



HOUSE OF COMMONS
DEBATES

FIRST SESSION—SECOND PARLIAMENT
36 VICTORIA

VOLUME VI

COMPRISING THE PERIOD
FROM THE FIFTH DAY OF MARCH, 1873
TO THE THIRTEENTH DAY OF AUGUST, 1873

SPEAKER: THE HON. JAMES COCKBURN

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ISSN 0229-1398

Cat. No. X1-021E/X1-021E-PDF

Foreword

This volume, the sixth in the series to reconstruct the Debates of the House of Commons, contains the record of debate for the first of two sessions. With the publication of this volume, the Library of Parliament is well on its way to completing the important task of reconstituting from newspaper accounts the early debates of the House, for the period of 1867 to the year 1874, with official reports beginning in 1875.

Canada's Second Parliament opened on March 5, 1873 with Sir John A. Macdonald still at the helm. The First Session of this Parliament lasted only three months, adjourning on May 23 and resulting in an abrupt and dramatic prorogation on August 13, 1873. Debates were often acrimonious and focused on what became known as The Pacific Scandal, which related to accusations of government irregularities in granting the charter. The issue eventually became so contentious that a Royal Commission was struck to conduct a formal inquiry into the transactions, the outcome of which would be the subject of debate during the entire, short, Second Session.

Despite the tone of debate throughout this First Session, many important issues were discussed and key legislation passed, continuing the nation building begun in 1867. Chief among these were the New Brunswick school law question, legislation to end dual representation, and issues arising from the treaty of Washington, as Canada forged its own identity vis-à-vis the Imperial government, and our neighbour to the south. Other themes were the protection of citizens: seamen facing the dangers of water transportation and Canada's indigenous population facing pressure from the movement of settlement westward. And a new province, Prince Edward Island, was admitted to Confederation.

The project of reconstituting these early Debates was conceived as a Centennial project in the 1960s with the support of a former Speaker of the House of Commons, the Honourable Roland Michener. We are indebted to Parliamentary Librarian, Sonia L'Heureux, and her predecessors who, together with their staff, continue to ensure that a gap in Canadian history is being filled with the completion and publication of each further volume, and with the broad access made possible by their release online.

Hon. Andrew Scheer, M.P.
Speaker of the House of Commons
Ottawa, 2013

Preface

From the early years of Confederation to 1875, when the House of Commons began to report its debates officially, speeches delivered in the House were reported in major newspapers of the day, notably the *Ottawa Times* and the *Toronto Globe*. Parliamentary librarians clipped the reports and preserved them in scrapbooks; these became known as the “Scrapbook Debates”, which have provided most of the source material in producing the present volume.

As Parliamentary Librarian, I take great pride in the publication of this sixth volume in our series of reconstituted debates of the House of Commons. Reconstruction of the parliamentary record from 1867 to 1874 was initiated in the 1960s under Eric Spicer, then Parliamentary Librarian. In his Preface of the first volume, he described the reconstituted debates as “very valuable in preserving a continuous record of the political history of the Dominion”. Researchers, academics, students, and the Canadian public are certain to find the content of this volume fascinating for its many “firsts” in Canadian political history and for the passion and eloquence of the many players.

I am grateful to the Honourable Andrew Scheer, Speaker of the House of Commons, for his recognition of the ongoing value of this work. Thanks are due to Dr. David Farr, one of three eminent Canadian historians who over the years have painstakingly reconstructed this material from primary sources. Thanks also go to Lynn Brodie, Director General, Information and Document Resource Service, to our dedicated Library staff, and to our parliamentary partners for their support and invaluable contribution to the project.

Sonia L’Heureux
Parliamentary Librarian
Ottawa, 2013

Introduction

The two volumes of Debates of the House of Commons for 1873 are the sixth and seventh in the series being issued under the project to reconstitute the early debates of the House. They record a memorable year which saw two stormy parliamentary sessions and the fall of a government; and because of the historical continuity between those two sessions, uniquely in the series of reconstituted Debates these two volumes share a common introduction.

The project to reconstitute the early debates of the Canadian House of Commons began in the 1960s as a Centennial undertaking, initiated by the Parliamentary Librarian, Erik J. Spicer, and Professor Norman Ward of the University of Saskatchewan, a leading student of Parliament. Using the accounts prepared by journalists assigned to cover the debates for their newspapers, the editors appointed under the project sought to construct as balanced a report of the debates as possible. Admittedly their sources, notably the Toronto *Globe* and the Ottawa *Times*, were partisan and selective but by combining their accounts and drawing on other newspaper reports where they existed, it appeared possible to reproduce the debates in something like their original form. This has been the continuing objective of the plan to reconstitute the early House of Commons Debates.

It was not until 1875 that the House of Commons, under the prompting of a new Prime Minister, Alexander Mackenzie, authorized the official reporting of its debates, for the Second Session of the Third Parliament and all subsequent sessions. Thus newspapers supply the principal record for the proceedings of the House from 1867 to 1874. At the time the newspaper reports were clipped and pasted into large ledgers by the staff of the Library of Parliament. This record, the "Scrapbook Debates", now yellow with age, has been used extensively by historians of this period. It offers an accessible window through which we can see the formative early years of the Dominion. These are important years, not simply for establishing the procedures of the new House of Commons, but for the larger tasks of nation-building now underway. They witnessed the inclusion of new provinces, both from the west and the east, into the British North American union, the beginnings of prairie settlement and the transcontinental railway, the adoption of tariff and revenue policies and the adjustment of the delicate relationship with the United States following the Civil War.

The "Scrapbook Debates" are largely drawn from two newspapers, the Toronto *Globe* and the Ottawa *Times*. The *Globe*, founded in 1844, the influential voice for the Grits or Reformers of Canada West, was, in the years after Confederation, the newspaper with the largest circulation in Canada. Its attention was naturally focused on the Reform members of the House of Commons from Ontario, especially their leaders, Alexander Mackenzie and Edward Blake. Its coverage of the debates was extensive: 14 columns of closely-printed type each day.

The *Times* was a much younger newspaper, established in Ottawa in 1865, on the eve of Confederation. Its editors, George and James Cotton, hoped to win the contract, when it was awarded, to publish an official Hansard. Thus they were particularly sympathetic to the parliamentary expressions of the party in power, the Conservatives under Prime Minister Sir John A. Macdonald. In 1870 and 1871 James Cotton published shortened versions of the reports of the debates in his newspaper for the use of members of the Commons. These volumes, the "Cotton Debates", were purchased by order of the House for its members at the end of the 1872

session. Yet Cotton did not receive the contract for the official reporting of the debates when it was awarded in 1875. Although the *Times* had changed sides when the Mackenzie administration came to power, the new government justifiably harboured suspicions towards it. The *Times*, whose prospects had been dimmed by the failure to secure the Hansard contract, ceased publication in 1877. Its reports nicely complement those of the *Globe* in providing a reasonably full account of the early discussions in the House of Commons.

The “Scrapbook Debates” also contained occasional shorter extracts from other papers, principally the *Toronto Mail*. Montreal’s English-language newspapers, such as the *Gazette*, also covered the debates, although not on such a regular basis as the *Globe* or the *Times*. French-language newspapers largely ignored the parliamentary proceedings in Ottawa, although they sometimes reported the speech of a local member. (The fact that almost all the Commons debates in the early years after Confederation were conducted in English clearly contributed to the lack of interest in Quebec.) Maritime newspapers in Halifax or St. John showed the same lack of interest in the debates in Ottawa.

