, or ought to be, a matter of obligation so to distribute the public business as to occupy the attention of this House as well as the other. He hoped, difficult as it might be, that the business would be better distributed hereafter. Government might say members could take time to consider measures properly, no matter how late in the session, but, practically, it was very hard to give them that calm, careful thought desirable amid the hurry and excitement of the days towards the close. He suggested whether it might not be possible, by a resolution of both branches, to indicate certain measures that might be considered one session in one Chamber and in the other the next, with a view to their more thorough scrutiny, and the avoidance of haste and error. The Supreme Court bill or the Insolvency might have been treated in this way. He hoped the Government would, in the administration of the Supply Bill, observe the action taken by this House with reference to some of the items, and that the House could not be considered, in assenting to the Supply Bill, as having in the least departed from their conclusions on several topics at previous periods of the session.

HON. MR. LETELLIER acknowledged the becoming tone of the hon. gentleman's remarks, though some of them rested upon rather insufficient grounds. If the work initiated in the Senate was smaller than desirable, the hon. gentleman and his former Ministerial colleagues were to blame in hav-

ing reduced the number of ministers in that House from four to two, thus creating a precedent difficult to depart from. But he (Mr. Letellier) contended that there never was a session that witnessed so much work performed by this House, so few and so short delays. The House had sat every day, and for longer periods than formerly, there being no adjournments for several days at a time, as formerly. He ridiculed the idea of submitting measures for two consecutive sessions, first to one House and then to another, as absurd, impracticable, and unknown to English usage.

HON. MR. CAMPBELL said the idea was transacted in the House of Lords.

HON. MR. LETELLIER replied that no action was taken on it. If members here did not take time to discuss bills properly, it was their own fault. They should drop the notion of returning home in two months, and sit a third if the public business or interest required it.

After some further discussion, in which Messrs. Aikins and Botsford took part, the latter recommending an agreement with the Lower House, with a view to the introduction of at least more private bills in the Upper,

The HON. MR. BELLEROSE, said, though a discussion on a few items of the Money bill now under consideration, might have some good effect, he, nevertheless, would not take the time of the House in doing so, at such a late period of the Session; but having read an abstract of a report of a Committee of the House of Commons, charged with making an enquiry into the administration of the Penitentiaries of the Dominion, he regretted to have found in that report that the Warden of the Penitentiary of St. Vincent de Paul had stated before that Committee that though he felt obliged to admit that the Penitentiary under his charge was a more costly institution than any other of the kind, he could assume the responsibility of stating that this institution was administered with great economy. This statement, coupled with that of two other gentlemen who have been heard before the same Committee, giving it to be understood that this great evil was due to the location of that establishment at St. Vincent de

Paul. Now, he (Mr. Bellerose) could not let such a gross misstatement of facts pass, without giving it a most complete denial. If there was a place where such institutions could be worked with economy, it was certainly at St. Vincent de Paul; but he was free to admit, that whatever be the locality where such institutions are situated, they would always be a heavy burden on the public treasury if they were administered on the principles carried on at St. Vincent de Paul, as hon. gentlemen will see. At the large Penitentiary of Kingston, with a number of four to six hundred prisoners, sixty-six employees are considered sufficient to maintain good order and good discipline, while at St. Vincent de Paul fifty employees are not sufficient to maintain that small institution in good working order. He knew that it would be objected that a small penitentiary necessitated a comparatively greater number of employees than a large one, so he would compare small penitentiaries together. He would compare that of St. Vincent de Paul with that of St. John's, N. B. At St. John's, twenty employees are considered quite sufficient to the good management of the Penitentiary containing one hundred and four prisoners of both sexes, and so requiring a double staff of officers. While at St. Vincent de Paul fifty employees are not sufficient for an establishment containing about one hundred and twenty or one hundred and thirty prisoners of the male sex only. Now, throwing a glance over salaries, what does he find? While at the large Penitentiary of Kingston less than \$40,000 are paid for salaries; over \$30,000 are paid at St. Vincent de Paul, and less than \$10,000 at St. John's. The gentlemen who have given evidence before the Committee of the Commons, and principally the Warden of the Penitentiary of St. Vincent de Paul, except they were actuated by strong feelings against the citizens of that locality, could not have made such statements, knowing as they did what has just been stated, and much more concerning the administration of that establishment. Have those gentlemen forgotten that only on the purchase of firewood for that institution the public treasury has unjustly sus-