The first editor of the reconstituted House of Commons Debates was Professor P. B. Waite of Dalhousie University, whose work on the press and Confederation has become the standard source on the subject. He assembled volumes of the reconstituted debates for the first three sessions of the First Parliament (1867-1868, 1869, 1870). In his introduction to the first volume he laid down editorial guidelines that have been followed by subsequent editors in reporting the First Parliament’s fourth (1871) and fifth (1872) sessions, and now the two sessions of the Second Parliament of 1873. The most important of Professor Waite’s guidelines is the rule that editorial interventions into the text should be kept to a minimum. Spellings are corrected, whether in members’ names or geographical terms. Occasionally words that are clearly wrong, in the context of a passage, are replaced. Generally the longer version of a speech has been preferred on the grounds that it is probably closer to what was actually said in the House. Sometimes a speech has been reconstructed from two reports where this had made possible a clear and understandable text.

But however convincing the text of these reconstituted Debates may appear, it should be noted that it is not a verbatim account. Material was undoubtedly lost as speakers laboured their points well into the night and reporters’ minds wandered. This being said, the reconstituted House of Commons Debates for the two sessions of 1873, presented here in separate volumes, is probably the most balanced and objective account that can be put together of what was actually said in the House during that very partisan year.¹

Second Parliament, First Session from 5 March 1873 to 13 August 1873

The First Parliament of Canada had sat from 1867 to 1872. During this period the House of Commons grew from its original 181 members to 191 by the addition of Manitoba (1870) and

¹ For a fuller account of the editorial methods used in the reconstituted Debates project see the Introduction to the 1872 session of the House of Commons Debates. The background to the Debates project, together with a discussion of the Commons’ failure to authorize an official report of its deliberations, is found in David Farr, “Reconstituting the Early Debates of the Parliament of Canada”, *Canadian Parliamentary Review*, 15 (Spring, 1992), pp. 26-32.

British Columbia (1871). When the 1872 election was done and the First Session of the Second Parliament opened on 5 March 1873 the House had grown to 200 members. This occurred through the workings of sec. 51 of the British North America Act, which provided for a readjustment of Commons representation at the general election following each decennial census. The census of 1871 showed a population increase which entitled Ontario to six additional members, Nova Scotia to two and New Brunswick to one. (Quebec's representation was fixed by the Act at 65 and those of the other provinces were adjusted around the quotient provided by that figure.)

Thus the provincial representation at the beginning of the Second Parliament in March 1873 stood as follows:

| | |
|------------------|---|
| Quebec | 65 |
| Ontario | 88 |
| Nova Scotia | 21 |
| New Brunswick | 16 |
| Manitoba | 4 |
| British Columbia | 6 |
| | <hr style="width: 10%; margin-left: auto; margin-right: 0;"/> 200 |

A fairly high proportion of the members of the First Parliament came back to serve in the Second: approximately 60 per cent, or 114 out of the 190 members sitting at dissolution, were re-elected.² Of the 114 members re-elected, by one count 62 had previously been supporters of the Macdonald-Cartier ministry (ministerialists) and 52 had previously voted in opposition to its policies and measures. New, first-time members of Parliament elected in 1872 changed, but did not tip, the balance between the government and the opposition.

Although the Macdonald-Cartier Conservative government had preserved its majority into the Second Parliament, its support in the Central Canadian provinces was weakened following the 1872 election. In 1867 the federal Conservative coalition led by Macdonald had had the support of perhaps 49 of the 82 members elected in Ontario; when the Second Parliament opened in March 1873 it commanded only 40 Ontario seats out of 88. In Quebec the federal Conservative coalition in 1867 could count on the votes of as many as 46, in March 1873 somewhere between 38 and 45 out of province's fixed quota of 65 members, depending on the issue. In contrast the Liberal coalition in opposition swelled its federal representation from the Central Canadian provinces in 1872. In Ontario they had elected 33 out of 82 members to the First Parliament, but 48 out of 88 to the Second. In Quebec the opposition also gained some traction through the 1872 election; it maintained its 1867 level of 18 supporters elected, but in March 1873 could sometimes count on as many as 27 Quebec votes in the House of Commons.

However, the governing Conservative coalition had made up for its electoral losses in Central Canada in 1872 by enrolling new members from Manitoba and British Columbia, and had also gained supporters in the Commons, though not under the same party label, in the two Maritime provinces. After the 1872 election returns were in, the Macdonald-Cartier coalition, which in 1867 had elected by various counts between 102 and 108 supporters out of the 181 members of the first House of Commons, still could count in March 1873 on between 101 and 104 core

² Because of a disputed by-election during the 1872 session a Manitoba riding was vacant, and there were only 190 members in the Commons when the election for the Second Parliament was called.

supporters, and with the Maritime Liberals perhaps as many 123 votes, in the new 200-member House. The scattered opposition of 73 to 79 members to the government in the fall of 1867 had become a more organized opposition core of 75 to 78 members, and if the Maritime Liberals all defected from the government, as many as 99 votes in opposition in the House. While the opposition's support in the Commons was growing, Macdonald still held a working majority in the House in March 1873; but his position was not so secure as it had been before the general election of 1872.

Unfortunately the exact numbers of the supporters of the ministry and the opposition in March 1873 are difficult to determine. This is partly because a considerable minority of members (the "loose fish" in the political jargon of the time) might vote their conscience on any given issue, rather than the government or the opposition line. But it is also because one can only calculate political party standings in the early Canadian Commons with a healthy dose of scepticism. Parties were by no means the coherent disciplined bodies which they became later. In Central Canada the Rouges, Nationalists, Grits or Reformers of 1873 all more or less counted themselves Liberals; the Conservatives and Liberal-Conservatives, the self-declared partisans of Macdonald or Cartier, the old-style Baldwin Reformers and even a Conservative-Labour member usually stood with the governing Conservative coalition. These diverse labels either were unknown, or did not carry the same political meaning, to voters in the Maritimes. There, the test on the hustings in 1867 had been whether a candidate was for or against Confederation, and in 1872 was simply whether a member supported the government or opposed it. In fact most of the members elected as Liberals from the two Maritime Provinces in 1872 declared in the 1873 edition of the *Canadian Parliamentary Companion* that they supported the ministry of Sir John A. Macdonald. The same situation occurred in the two Western provinces, where the Macdonald government, as the promoter of the Pacific Railway, was seen as the key to the development of the region. Nine of the ten Western members in the 1873 House, whatever their party label, could usually be counted upon to support the ministry.

The Conservatives, probably because a number of their members had worked together in the first federal cabinet, displayed greater party solidarity than the Liberal opposition. Among the Liberals historic suspicions between the Reformers of Ontario and the Rouge members from Quebec still made cooperation a difficult exercise. Things improved when a leading Reformer from Ontario, Alexander Mackenzie, was chosen as the party's first parliamentary leader early in the 1873 session. Mackenzie assumed the post, filled for the first time, of Leader of the Opposition. Around him the opposition members came together, prepared to drive Macdonald and his colleagues out of office at the earliest opportunity. That opportunity came, sooner than had been expected, through the agency of the "Pacific Scandal" in the parliamentary sessions of 1873.

Macdonald's cabinet had survived the 1872 election with two casualties, neither of them fatal. The most serious was the defeat of Sir George-Étienne Cartier, Macdonald's principal partner, in Montreal East. However, with the elections in the West coming several weeks after those in Central Canada, it was possible to find a seat for Cartier in Manitoba. Louis Riel and another candidate were persuaded to step aside in Provencher and Cartier was elected by acclamation. Although still a member of the cabinet, he was not to sit in the Second Parliament. Afflicted with Bright's disease, he went to England for medical treatment and there he died on 20 May 1873. Cartier's death was the most serious personal loss in Macdonald's long career. Sir Francis Hincks, Minister of Finance since 1869, was defeated in Brant South in 1872 but was found a seat in Vancouver. He gave up the finance portfolio before the opening of the first session of 1873 and was succeeded by Samuel Leonard Tilley of St. John. One minister, Peter Mitchell, a

member of the Senate during the First Parliament, had resigned from the upper house, but he was elected member for Northumberland in 1872. He continued to serve as Minister of Marine and Fisheries during his transition from one chamber to the other.

There were further changes in the cabinet during the first half of 1873. Joseph Howe began the session as a member of the cabinet but resigned on 6 May 1873 to return to his native Nova Scotia as lieutenant-governor. Within weeks, on 1 June he was dead. Also, there were three new faces: Dr. Théodore Robitaille, appointed Receiver General on 30 January 1873; Hugh McDonald, who succeeded John O'Connor as President of the Privy Council on 14 June and went on to take Cartier's post as Minister of Militia and Defence, and Thomas N. Gibbs, member for Ontario South, who replaced Howe, after a brief interval, as Secretary of State for the provinces and Superintendent General of Indian Affairs on 14 June. None of the new faces was to make a mark in the Second Parliament. Of the 15 members of Macdonald's cabinet who participated in the First Session of 1873, Langevin, Tilley, Tupper and, to a lesser extent, Pope, stood at the Prime Minister's side as the principal spokesmen for the government in the Commons.

There were several by-elections during the First Session of the Second Parliament. One occurred in Durham West, a seat formerly held by Edward Blake. Blake had been elected in two Ontario ridings in 1872 and early in the new session decided to sit for Bruce South. Edmund Burke Wood, who had been an M.P. during the First Parliament as well as a colleague of Blake's in the Ontario government in 1871-1872, was elected in an early April by-election to fill the vacant second seat. One re-elected Quebec member, Hon. P. J. O. Chauveau, the former premier of the province, was appointed to the Senate shortly before the session opened and was replaced in a late March by-election by J. P. R. A. Caron. Also, M. H. Goudge took over the late Joseph Howe's seat in Hants in a by-election in July.

Electoral methods were a continuing bone of contention in the 1873 sessions. The opposition charged that Macdonald and his colleagues used the conduct of federal general elections by open voting rather than by secret ballot, and with different voting dates in different ridings rather than everyone voting on the same day, to gain electoral advantage. The general election of 1872 had been conducted according to this model. The secret ballot was still not required by law in that election. Writs for the election were issued on 15 July and were to be returnable by 3 September, but exceptions were made for the electoral district of Gaspé, with its scattered coastal communities, and for the far-flung riding of Chicoutimi and Saguenay, as well as for the seats in Manitoba and British Columbia. For these distant constituencies writs were returnable by 12 October. The Liberals had sought electoral reform in the First Parliament and returned to the subject in the Second, but their efforts were again unsuccessful. It was not until they had assumed office late in 1873 and had won a new mandate in the 1874 general election that the way was prepared for electoral change.

However, the end of dual representation, by which federal members could also sit in provincial legislatures, came into effect across the Dominion through the action of Parliament in the First Session of 1873. Although dual representation had never been allowed for Nova Scotia and New Brunswick, it had been permitted in the two Central Canadian provinces and in Manitoba and British Columbia. In the 1872 parliamentary session, for instance, there were twenty members of the House of Commons who were also members of provincial legislatures. From Quebec there were fourteen members who held seats in the Legislative Assembly, and four in the Legislative Council. Ontario had eight members who also sat in the Assembly in Toronto. Two of the three sitting members from Manitoba in 1873 were also members of the provincial

legislature, and Amor De Cosmos was a member for the Legislature in Victoria, and Premier of British Columbia, as well as sitting in the Dominion House.

The opposition railed against this practice, claiming that it allowed the government in Ottawa to influence improperly the legislatures of the provinces. Conservative administrations in Quebec and Ontario, they claimed, were too closely tied to Macdonald and his federal ministry. In 1871 Edward Blake and Alexander Mackenzie, the leading Liberal MPs from Ontario, had won seats in the Ontario legislature, their goal to oust the Conservative ministry of John Sandfield Macdonald. In this they were successful and Blake became the second Premier of Ontario on 20 December 1871. Under his direction the legislature passed an act abolishing dual representation for Ontario members. Its provisions took effect beginning with the 1873 opening of the federal Parliament. Blake and Mackenzie then abandoned provincial politics and won election only to the Dominion House in the general election of 1872.

In the meantime their supporters, emboldened by Ontario's act, sponsored a bill compelling members of local legislatures, in provinces where dual representation was not allowed, to resign their seats before becoming candidates for the Dominion Parliament. It became law as 35 Vict., cap. 15 (1873). This was a conditional prohibition whose operation was dependent upon prior action by the provincial legislatures.

The First Session of the Second Parliament then moved further and made the prohibition apply to all legislatures. David Mills, Liberal member for Bothwell, Ontario, was the prime mover of the Dominion legislation. It stated that no person who was a member of the legislative council or assembly of an existing province, or one created in the future, would be eligible to sit in the House of Commons. The act (36 Vict., cap. 2) applied to the election of new members of the House during the continuance of the present Parliament. Sitting members could continue to hold their provincial seats until the dissolution of the Second Parliament. This event occurred, sooner than anticipated, after the November fall of the Macdonald government, when the new Mackenzie ministry chose on 2 January 1874 not to return to the House for a Third Session, but to dissolve the Second Parliament and seek a strong mandate in a fresh general election. Thus from the opening of the Third Parliament in March 1874 dual representation was abolished across Canada. The only exception was for Dominion senators, who were allowed to be members of the legislative council of Quebec.

Mills also carried on a lonely struggle to make the Senate an elective body. On 7 May 1873 he spoke to his motion that the present Senate was an "unintelligible mimicry" of the British House of Lords. Mackenzie supported Mills' motion by urging the adoption of the United States model of an elected upper chamber. He was joined by other Reform members. The debate soon descended into partisan differences of the personalities appointed to the Senate and Tupper brought it to a close with a characteristically resounding defence of the current method of constituting the Senate. Mills' motion was defeated, 61-46, in a half-empty chamber.

The First Session of 1873 came eventually to be dominated by the opposition's charges that the Macdonald government had received campaign contributions from Sir Hugh Allan of Montreal in return for the award of the contract to build the Pacific Railway. This was the Pacific Scandal, the improper transaction (in the eyes of many Canadians) which would lead in the Second Session to the fall of the Conservative administration. But in spite of the government's understandable and increasing preoccupation with the issue, several important pieces of legislation were approved during the First Session of the Second Parliament.