tained a loss of a few hundred dollars during the last twelve months, not speaking of previous years? Do they not know that while the Warden of the large Penitentiary of Kingston receives a salary of \$2,600, and the Warden of that of St. John's, \$1,000 only. He, the Warden of St. Vincent de Paul, has a salary of \$2,600, though he is at the head of an institution presently small, and which will be such so long as room will not have been provided at St. Vincent de Paul for the prisoners which the Province of Quebec has still at Kingston under the charge of the Warden of that institution. Those gentlemen must know how necessary it is to the economical administration of such institutions, and the maintaining of good discipline that the Warden or *head man* do attend regularly to his various duties inside the establishment, while they cannot ignore how very frequently the Warden at St. Vincent de Paul is absent on outside duties which his officers ought to fulfill; such as providing in Montreal and elsewhere for the many articles required for the store of the institution. The hon. gentleman then went on to show the very many weak parts of the administration of that Penitentiary on an economical point of view, adding that he did not hesitate to state from his seat that there were many other abuses which he hoped would now soon disappear, since the Government had succeeded in carrying their bill concerning the administration of penitentiaries of which so much good had been said. He had now only one word to add before he resumed his seat, and it was this: He wished it to be understood that in going over the grounds he had gone, he had not done so with the intention of insinuating that the present Government were responsible for all the evils referred to; on the contrary, feeling as he did that his duty towards the country, and towards the people he had so long represented in another part of the building, demanded that he would give an answer to the statements made before the Committee adverted to, he thought that it would be an advantage to the present Government to hear his criticism, and help them in their endeavours to make the Penitentiary

of the Province of Quebec work well and economically. (Hear, hear, from the Treasury benches).

HON. MR. DICKEY—Something has been said of the routine of business in this Chamber, and perhaps the House will permit me to make a statement of fact, which I venture to think will interest even the hon. member who cries out question. (Hear, hear.) While at my desk this morning I have glanced over the minutes of our proceedings during the session, and I find that, while we have rejected three public bills from the House of Commons, we have materially amended no less than twenty-six sent to us for concurrence, independently of the large number of bills amended in the Banking and Private Bills Committee. (Cheers.) These facts speak in trumpet tones of the necessity of a Second Chamber—(hear, hear)—and I should venture to think silence and penny whistles of those philosophers and constitution mongers who treat the Senate as a mere ornamental appendage to the State. (Cheers and laughter.)

HON. MR. SKEAD said his friend from Toronto (Mr. Macpherson) had been advising the Government to drop the Georgian Bay contract. He (Mr. Skead) thought he also had a right to tender his advice to the Government, and that was to go on with it. When these hon. gentlemen from the southern slope of Ontario saw anything pointing northward in the way of railway improvements, they always and invariably set their faces against it. He wanted hon. gentlemen in this House particularly to bear that in mind. His friend from Toronto had remarkably changed his opinions lately. He had certainly seen some new lights somewhere. Why did he not give this advice some years ago? He (Mr. Skead) was going to throw the whole responsibility of this work on the Government, and he would support them in carrying it. We are not pledged to build the whole road to the Pacific some day or other. It was decided that we were to build it piecemeal, but it was better so than not to build it at all. He hoped his friends from Manitoba and the Maritime Provinces would take note of these facts, and if they wanted his support hereafter, let them support the Government now.

HON. MR. BROWN said if hon. gentlemen from Lower Canada, or the Maritime Provinces, or any part of Ontario, would look and see what that piece of road really meant, every objection to it would be removed. It was not only a sound scheme, but in the interest of economy, and in the interest of the whole Dominion. It was not possible for any man of common sense to look at the map and see where that road was to run, without coming to that conclusion. As to the Eastern Provinces, the whole of Quebec, and a large portion of Ontario, this road would be immensely to their advantage.

HON. MR. DEVER said he would ask permission to point out, that the Hon. the Minister of State, in introducing the Supply Bill, took particular care to keep out of sight of the Senate and of the country a very important fact. That gentleman wished to impress upon this House that the mere advance on duties by his Government was only from 15 to 17½ per cent.—a mere trifle; whereas the real facts were, that spirits of all kind had been advanced by them 25 per cent., whilst tobacco had been advanced 33½ per cent. And these being the articles consumed by the unfortunate and the poor, made the matter worse, crushing the poor, and making wages high. He therefore opposed all expenditure that could be dispensed with till more justice was had in the taxation of the people. At least a relief of two million dollars should be given on these commodities, so as to relieve the hampering of business, and the circulation of money.

The Supply Bill was then read a second and third time and passed.

THE INSOLVENCY BILL.

A message was received from the House of Commons to the effect that they had agreed to the amendments made to the Insolvency Bill by the Senate, with two exceptions, for which they gave reasons.

After a short consultation, HON. MR. LETELLIER DE ST. JUST moved that a message be sent to the Commons informing them that the Senate did not insist on the two rejected amendments. Carried.

The House then adjourned until three o'clock.

SUITS AGAINST THE CROWN.

The House went into Committee of the Whole, Hon. Mr. Beason in the chair, on the bill relating to suits against the Crown by petition of right.

HON. MR. DICKEY objected to the 7th clause, which took away trial by jury. It appeared to him that the parties had an inherent right, where facts were to be tried, of having the benefit of a jury.

HON. MR. MILLER said this bill was intended to provide for cases where the subject had a claim against the Crown. When issues were left to a jury, in cases where the Crown was the defendant, the Crown seldom got justice done to it. It was almost the same with regard to large corporations—they seldom got fair play as between an individual and themselves, where a matter of fact was referred to a jury. In nine cases out of ten, where the Government had a strong case, they were afraid to refer their claim to the decision of a jury, because they felt that they would not get fair play from a jury, and therefore they were very often denied the resort to any tribunal for a trial of this kind. He confessed that after considerable experience as a lawyer, his former veneration for the jury system had been considerably lessened. In many cases, occurring within his experience, of the trial of civil issues, he would have been glad to see the decision of them taken from the jury and given to an intelligent, educated and impartial judge.

HON. MR. DICKEY remarked that his opinion differed from that of his hon. friend in regard to the system of trial by jury. The result of a long experience at the bar had been rather to confirm his veneration for that system than otherwise. He could see no reason why now, for the first time, the subject should be deprived of the right of an appeal to a jury in a claim against the Crown. Still, if the Government insisted on retaining that clause, he would not press his objections.

The seventh clause was then adopted.

Subsequent clauses were amended in unimportant particulars.

The bill was reported with certain

amendments, which were concurred in, and it was then read a third time and passed.

CONTRACTS FOR PUBLIC WORKS.

The House went into Committee of the Whole on the General Railway Acts Amendment Bill.—Hon. Mr. Miller in the chair.

HON. MR. DICKEY said he had an amendment to move with the view of making the bill more perfect. Its effect would be to require that the purchase of all articles over \$1,000 should be by tender and contract. Because in connection with a Government railway in Nova Scotia a scandal had been created arising from the fact that large sums of money had been placed in the hands of one particular firm without any tender or contract. He wished by the amendment to prevent the possibility of a repetition of such a scandal.

HON. MR. SCOTT said he was scarcely prepared to accept the amendment. The policy of the Government was to obtain supplies by tender whenever they could, but cases might arise where it would greatly embarrass the Government to be tied up in this way.

HON. MR. DICKEY moved, seconded by Hon. Mr. CAMPBELL, to add to the bill a clause to the effect that in all cases where merchandize, commodities or supplies of any kind are required for the use and purposes of any Government railway to a greater amount than \$1,000 they shall be purchased only by tender and contract.

The amendment was put, and lost by 12 to 28.

The bill was read a third time and passed.

NORTH-WEST TERRITORIES.

HON. MR. SCOTT moved the second reading of the North-West Territories Bill. He explained that its purpose was to consolidate the laws respecting the North-West, and embraced all the country known under the name West of Manitoba. It would give Government authority to appoint a Lieutenant-Governor with a Council of nine, for the better government of that Territory. The seat of authority would be at Fort Pelly. A bill had been passed in 1869 making arrangements for administering the affairs of the North-

West, placing the authority in the Lieutenant-Governor of Manitoba, but it had been found necessary to remove the seat of authority further west and to make provision for a larger share of legislative institutions. The bill provided that when a certain area contained a population of 1,000 souls they would be entitled to be represented by a sort of Primitive Legislative Assembly. The laws of Ontario, as far as they could be applicable, were introduced.

HON. MR. CAMPBELL remarked that the bill gave the Government very important additional powers in reference to the North-West Territory. He supposed the Government were in a better position to judge whether it was necessary to establish a new Government there than this House could be, and as far as he could see he was willing to give them the power to give them the power to establish a new Government there if they thought it necessary. He hoped the expense would not be very large. The population was very small, and there was a great temptation for the Government to create offices and to make councillors, so that there might be, perhaps, in the earlier history of the country more officials than inhabitants. Just now he apprehended there was no population west of Manitoba, or none of consequence.

HON. MR. SCOTT—About 500 of white people.

HON. MR. CAMPBELL thought it was hardly necessary to establish a new Government now for 400 or 500 people. The power of appointing a House was also a dangerous one.

HON. MR. SCOTT reminded the hon. gentleman that the country was now subjected to a large expense in maintaining a police force in that territory. The Council was limited to five persons of whom three were stipendiary magistrates. They were to be stationed at different points and were to come together for the purpose of consultation. Anarchy had to a large extent prevailed in that country for some years past. The number of murders during the last year and a half was estimated at 130 to 150. There was a large number of traders coming over the American border to sell whiskey, and the

Government were going to give their prohibitory friends an opportunity of seeing whether a country could be governed under a prohibitory liquor law.