Perhaps the most significant new legislation, in view of the successor role of the R.C.M.P. in national life, was the act to establish a police force in the Northwest Territories. Introduced by Macdonald as Minister of Justice, the act provided for a centralized federal force to bring order to the Red River and the vast territories lying to the west. The first detachment of the Northwest Mounted Police arrived at Fort Garry in August, to winter there before moving out on to the plains.

After a protracted dispute over the 1872 election in the constituency of Peterborough West, a revised controverted elections act, under which judges, rather than committees of the House, examined petitions arising from disputed elections, became law on 23 May. The controversial question of the New Brunswick school law was also taken out of Parliament, much to the government's relief, and referred to the British Empire's highest tribunal, the Judicial Committee of the Privy Council, sitting in London.

Another act provided for the assumption by the federal government of the debts accumulated by the provinces before Confederation. This act laid the basis for a national debt structure able to cope with the heavy costs of transportation improvement in the future. Perhaps not by coincidence, terms for the admission of Prince Edward Island, which had stayed out in 1867, were considered in May. These included a guarantee of ferry connections to the mainland and a railway, subsidized by the federal government.³ The new province, Canada's last eastward extension until the 1949 incorporation of Newfoundland, entered Confederation during the First Session of the Second Parliament, on 1 July 1873. An election for Prince Edward Island members would be held in the fall and they would sit in the Commons in the Second Session.

Yet discussion of these measures, important as they were, paled beside the energy and passion devoted to the Pacific Scandal. The consideration of the allegations about the railway charter began innocuously enough when the Liberal member for Shefford, Lucius S. Huntington, rose quietly in his place three weeks after the First Session had begun, to give notice of a motion bringing charges against the government. On 2 April Huntington declared that the government had entered into an improper association with Sir Hugh Allan and American associates for the award of the contract to build the Pacific railway. He moved for the appointment of a select committee to investigate the recent grant of the Pacific railway charter to Allan's company. The charges, expressed in a statement of only seven paragraphs, were not supported by any documentary evidence. The Macdonald government easily disposed of Huntington's motion by a majority of 31 votes.

But questions were raised in the country and on 8 April Macdonald moved that a select committee of the House be appointed to inquire into and report upon the Huntington charges. It would consist of five members: John Hillyard Cameron of Cardwell, Dr. J.-G. Blanchet of Lévis and James McDonald of Pictou (Conservatives) and Edward Blake of Bruce South and A.-A. Dorion of Napierville (Liberals). The committee was given the power to examine witnesses under oath by an Oaths Bill which was duly passed in the following weeks. The committee met for the first time on 5 May but decided not to proceed as Sir Hugh Allan was absent in England attempting to raise funds for his Pacific Railway company. Parliament itself adjourned on 23 May, agreeing to meet again on 13 August when, the opposition claimed, the committee would have an obligation to report its findings.

³ For discussion of the terms of entry of Prince Edward Island into Canada, see Frank MacKinnon, *The Government of Prince Edward Island*, Toronto: University of Toronto Press, 1951, chapter 6, "Confederation", pp. 120-140.

Then at the end of June the Oaths Bill was disallowed by the Imperial Government. The government majority on the committee held that as witnesses could not be sworn, there was no point in the committee proceeding with its work. After fruitless internal debate, the committee decided to suspend its operations until Parliament met on 13 August.

The period between 23 May and 13 August 1873 was a time of great political excitement in the country, as the Liberal opposition began to release documentary material to give substance to Huntington's charges. Seventeen damaging letters were published in the *Toronto Globe* and the *Montreal Herald* on 4 July detailing Allan's disbursements of \$360,000 to Conservative ministers in the recent election, and revealing the existence of the American backers of the railway syndicate from whom most of the money had come. Sir Hugh Allan attempted to put the best face on his involvement in an affidavit published on 6 July, but the effort was unconvincing. Then on 17 July testimony from one of Allan's American associates, G.W. McMullen, was published, together with further incriminating letters stolen from the office of Allan's solicitor, J.J.C. Abbott, member for Argenteuil. The Pacific Scandal became the overriding topic of discussion throughout the country.

The ensuing sitting of Parliament on 13 August 1873 was the most tempestuous in the young country's political history. Macdonald had advised the Governor General to prorogue the First Session of the Second Parliament, a step which would end the life of the Pacific railway committee. Ninety-two members, led by Richard Cartwright (Lennox), signed a petition urging His Excellency not to prorogue the House before it had been given a chance to undertake a full examination of the Pacific Scandal charges. Lord Dufferin, the Governor General, responded that he had no choice but to accept the advice of his Prime Minister. Alexander Mackenzie, as Leader of the Opposition, vainly sought to prevent the House from leaving its chamber and assembling in the Senate, from where it would be powerless to avert the Governor General's declaration of prorogation. Mackenzie took his stand on the rights of Parliament, claiming that "prorogation would inflict an unprecedented indignity on Parliament and produce great dissatisfaction in the country". But the Gentleman Usher of the Black Rod entered the Commons chamber with the Governor General's summons for the Commons to attend him in the Senate. The Speaker led about 35 Conservative members out of the House but Opposition members remained to protest the prorogation. They then adjourned to the Railway Committee Room to continue their denunciations of Macdonald and his colleagues. These deliberations of the rump of the Commons, continuing to meet after prorogation, were in fact reported in the press as part of the parliamentary record, and accordingly have been included as a unique historical witness in the reconstituted Debates of the First Session's stormy final day.

But Lord Dufferin was a Governor General who took the exercise of the duties and the prerogatives of the Crown very seriously. It was his constitutional responsibility to ensure that peace, order and good government reigned in Canada, and to this end, like previous governors, he played an active part in the deliberations of the Governor in Council, to the extent even of attending some cabinet meetings (a practice only definitively abandoned in the 1880s). The Macdonald government got its prorogation at a steep price. The prime minister had to agree to the naming an independent commission of inquiry, which would get to the bottom of the scandal and report prior to the convening of a Second Session of the Second Parliament in the fall of 1873. In a formal meeting of the Governor General in Council on 15 August, Dufferin and the cabinet duly appointed a royal commission of three retired judges under the Great Seal of Canada, to inquire into the circumstances connected with the award of the Pacific railway charter.

Unfortunately the royal commission's results were as unsatisfactory as those of the select committee had been. It began taking evidence on 4 September but much of the testimony was evasive and some of the principals in the drama, such as Huntington, refused even to appear before it. The commission's report, delivered on 17 October, recorded the evidence, but without comment. Its duties, the commission concluded, "were rather inquisitorial than judicial", and would be discharged by reproducing the various depositions and documents submitted to it. The Second Session would have to sort out the mess.