The bill was read a second time.

The House in Committee of the Whole on the same.—Hon. Mr. Dickey in the chair.

PROHIBITION IN THE NORTH-WEST.

HON. MR. SCOTT said by the 74th clause Government intended to give prohibitionists an opportunity of trying their system.

HON. MR. CAMPBELL asked if in the appointment of Lieutenant Governor it was provided that he should be an adherent of the prohibitory party. (Laughter?)

HON. MR. SCOTT replied that there was no provision to that effect.

HON. MR. VIDAL had decided objection to the ninth clause, which he found to be a provision for issuing shop, saloon and tavern licenses.

HON. MR. SCOTT said if the people who came in there afterwards, when representative government should be established, chose to adopt a system of license, we could not prevent it. They would be free to do as they liked. But until representative government was established, prohibition would be the law of the land, and afterwards, too, if the people so decided.

HON. MR. VIDAL moved, seconded by HON. MR. FLINT, to strike out the words: "or on shop, saloon, tavern, or any other such licenses." He maintained these words held out a direct inducement to any municipality to license the liquor traffic for revenue purposes.

HON. MR. FLINT said he had been given to understand that this territory was to be made free from intoxicating drinks.

HON. MR. SCOTT—So it is now.

HON. MR. FLINT—So it was now, but under this provision of the bill it gave power to any one to enter upon the liquor traffic. The bill contained no prohibitory law. It made all the provisions that could be made in any new territory for the introduction of the liquor traffic. He hoped that in this great country of ours we should have at least one place, one territory,

where by law the liquor traffic should be prohibited. He hoped the Government would consent to strike out this provision.

HON. MR. CAMPBELL hoped the Government would strike it out. If this clause remained he trusted no gentleman who had the cause of prohibition at heart would ever consent to accept office in that country. (Laughter.)

The subject then dropped on the understanding that the amendment should be moved on the third reading.

The bill was then reported without amendment.

EDUCATION IN THE NORTH-WEST.

On the motion for the third reading,

HON. MR. AIKINS stated he was opposed to a provision in this bill. In the 11th clause provision was made for the maintenance of certain schools for Protestants and Roman Catholics separately. He thought it was unwise to introduce anything of this nature into the bill. He therefore moved, seconded by Hon. Mr. FLINT, to strike out all the words after "therefor" in the 12th line.

HON. MR. BROWN thought this provision was quite contrary to the British North America Act. Nothing was more clear than that each Province should have absolute control over education. He thought that was the only principle on which this Union Act could continue. If the Dominion Government interfered with local matters we would get into inextricable confusion with the Provinces. The safe way for us was to let each Province suit itself in such matters. This country was filled by people of all classes and creeds, and there would be no end of confusion if each class had to have its own peculiar school system. It had been said this clause was put in for the protection of the Protestants against the Catholics, the latter being the most numerous. But he, speaking for the Protestants, was in a position to say that we did not want that protection. In this case it was proposed that the national machinery should be used for the imposition and collection of taxes upon persons of peculiar denominations for the support of schools of their kind. It was an

attempt to enforce upon that country peculiar views with regard to education.

HON. MR. SCOTT was very sorry the hon. gentleman had brought the subject up. But he thought no one could read the history of Canada for the last ten years without seeing that this Government had done a wise thing in removing from that new country a cause of discord which had been a thorn in the side of every Government that had existed. Any gentleman would have to admit that it was the greatest possible relief to the people of Ontario that this question was settled for them, and was not, as in some of the other Provinces, a source of constant discord. He was one of those who maintained that parents had a right to educate their children as they pleased, and that they ought not to be taxed to maintain schools to which they could not conscientiously send their children. Our whole system of Government was based upon that sound principle, and how long could we have happiness and peace in this country if we were to abolish that safeguard which was now recognized in both the large Provinces? Would not every gentleman in this chamber gladly see the New Brunswick trouble removed? Now was the proper time to establish in the new territory a principle that ought years ago have been established in this Dominion. He hoped hon. gentlemen would not take advantage of their majority to force upon the House a principle to which many were conscientiously opposed to.

HON. MR. MILLER did not agree with the construction placed on the Act of Union by the hon. member from Toronto (Hon. Mr. Brown), in regard to the subject under discussion. He contended that the exclusive right to deal with the subject of education given to the Provincial Legislatures was intended to apply to the old Provinces, or Provinces entering the Union with regularly established systems of government, and existing systems of education defined by law. It was very different when they had to deal with a territory like the North-West, which the Dominion owned by purchase; which possessed no municipi-

pal laws or regulations of any kind that were asked to interfere with, and for which they were called upon by the bill to create a temporary form of government. Parliament had an undoubted right under these circumstances to make such provisions regarding the question of education, or any other question, for this new territory, as in its wisdom it thought best for the future peace and well being of the country. The difficulties they had already encountered in the old Provinces in regard to education should be a warning to them to prevent similar troubles arising in the Provinces they hoped to see spring up in the North-West. This policy had been applied to Manitoba, and who can deny that that course had been wise, and would save that Province from all the discord and bitter agitation through which the older Provinces were either passing or had already passed. It was unfortunate that the Act of Union had not settled the educational rights of all the old Provinces on a just and liberal basis, as had been done in Ontario and Quebec. If that had been the case, the Dominion would have been saved the sad spectacle that was now presented with regard to some of the Maritime Provinces. Did the hon. gentleman (Mr. Brown) who advocated the amendment proposed by the hon. member opposite (Hon. Mr. Aikins) wish to see the same troubles in the future history of the new Provinces? If not, this was the proper time to prevent those difficulties and bad feelings that were sure to arise in every mixed community where education was left an open question. They could do now safely and easily what they might not hereafter be able to accomplish when powerful conflicting interests had grown up in the territory. Was it wiser to do so than to leave to that country a source of division, weakness and religious strife that might mar its future progress, and even endanger the Government of the country? He thought they should take a lesson from their past experience, and deal with the subject in a fair and liberal spirit. All the bill asked was that all parties in that new country should have such schools as they chose to establish at their own expense, and

that minorities would at all times be safe against the tyranny or intolerance of majorities. That would not be interfering with the just rights of any body or clan; but, on the contrary, it would be guaranteeing the rights of all classes. It would simply be providing while they had the power to do so, for freedom of conscience with regard to the vexed question of education. It should be borne in mind that the body to which he belonged felt deeply in this question, and would never quietly submit to injustice or oppression in reference to it. That body comprised forty-five or forty-seven per cent. of the whole population of this Dominion, and although they did not possess a fair representation in the Senate in proportion to population, they were still strong enough here and elsewhere to resist injustice and vindicate their conscientious views with regard to this or any other question. He hoped the House would take a wise and liberal view of the subject, and pass the bill as the Commons had sent it to them. He did not wish to be dragged into a prolonged discussion, but if forced upon him he would not avoid it. He trusted the Government would sincerely oppose the amendment, which would be judged by the votes of their supporters. But he warned hon. gentlemen that if the amendment was not voted down, it would endanger the passage of the whole bill. (Hear, hear.)

HON. MR. LETELLIER DE ST. JUST regretted very much that this discussion had arisen. The Government knew that great difficulties had already arisen in the existing Provinces with regard to the school question, and it was to prevent these difficulties in the new Province that this clause had been introduced. He thought we ought to try as much as possible to legislate for the peace and harmony of all classes whenever we had the power to do so. He would not say any more, but only express the hope that this House would not accept the amendment of his hon. friend.

HON. MR. FLINT supported the amendment contending that it would be better for education and the people generally to have the youth of the country brought up trained together. Religious instruction could be im-

parted by the clergy of each denomination, or in Sunday schools.

HON. MR. RYAN said the first clause of the bill put the whole matter in the hands of the majority, and it was to correct this that the latter part was added—in other words to protect the majority. He argued children should be taught religion, while acquiring secular knowledge; if not so instructed on week days, it would be difficult to inculcate religion at all. The tendency of the amendment was to ignore religious education altogether. The clause of the bill did not necessarily involve separate schools, but merely gave the minority, and the majority as well, the right to choose their own schools. It was the duty of this House to see to the protection of the minorities.

HON. MR. CAMPBELL said it would be much to be regretted if the amendment passed. The object of the bill was to establish and perpetuate in the North-West Territories the same system as prevailed in Ontario and Quebec, and which had worked so well in the interest of peace and harmony with the different populations of those Provinces. He thought the fairer course, and the better one, for all races and creeds, was to adopt the suggestion of the Government and enable people to establish separate schools in that Territory, and thus prevent the introduction of evils from which Ontario and Quebec had suffered, but had judiciously rid themselves.

HON. MR. PENNY said, though he was not an admirer of the separate school system, it had been found necessary, in the interest of peace, to adopt it for Quebec and Ontario, and, as a similar agitation for it would naturally arise in the North-West in the course of time, we might as well settle the matter at once by allowing the creation of separate schools.

HON. MR. BROWN said he concurred with what had fallen from his hon. friends on the Treasury benches, and from hon. gentlemen who had spoken on the amendment, with respect to the propriety of allowing separate schools. But the question was not whether those schools were right or wrong, good or bad, but as to whether it was wise for this country to deal with this question.