**Second Parliament, Second Session
from 23 October 1873 to 7 November 1873**

Before the new session began, there had been some changes in the complexion of the House. On 29 September 1873 six members were elected from the newly admitted province of Prince Edward Island. As a result, the provincial representation in October 1873 at the beginning of the Second Session of the Second Parliament stood as follows:

| | |
|----------------------|-----------|
| Quebec | 65 |
| Ontario | 88 |
| Nova Scotia | 21 |
| New Brunswick | 16 |
| Manitoba | 4 |
| British Columbia | 6 |
| Prince Edward Island | 6 |
| | <hr/> 206 |

There were also by-elections held either shortly before or during the Second Session. In September the New Brunswick seat of St. John (City & County), vacated by a death, was filled. Another Quebec member, J.H. Bellerose, was named to the Senate on 7 October and hastily replaced in a by-election on 28 October. More significant was the election of the Manitoba rebel, Louis Riel, from Provencher on 13 October, to replace the late Sir George-Étienne Cartier. Riel would not have time to take his seat in this Parliament, but his attempts to do so in 1874 would provoke the first major crisis of the Third Parliament.

When the Second Parliament finally met for its Second Session of 1873, the debate began in earnest on the opposition's charges in the Pacific Scandal. But first there had to be a Speech from the Throne, which opened the parliamentary session on Thursday, 23 October. Lord Dufferin's speech to the Senate and House of Commons assembled on this occasion was a tour de force, and procedurally unique. The Governor General charged Parliament to deal with the Pacific Scandal before even mentioning the government's legislative program, reported the surrender of the charter of the Canadian Pacific Railway Company, and urged a new course of action to satisfy the requirement of building a transcontinental railway as part of the Confederation promise to British Columbia. But Dufferin also provided a host of relevant documents to be read into the Commons record along with the Throne Speech itself, including his extensive confidential correspondence with the Imperial government in London. As published in the House of Commons Journals for that day, the Throne Speech and its documentation occupied 117 pages. The Throne Speech documents were extensively reported by

the press and have been partly reproduced from the Journals in these reconstituted Debates. An appendix to the Journals delivered the full report of the commission of inquiry, another 227 pages, not included here.

Unique also was the ensuing debate on the Speech from the Throne, which would never come to a proper end. From 27 October to 4 November the House was almost entirely concentrated on the issue of the Pacific Scandal, under the guise of its debate on the Throne Speech. Tupper, Hincks and Tilley stoutly defended the actions of the government, as did James McDonald of Pictou, who had served on the select committee. The Prime Minister delivered a five-hour address on 3 November, one of the great speeches of his career, in which he defended himself against the accusation that “he was a cross between Benedict Arnold and Judas Iscariot”. But the opposition was relentless and drew support from members, even friends of the government, in all corners of the House. Mackenzie, moving a vote of censure, spoke for three hours, followed by Huntington, Cartwright, Mills and the redoubtable Edward Blake. Most of the Prince Edward Island members declined to support the government, together with other representatives of Maritime ridings. The government held on to members from the Western provinces except for the influential Donald A. Smith of Selkirk, Manitoba. Smith delivered what was probably the *coup de grâce* to the ministry when he concluded: “he did not believe there was any intention to give the charter to Sir Hugh Allan as a consideration for his money; but on the other hand, to take money from an expectant contractor was a very grave impropriety”. Smith’s judgment, coming after many waverings and defections, represented the last straw for the government. On the following day, 5 November, Macdonald and his ministry resigned.

Alexander Mackenzie and 13 supporters were sworn in to form a new Liberal-Reform administration two days later. In accordance with the statute of the day regarding the independence of Parliament, they had accepted an office of emolument under the Crown and their seats at once became vacant until their return in by-elections. The new government, thus robbed in the House of its leading figures, had to stall for time and asked Lord Dufferin for a prorogation.

When Mr. Holton, who was not a member of the new cabinet, spoke for the Mackenzie government on 7 November in the House of Commons in response to Opposition leader Macdonald, the debate dissolved into procedural wrangling over House’s order for the arrest and detention a few days previous of an Ottawa alderman and Conservative supporter who had been accused by the then Liberal opposition of attempting to bribe one of its members to vote with the former government in the Throne Speech debacle. The point was academic, whether the imprisoned Alderman Heney should be released at once by the House to spare his reputation, or automatically upon the impending termination of the session by prorogation. Debate was cut short by the expected arrival of the Gentleman Usher of the Black Rod with his summons. The Second Session of the Second Parliament was duly prorogued, to await the result of by-elections.

The End of the Second Parliament from 7 November 1873 to 2 January 1874

What happened next is seldom told but was of considerable significance in the history of the Canadian Parliament. While Macdonald had lost support in the Commons to the point where his government was forced to resign during the debate on its own Throne Speech, the wily politician

had for years missed no opportunity to stack the Senate with loyal men. Indeed, Macdonald's cabinet during the Second Session had included no fewer than four Senators, whereas Mackenzie's new ministry initially had none. The new Liberal government could have met the Second Parliament again in a Third Session and perhaps commanded a working majority in the House. But the Senate, with its unelected Conservative majority, presented an obstacle to the Liberals' legislative program of reform. Prime Minister Mackenzie nominated George Brown to the one vacant Senate seat in mid-December, and on 23 December his cabinet approved an Order-in-Council asking the Governor General to advise the Queen to appoint six extra Senators, as provided under the British North America Act in the event of a deadlock between the two houses. Another prime minister more than a century later, with no higher master in London, would succeed in swamping Senate opposition to an unloved new tax in this way. But while Dufferin assented to the cabinet order, he delayed its execution so as to consult Whitehall for final approval. This he did only on 26 January 1874, when under changed political conditions Mackenzie's request to name extra Senators was refused by the Imperial government as hypothetical.⁴

The required by-elections had taken place between 25 November and 9 December 1873, and the voters had duly returned Mackenzie and all his ministers to the House of Commons. Serious opposition was not customary in the by-elections held to return to Parliament members unseated by being named to the cabinet, and in only two cases, both involving turncoat former supporters of the Macdonald coalition, did the Conservative party put up a fight. But the electorate was aroused by the Pacific Scandal, and voted the traitors back into their parliamentary seats with the rest of Mackenzie's cabinet.

Additional important seats in Toronto West and in Nova Scotia had also become available when the Macdonald government as its dying act had appointed supporters from the House to fill positions outside Parliament. In the consequent by-elections on 18 and 20 December 1873 the Liberal tide sweeping across Canada was confirmed. Buoyed by this electoral success, over Christmas Mackenzie decided, instead of calling a Third Session in the new year, to request a dissolution and a new general election in January, a course which Lord Dufferin had quietly been advocating since November. After less than ten months of existence, the Second Parliament of Canada came to an end on 2 January 1874.

A Parliament Like None Other

The resignation of the Macdonald government in 1873 is unique in Canadian political history. It has been the only occasion when a majority government has resigned through the defection of its own supporters, giving way to another party without a general election. The early election of winter 1874 allowed the country to pass judgment on Macdonald and his colleagues. It was a massive vote for censure. The Conservatives were defeated by a two-to-one margin, and Mackenzie had his strong majority and his mandate for the next four years.

⁴ The Order-in-Council was P.C. 1873 No. 1711, invoking section 26 of the British North America Act. Historical discussion in Welf Henry Heick, *Mackenzie and Macdonald: Federal Politics and Politicians in Canada, 1873-1878*, Thesis (Ph.D.: Duke University), 1965, pp. 52-53.