He quite admitted the importance of the issue which had been raised—whether this matter should be referred to the Provinces interested for settlement, or be brought to the Dominion Legislature. He spoke in the interest of good feeling and harmony in the national councils. What else was the clause in the Constitution empowering the Provinces to settle the school question themselves inserted for, but to get quit of controversies like this in the Dominion, and to leave the schools to be managed according to the views of each locality? By this bill they might raise the very serious issues in the North-West which had proved so troublesome to Quebec and Ontario. No one would regret this more than he, and for this reason he would support the motion of the hon. member for Peel. The Constitution was framed with a view to leaving this question to the settlement of the various Provinces, and it would be folly in Parliament to violate that arrangement. The moment this Act passed, and the North-West became part of the Union, they came under the Union Act, and under the provisions with regard to separate schools.

HON. MR. CAMPBELL—We are not legislating for any particular Province, but merely for a territory which is under our supervision.

HON. MR. BROWN—See the danger then; are we to force separate schools upon the people, and under all that has been settled by the Constitution?

HON. MR. CAMPBELL—Somebody must legislate for the territory.

HON. MR. BROWN—The people there could legislate for themselves. By this Act you are giving them power to do what they like in other matters.

The vote was taken on Mr. Aikins' amendment. Contents, 22; non-contents, 24. Lost.

PREVENTION OF LIQUOR LICENSES.

HON. MR. VIDAL moved an amendment to prevent the issue of licenses for the sale of any intoxicating liquors.

HON. MR. SCOTT gave reasons for opposing it, and it was lost on a division.

The bill was then read a third time.

PROROGATION.

The SPEAKER said—I have the honour to inform the House that His Excellency the Governor General will proceed to the Senate Chamber at three o'clock to-morrow afternoon, to prorogue the present session of the Dominion Parliament.

THIRD READINGS.

The following bill was considered in Committee, reported, and read a third time:—

To continue certain Acts now in force.—Hon. Mr. Scott.

The bill respecting culling and measurement of timber was reported from Committee with two amendments, which were concurred in; one suggested by Hon. Mr. Skead, provided cullers should be paid by fees, not salaries; and the other, by Hon. Mr. Price, to confine the operation of the Act to places not east of the Island of Orleans, near Quebec.

The House rose at six o'clock.

The House met at pleasure in the evening, and about ten o'clock a number of messages were received from the House of Commons, informing the Senate that they had agreed to the amendments made in the latter House to several bills which were now returned.

HON. MR. LETELLIER DE ST. JUST then announced that the business of the House was now concluded, and that the prorogation would take place to-morrow at three o'clock.

The House then adjourned.

Thursday, April 8, 1875.

THE SPEECH—PROROGATION.

At three o'clock His Excellency the Governor General came down to the Senate, and having assented to a number of bills, prorogued Parliament with the following speech:

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I cannot relieve you from your attendance in Parliament without thanking you for the assiduity and zeal by which, at an unusually early period in

the season, you have been enabled to bring the onerous duties of a laborious session to a close.

The session has been fruitful of measures fraught with great consequences to the country.

I have readily given my assent to the Act to establish a Supreme Court and a Court of Exchequer for Canada, a measure which has long been under consideration, and which is necessary to the completion of our judicial system.

The Act respecting insolvency will promote the interests of commerce by the wholesale changes introduced in the existing law. These changes will doubtless result in the more careful and economic official administration of insolvent estates, giving due protection to the creditor, and, at the same time, shielding from harsh treatment the honest but unfortunate debtor.

To aid in the development and efficient administration of our great territorial empire in the North-west, an important step has been taken by the passing of the Act providing for it a form of Government predicated upon its present requirements, and framed to meet the exigencies of the near future by calling into existence representative institutions whenever sufficient population shall have been found for the exercise of the functions of self-government.

The Postal Service Act will, by its liberal provisions and the removal of hindrances to free communication by rail, tend greatly to the public convenience.

In like manner, much advantage may be expected to result from the passing of the Act respecting Ocean Telegraphy, preventing monopoly, and giving freedom of access to our shores to all Marine Telegraph Companies.

The Copyright Act has been passed to protect the rights of authors and artists who may desire to avail themselves of its provisions, and to facilitate arrangements for the publication in Canada of the works of writers residing in other countries.

By the Insurance Act, greater security has been given to the insured, by the adoption of an effective system of inspection.

The Act relating to Penitentiaries

has brought these institutions more immediately under the direction and control of the Government; and the system of administration and inspection has been simplified and cheapened.

Gentlemen of the House of Commons :

I thank you for the supplies you have granted. They will enable my Government to prosecute the great public works to which the country has been committed, and will, I doubt not, contribute largely to the development of our resources, the growth of our commerce, and the extension into the interior of settlements of hardy and industrious pioneers.