The Pacific Scandal was, and has remained, the most famous example of political misbehaviour in Canadian history. To many voters it appeared that Macdonald and his colleagues had betrayed the high hopes that had accompanied the achievement of Confederation. But to Sir John A. Macdonald, whom history has remembered as a nation-builder, the loss of office in 1873 was a check, not an irredeemable defeat. In just under five years he was back in power, resuming the task he had begun in 1867. In the election of 1872 Macdonald had prophesied: "Confederation is only yet in the gristle, and it will require five more years before it hardens into bone." He was to be given thirteen more years to continue with his life's task of consolidating his trans-continental Dominion

David M. L. Farr
Professor Emeritus, History
Carleton University
Ottawa

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THE MINISTRY

SECOND PARLIAMENT FIRST SESSION

MARCH 5, 1873 TO AUGUST 13, 1873

| | |
|---|--|
| Prime Minister, Minister of Justice and Attorney General | Hon. Sir John Alexander Macdonald |
| Minister of Militia and Defence | Hon. Sir George-Étienne Cartier (to 20-05-1873) |
| ..... | Hon. Hector-Louis Langevin* (21-05 to 30-06-1873) |
| ..... | Hon. Hugh McDonald (as of 1-07-1873) |
| Minister of Customs | Hon. Charles Tupper |
| Minister of Finance | Hon. Samuel Leonard Tilley |
| Minister of Public Works | Hon. Hector-Louis Langevin |
| Minister of Inland Revenue | Hon. John O'Connor (4-03 to 30-06-1873) |
| ..... | Hon. Thomas Nicholson Gibbs (as of 1-07-1873) |
| Minister of the Interior | Hon. Alexander Campbell ⁺ |
| Secretary of State for the Provinces | Hon. Joseph Howe (to 6-05-1873) |
| ..... | Hon. James Cox Aikins* ⁺ (7-05 to 13-06-1873) |
| ..... | Hon. Thomas Nicholson Gibbs (14-06 to 30-06-1873) |
| President of the Privy Council | Vacant (to 13-06-1873) |
| ..... | Hon. Hugh McDonald (14-06 to 30-06-1873) |
| ..... | Vacant (as of 1-07-1873) |
| Minister of Marine and Fisheries | Hon. Peter Mitchell ⁺ |
| Postmaster General | Hon. Alexander Campbell ⁺ (to 30-06-1873) |
| ..... | Hon. John O'Connor (as of 1-07-1873) |
| Minister of Agriculture | Hon. John Henry Pope |
| Secretary of State of Canada | Hon. James Cox Aikins ⁺ |
| Receiver General | Hon. Théodore Robitaille |
| Superintendent-General of Indian Affairs | Hon. Joseph Howe (to 6-05-1873) |
| ..... | Hon. James Cox Aikins* ⁺ (7-05 to 13-06-1873) |
| ..... | Hon. Thomas Nicholson Gibbs (14-06 to 30-06-1873) |
| ..... | Hon. Alexander Campbell (as of 1-07-1873) |

* Acting Minister

+ Senator

NAMES OF MEMBERS IN ALPHABETICAL ORDER AND CONSTITUENCIES

| Name of Member | Constituency |
|--|---|
| Abbott, Hon. John Joseph Caldwell | Argenteuil, Quebec |
| Almon, William Johnston | Halifax, Nova Scotia |
| Anglin, Hon. Timothy Warren | Gloucester, New Brunswick |
| Archambault, Hon. Louis | L'Assomption, Quebec |
| Archibald, Cyril | Stormont, Ontario |
| | |
| Baby, Louis François Georges | Joliette, Quebec |
| Bain, Thomas | Wentworth North, Ontario |
| Baker, George Barnard | Missisquoi, Quebec |
| Beaty, James | Toronto East, Ontario |
| Beaubien, Louis | Hochelaga, Quebec |
| Béchar, François | Iberville, Quebec |
| Bellerose, Joseph-Hyacinthe | Laval, Quebec |
| Benoit, Pierre Basile | Chambly, Quebec |
| Bergin, Darby | Cornwall, Ontario |
| Bertram, John ¹ | Peterborough West, Ontario |
| Blain, David | York West, Ontario |
| Blake, Hon. Edward ² | Bruce South, Ontario |
| Blanchet, Hon. Joseph-Godéric | Lévis, Quebec |
| Bodwell, Ebenezer Vining | Oxford South, Ontario |
| Bourassa, François | Saint-Jean, Quebec |
| Bowell, Mackenzie | Hastings North, Ontario |
| Bowman, Isaac Erb | Waterloo North, Ontario |
| Boyer, Louis Alphonse | Maskinongé, Quebec |
| Brooks, Edward Towle | Sherbrooke (Ville), Quebec |
| Brouse, William Henry | Grenville South, Ontario |
| Brown, James | Hastings West, Ontario |
| Buell, Jacob Dockstader | Brockville, Ontario |
| Burpee, Charles | Sunbury, New Brunswick |
| Burpee, Isaac | St. John (City & County), New Brunswick |
| | |
| Cameron, Hon. John Hillyard | Cardwell, Ontario |
| Cameron, Malcolm Colin | Huron South, Ontario |
| Campbell, Stewart | Guysborough, Nova Scotia |
| Carling, Hon. John | London (City), Ontario |
| Caron, Joseph Philippe René Adolphe ³ | Québec (Comté), Quebec |
| Carter, Edward | Brome, Quebec |

¹ Disqualified, not having established his qualifications as a candidate prior to election

² Elected in Bruce South and Durham West; chose to sit for Bruce South

³ Elected in by-election March 28, 1873

| Name of Member | Constituency |
|---|------------------------------|
| Cartier, Hon. Sir George-Étienne ⁴ | Provencher, Manitoba |
| Cartwright, Richard John | Lennox, Ontario |
| Casey, George Elliott | Elgin West, Ontario |
| Casgrain, Philippe Baby | L'Islet, Quebec |
| Cauchon, Hon. Joseph Édouard | Québec-Centre, Quebec |
| Charlton, John | Norfolk North, Ontario |
| Chauveau, Hon. Pierre-Joseph-Olivier ⁵ | Québec (Comté), Quebec |
| Chipman, Leverett de Veber | Kings, Nova Scotia |
| Chisholm, Daniel Black | Hamilton (City), Ontario |
| Church, Charles Edward | Lunenburg, Nova Scotia |
| Cluxton, William ⁶ | Peterborough West, Ontario |
| Cockburn, Alexander Peter | Muskoka, Ontario |
| Cockburn, Hon. James | Northumberland West, Ontario |
| Coffin, Thomas | Shelburne, Nova Scotia |
| Colby, Charles Carroll | Stanstead, Quebec |
| Connell, Hon. Charles ⁷ | Carleton, New Brunswick |
| Cook, Herman Henry | Simcoe North, Ontario |
| Costigan, John | Victoria, New Brunswick |
| Crawford, John Willoughby | West Toronto, Ontario |
| Cunningham, Robert | Marquette, Manitoba |
| Currier, Joseph Merrill | Ottawa (City), Ontario |
| Cutler, Robert Barry | Kent, New Brunswick |
| Daly, Thomas Mayne | Perth North, Ontario |
| De Cosmos, Amor | Victoria, British Columbia |
| De Saint-Georges, Joseph Esdras Alfred | Portneuf, Quebec |
| Delorme, Louis | Saint-Hyacinthe, Quebec |
| Dewdney, Edgar | Yale, British Columbia |
| Dodge, Anson Greene Phelps | York North, Ontario |
| Domville, James | King's, New Brunswick |
| Dorion, Hon. Antoine-Aimé | Napierville, Quebec |
| Dorion, Pierre Nérée | Drummond—Arthabaska, Quebec |
| Dormer, George | Victoria South, Ontario |
| Doull, Robert | Pictou, Nova Scotia |
| Dugas, Firmin | Montcalm, Quebec |
| Duguay, Joseph | Yamaska, Quebec |

⁴ Died May 20, 1873

⁵ Resigned upon appointment to Senate February 20, 1873

⁶ Not elected candidate but designated by return

⁷ Died June 28, 1873

| Name of Member | Constituency |
|---|--|
| Edgar, James David | Monck, Ontario |
| Farrow, Thomas | Huron North, Ontario |
| Ferris, John | Queen's, New Brunswick |
| Findlay, James | Renfrew North, Ontario |
| Fiset, Jean-Baptiste Romuald | Rimouski, Quebec |
| Fleming, Gavin | Brant North, Ontario |
| Flesher, William Kingston | Grey East, Ontario |
| Forbes, James Fraser | Queens, Nova Scotia |
| Fortin, Pierre | Gaspé, Quebec |
| Fournier, Téléphore | Bellechasse, Quebec |
| Galbraith, Daniel | Lanark North, Ontario |
| Gaudet, Joseph | Nicolet, Quebec |
| Gendron, Pierre-Samuel | Bagot, Quebec |
| Geoffrion, Félix | Verchères, Quebec |
| Gibbs, Hon. Thomas Nicholson ⁸ | Ontario South, Ontario |
| Gibbs, William Henry | Ontario North, Ontario |
| Gibson, William | Dundas, Ontario |
| Gillies, John | Bruce North, Ontario |
| Glass, David | Middlesex East, Ontario |
| Goudge, Monson Henry ⁹ | Hants, Nova Scotia |
| Grant, James Alexander | Russell, Ontario |
| Grover, Peregrine Maitland | Peterborough East, Ontario |
| Hagar, Albert | Prescott, Ontario |
| Haggart, John Graham | Lanark South, Ontario |
| Harvey, William | Elgin East, Ontario |
| Harwood, Robert William | Vaudreuil, Quebec |
| Higinbotham, Nathaniel | Wellington North, Ontario |
| Hincks, Hon. Sir Francis | Vancouver, British Columbia |
| Holton, Hon. Luther Hamilton | Châteauguay, Quebec |
| Horton, Horace | Huron Centre, Ontario |
| Howe, Hon. Joseph ¹⁰ | Hants, Nova Scotia |
| Huntington, Hon. Lucius Seth | Shefford, Quebec |
| Jetté, Louis Amable | Montréal-Est, Quebec |
| Joly, Henri-Gustave | Lotbinière, Quebec |
| Jones, Francis | Leeds North and Grenville North, Ontario |

⁸ Named to the Ministry June 14, 1873; was re-elected in by-election July 7, 1873

⁹ Elected in by-election July 5, 1873

¹⁰ Resigned May 7, 1873

| Name of Member | Constituency |
|--|-----------------------------------|
| Keeler, Joseph | Northumberland East, Ontario |
| Killam, Frank | Yarmouth, Nova Scotia |
| Kirkpatrick, George Airey | Frontenac, Ontario |
| Lacerte, Élie | Saint-Maurice, Quebec |
| Laflamme, Toussaint Antoine Rodolphe | Jacques-Cartier, Quebec |
| Landerkin, George | Grey South, Ontario |
| Langevin, Hon. Hector-Louis | Dorchester, Quebec |
| Langlois, Jean | Montmorency, Quebec |
| Lantier, Jacques Philippe | Soulanges, Quebec |
| Le Vesconte, Hon. Isaac | Richmond, Nova Scotia |
| Lewis, John Bower | Ottawa (City), Ontario |
| Little, William Carruthers | Simcoe South, Ontario |
| McAdam, John | Charlotte, New Brunswick |
| Macdonald, Donald Alexander | Glengarry, Ontario |
| McDonald, Hon. Hugh ¹¹ | Antigonish, Nova Scotia |
| McDonald, Hon. James | Pictou, Nova Scotia |
| Macdonald, Hon. Sir John Alexander | Kingston City, Ontario |
| McDonald, William | Cape Breton, Nova Scotia |
| McDonnell, Samuel | Inverness, Nova Scotia |
| McDougall, William | Trois-Rivières (Ville), Quebec |
| McGreevy, Hon. Thomas | Québec-Ouest, Quebec |
| Mackay, Newton LeGayet | Cape Breton, Nova Scotia |
| Mackenzie, Hon. Alexander | Lambton, Ontario |
| Mailloux, Élie | Témiscouata, Quebec |
| Masson, Louis-François-Rodrigue | Terrebonne, Quebec |
| Mathieu, Michel | Richelieu, Quebec |
| Mercier, Honoré | Rouville, Quebec |
| Merritt, Thomas Rodman | Lincoln, Ontario |
| Metcalf, James | York East, Ontario |
| Mills, David | Bothwell, Ontario |
| Mitchell, Hon. Peter | Northumberland, New Brunswick |
| Moffatt, George | Restigouche, New Brunswick |
| Morrison, Angus | Niagara (Town), Ontario |
| Nathan, Henry | Victoria, British Columbia |
| Nelson, Hugh | New Westminster, British Columbia |

¹¹ Named to the Ministry June 14, 1873; was re-elected in by-election July 7, 1873

| Name of Member | Constituency |
|---|---|
| O'Connor, Hon. John | Essex, Ontario |
| Oliver, Thomas | Oxford North, Ontario |
| O'Reilly, James | Renfrew South, Ontario |
| Palmer, Acalus Lockwood | St. John (City & County), New Brunswick |
| Pâquet, Anselme-Homère | Berthier, Quebec |
| Paterson, William | Brant South, Ontario |
| Pearson, Frederick M. | Colchester, Nova Scotia |
| Pelletier, Charles-Alphonse-Pantaléon | Kamouraska, Quebec |
| Pickard, John..... | York, New Brunswick |
| Pinsonneault, Alfred | Laprairie, Quebec |
| Pope, Hon. John Henry | Compton, Quebec |
| Pozer, Christian Henry | Beauce, Quebec |
| Prévost, Wilfrid | Deux-Montagnes, Quebec |
| Price, William Evan | Chicoutimi—Saguenay, Quebec |
| Ray, William Hallett | Annapolis, Nova Scotia |
| Richard, Édouard Émery | Mégantic, Quebec |
| Richards, Albert Norton | Leeds South, Ontario |
| Robillard, Ulysse Janvier | Beauharnois, Quebec |
| Robinson, Hon. John Beverley | Algoma, Ontario |
| Robitaille, Hon. Théodore ¹² | Bonaventure, Quebec |
| Rochester, John | Carleton, Ontario |
| Ross, George William | Middlesex West, Ontario |
| Ross, James | Wellington Centre, Ontario |
| Ross, John Jones | Champlain, Quebec |
| Ross, Lewis | Durham East, Ontario |
| Ross, Walter | Prince Edward, Ontario |
| Ross, William | Victoria, Nova Scotia |
| Ryan, Michael Patrick | Montréal-Centre, Quebec |
| Rymal, Joseph | Wentworth South, Ontario |
| Savary, Alfred William | Digby, Nova Scotia |
| Scatcherd, Thomas | Middlesex North, Ontario |
| Schultz, John Christian | Lisgar, Manitoba |
| Scriver, Julius | Huntingdon, Quebec |
| Shibley, Schuyler | Addington, Ontario |
| Smith, Hon. Albert James | Westmorland, New Brunswick |
| Smith, Donald Alexander | Selkirk, Manitoba |
| Smith, Robert | Peel, Ontario |
| Snider, George | Grey North, Ontario |
| Staples, Joseph | Victoria North, Ontario |
| Stephenson, Rufus | Kent, Ontario |
| Stirton, David | Wellington South, Ontario |