Honorable Gentlemen and Gentlemen :

I congratulate you on the adoption of many measures, in addition to those enumerated, calculated to add to the public comfort and prosperity, to increase the stability of our institutions, add to promote confidence and good will among the different classes of our people. They, I doubt not, will be found to appreciate your labors to these ends; and I trust that on their part, they will above all things cultivate an unselfish love of country and devotion to the general good.

His Excellency then having announced Parliament to be prorogued until the 28th day of May, left the Chamber and returned to Rideau Hall, escorted by the cavalry. As he left the square, the artillery again fired a salute of 21 guns.

BILLS ASSENTED TO.

The following bills received the Royal assent:—

An Act to amend an Act to incorporate the Board of Trade of the town of Levis.

An Act to amend the Act incorporating the Canadian Navigation Company.

An Act to amend the several Acts incorporating or relating to the Richelieu Company, and to change its corporate name.

An Act respecting the Intercolonial Railway.

An Act further to amend the Civil Service Superannuation Act.

An Act to consolidate and amend the Acts relating to the Provincial Insurance Company of Canada.

An Act respecting the lien of the Dominion on the Northern Railway of Canada.

An Act respecting the Canada Central Railway Company.

An Act to incorporate the "Metropolitan Insurance Company of Canada."

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

An Act to change the name of the "Montreal, Chambly and Sorel Railway Company" to the "Montreal, Portland and Boston Railway Company."

An Act to amend the Act 37th Vict., chap. 115, incorporating "The International Express Company."

An Act to incorporate the Anglo-French Steamship Company."

An Act to incorporate the European and American Express and Agency Company.

An Act to incorporate the National Insurance Company.

An Act to amend "An Act respecting the appropriation of certain Lands in Manitoba."

An Act to extend to the Province of Manitoba an Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanours in the Provinces of Ontario and Quebec.

An Act to amend the Acts respecting Controverted Elections.

An Act for suppressing Gaming Houses, and to punish the keepers thereof.

An Act to amend the Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanours in the Provinces of Ontario and Quebec.

An Act to further amend the Act respecting the treatment and relief of Sick and Distressed Mariners.

An Act to rearrange the capital of the Northern Railway Company of Canada, to consolidate enactments relating to the said Company, to enable the said Company to change the gauge of its Railway, and to amalgamate with the Northern Extension Railway Company, and for other purposes.

An Act to incorporate the "Industrial Life Insurance Company."

An Act to amend "The Interpretation Act," as respects the printing and

distribution of the Statutes and the territorial application of Acts amending previous Acts.

• An Act to repeal certain provisions of an Act of the Legislature of Nova Scotia respecting Petty Offences, Trespasses and Assaults.

An Act to amend the Act providing for the organization of the Department of the Secretary of State of Canada.

An Act to amend the Acts for the preservation of the peace in the vicinity of Public Works.

An Act to amend the Dominion Militia and Defence Acts.

An Act to incorporate the "Banque Saint Jean Baptiste."

An Act to change the name of the "Imperial Building, Savings and Investment Company," to that of the "Imperial Loan and Investment Company."

An Act to make further provisions respecting the Central Prison for Ontario.

An Act to amend the Act respecting procedure in Criminal cases, and other matters relating to Criminal Law.

An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario, of persons charged with Felonies or Misdemeanours.

An Act to amend the Act respecting the Public Debt and the raising of loans authorized by Parliament.

An Act to amend "The Immigration Act of 1872."

An Act to amend the Act incorporating the Western Assurance Company, and other Acts affecting the same, and to extend the powers of the said Company.

An Act further to amend the Acts regulating the issue of Dominion Notes.

An Act further to amend "An Act respecting the administration of Justice, and for the establishment of a Police Force in the North-West Territories."

An Act to incorporate "The Intelligencer Printing and Publishing Company."

An Act respecting Copyrights.

An Act still further to amend "The Patent Act of 1872," and to extend the same, as amended, to Prince Edward Island.

An Act respecting defective Letters Patent and the discharge of Securities to the Crown.

An Act to amend the Gas Inspection Act, 1873.

An Act to regulate the construction and maintenance of Marine Electric Telegraphs.

An Act to amend the Act therein mentioned, respecting Banks and Banking.

An Act to amend the Act to incorporate "The London and Canada Bank" and to change the name thereof to that of "The Bank of the United Provinces."

An Act to confirm articles of agreement and consolidation between the European and North American Railway Company for extension from St. John westward and the European and North American Railway Company of Maine, and for other purposes therein set forth.

An Act to incorporate "The Canadian Steam Users' Insurance Association."

An Act to amend the law relating to Bills of Exchange.

An Act to incorporate "The Ontario and Quebec Lumber and Timber Association."

An Act to compel persons delivering certain merchantable Liquids in Casks to mark on each cask the capacity thereof.

An Act respecting Life Insurance Companies and Companies doing any insurance business other than fire and inland marine.

An Act further to amend "The Pilotage Act, 1873."

An Act to amend the Act passed by the Parliament of the late Province of Canada, entitled "An Act to incorporate the Montreal Board of Trade."

An Act to amend the Act incorporating the Canada Car and Manufacturing Company."

An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada.

An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards fire and inland marine business.

An Act to extend and amend the law requiring Railway Companies to fur-

nish Returns of their Capital, Traffic, and Working Expenditure.

An Act to incorporate the Ottawa Royal Life Assurance Company of Canada.

An Act to amend and consolidate the laws respecting the North-West Territories.

An Act further to amend the general Acts respecting Railways.

An Act further to amend the Act chapter forty-six of the Consolidated Statutes of Canada, intituled: "An Act respecting the Culling and Measuring of Timber."

An Act to provide for the institution of Suits against the Crown by Petition of Right, and respecting Procedure in Crown Suits.

An Act to establish a Supreme Court and a Court of Exchequer for the Dominion of Canada.

An Act respecting the Graving Dock in the harbor of Quebec, and authorizing the raising of a loan in respect thereof.

An Act respecting the Trinity House and Harbor Commissioners of Quebec.

An Act to incorporate the Quebec and Lake Huron Direct Railway Company.

An Act to amend the provisions of "An Act to amend the Criminal Law relating to violence, threats and molestations."

An Act to amend and consolidate the Statute Law for the regulation of the Postal Service.

An Act respecting Penitentiaries and the inspection thereof, and for other purposes.

An Act respecting Insolvency.

His Excellency the Governor General was pleased to reserve the following bill for the signification of Her Majesty's pleasure thereon:

An Act for the relief of Henry Wm. Peterson.

The Honorable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:—

MAY IT PLEASE YOUR EXCELLENCY,

In the name of the Commons I present to Your Excellency a bill, intituled:—

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending

respectively the 30th of June, 1875, and the 30th of June, 1876, and for other purposes relating to the Public Service, to which I humbly request Your Excellency's assent.

To this bill the Royal assent was signified in the following words:—

In Her Majesty's name His Excellency the Governor General thanks her loyal subjects, accepts their benevolence, and assents to this bill.

An Act to incorporate the "Lower Ottawa Boom Company."

An Act relating to the Upper Ottawa Improvement Company.

An Act to incorporate the "Canadian Gas Lighting Company."

An Act to provide for the amalgamation of the Niagara District Bank with the Imperial Bank of Canada.

An Act relating to Interest and Usury in the Province of New Brunswick.

An Act to incorporate the "Canada Land Investment Guarantee Company," (Limited.)

An Act to incorporate the Pictou Coal and Iron Company.

An Act to extend to the Province of British Columbia the "Dominion Lands Acts."

An Act respecting conflicting Claims to Lands of Occupants in Manitoba.

An Act to change the corporate name of the St. Lawrence Navigation Company (steam) and to confer on it certain powers.

An Act to authorize the "Canada Southern Railway Company" to acquire the "Erie and Niagara Railway," and for other purposes.

An Act to legalize and confirm certain agreements made between the Niagara Falls International Bridge Company, the Niagara Falls Suspension Bridge Company and the Great Western Railway Company.

An Act respecting the Huron and Ontario Ship Canal Company.

An Act to amend "The Fisheries Act."

An Act to amend an Act respecting the Coasting Trade of Canada.

An Act to authorize François Xavier Galarneau and Magloire Cleophas Galarneau to build and maintain a toll bridge over the River L'Assomption in the Province of Quebec.

An Act to incorporate the Dominion Railways Equipment Company.

An Act to amend the Act intituled: "An Act respecting Larceny and other similar offences."

An Act to change the name of the Mutual Insurance Company of Canada to "The Dominion Mutual Life Assurance Society," and to amend their Act of incorporation.

An Act to continue for a limited time the Acts therein mentioned.

An Act to repeal the Export Duty on Stave Bolts and Oak Logs.

An Act to amend the Acts 36 Victoria, chapter 9, and 37 Victoria, chapter 34, respecting the appointment of Harbor Masters.

An Act to repeal an Act of the Legislation of Prince Edward Island, for the collection of the Cape Race Lighthouse Toll.

An Act respecting the Montreal Northern Colonization Railway Company.

An Act to incorporate a Company to construct, own and operate a Railway from Red River, in the Province of Manitoba, to a point in British Columbia on the Pacific Ocean.

An Act to extend certain provisions of "The Seamen's Act, 1873," to vessels employed in navigating the Inland Waters of Canada.

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