¹² Elected in by-election February 15, 1873

| Name of Member | Constituency |
|--|---------------------------|
| Taschereau, Henri Thomas | Montmagny, Quebec |
| Thompson, David | Haldimand, Ontario |
| Thompson, Joshua Spencer | Cariboo, British Columbia |
| Thomson, William Alexander ¹³ | Welland, Ontario |
| Tilley, Hon. Samuel Leonard, C.B. | St. John, New Brunswick |
| Tobin, Stephen | Halifax, Nova Scotia |
| Tourangeau, Adolphe Guillet dit | Québec-Est, Quebec |
| Tremblay, Pierre-Alexis | Charlevoix, Quebec |
| Trow, James | Perth South, Ontario |
| Tupper, Hon. Charles, C.B. | Cumberland, Nova Scotia |
| Wallace, John | Albert, New Brunswick |
| Wallace, William | Norfolk South, Ontario |
| Webb, William Hoste | Richmond—Wolfe, Quebec |
| White, John | Halton, Ontario |
| White, John | Hastings East, Ontario |
| Wilkes, Robert | Toronto Centre, Ontario |
| Witton, Henry Buckingham | Hamilton, Ontario |
| Wood, Hon. Edmund Burke ¹⁴ | Durham West, Ontario |
| Wright, Alonzo | Ottawa (Comté), Quebec |
| Wright, William McKay | Pontiac, Quebec |
| Young, James | Waterloo South, Ontario |
| Young, Hon. John | Montréal-Ouest, Quebec |

¹³ Elected in by-election November 23, 1872

¹⁴ Elected in by-election April 10, 1873

CONSTITUENCIES BY PROVINCE WITH
NAME OF MEMBERS ELECTED

SECOND PARLIAMENT
FIRST SESSION

MARCH 5, 1873 TO AUGUST 13, 1873

PROVINCE OF MANITOBA

| | |
|------------------|--|
| Lisgar | John Christian Schultz |
| Marquette | Robert Cunningham |
| Provencher | Hon. Sir George-Étienne Cartier ¹ |
| Selkirk | Donald Alexander Smith |

PROVINCE OF BRITISH COLUMBIA

| | |
|-----------------------|-------------------------|
| Cariboo | Joshua Spencer Thompson |
| New Westminster | Hugh Nelson |
| Vancouver | Hon. Sir Francis Hincks |
| Victoria | Henry Nathan |
| Victoria | Amor De Cosmos |
| Yale | Edgar Dewdney |

PROVINCE OF NEW BRUNSWICK

| | |
|--------------------------------|----------------------------------|
| Albert | John Wallace |
| Carleton | Charles Connell ² |
| Charlotte | John McAdam |
| Gloucester | Hon. Timothy Warren Anglin |
| Kent | Robert Barry Cutler |
| King's | James Domville |
| Northumberland | Hon. Peter Mitchell |
| Queen's | John Ferris |
| Restigouche | George Moffatt |
| St. John (City) | Hon. Samuel Leonard Tilley, C.B. |
| St. John (City & County) | Isaac Burpee |
| St. John (City & County) | Acalus Lockwood Palmer |
| Sunbury | Charles Burpee |
| Victoria | John Costigan |
| Westmorland | Hon. Albert James Smith |
| York | John Pickard |

¹ Died May 20, 1873

² Died June 28, 1873

PROVINCE OF NOVA SCOTIA

| | |
|-------------------|----------------------------------|
| Annapolis | William Hallett Ray |
| Antigonish | Hon. Hugh McDonald ³ |
| Cape Breton | Newton LeGayet Mackay |
| Cape Breton | William McDonald |
| Colchester | Frederick M. Pearson |
| Cumberland | Hon. Charles Tupper, C.B. |
| Digby | Alfred William Savary |
| Guysborough | Stewart Campbell |
| Halifax | William Johnston Almon |
| Halifax | Stephen Tobin |
| Hants..... | Monson Henry Goudge ⁴ |
| Hants | Hon. Joseph Howe ⁵ |
| Inverness | Samuel McDonnell |
| Kings | Leverett de Veber Chipman |
| Lunenburg | Charles Edward Church |
| Pictou | Robert Doull |
| Pictou | Hon. James McDonald |
| Queens | James Fraser Forbes |
| Richmond | Hon. Isaac Le Vesconte |
| Shelburne | Thomas Coffin |
| Victoria | William Ross |
| Yarmouth | Frank Killam |

PROVINCE OF ONTARIO

| | |
|---|--------------------------------|
| Addington | Schuyler Shibley |
| Algoma (The Provisional Judicial District of) | Hon. John Beverley Robinson |
| Bothwell | David Mills |
| Brant North | Gavin Fleming |
| Brant South | William Paterson |
| Brockville (Town), with the Township of Elizabethtown thereto attached | Jacob Dockstader Buell |
| Bruce North | John Gillies |
| Bruce South | Hon. Edward Blake |
| Cardwell | Hon. John Hillyard Cameron |
| Carleton | John Rochester |
| Cornwall | Darby Bergin |
| Dundas | William Gibson |
| Durham East | Lewis Ross |
| Durham West..... | Hon. Edward Blake ⁶ |

³ Named to the Ministry June 14, 1873; re-elected in by-election July 7, 1873

⁴ Elected in by-election July 5, 1873

⁵ Resigned May 7, 1873

⁶ Elected in Bruce South and Durham West; chose to sit for Bruce South

PROVINCE OF ONTARIO (cont'd)

| | |
|--|--|
| Durham West | Hon. Edmund Burke Wood ⁷ |
| Elgin East | William Harvey |
| Elgin West | George Elliot Casey |
| Essex | Hon. John O'Connor |
| Frontenac | George Airey Kirkpatrick |
| Glengarry | Donald Alexander Macdonald |
| Grenville South | William Henry Brouse |
| Grey East | William Kingston Flesher |
| Grey North | George Snider |
| Grey South | George Landerkin |
| Haldimand | David Thompson |
| Halton | John White |
| Hamilton | Henry Buckingham Witton |
| Hamilton (City) | Daniel Black Chisholm |
| Hastings East | John White |
| Hastings North | Mackenzie Bowell |
| Hastings West | James Brown |
| Huron Centre | Horace Horton |
| Huron North | Thomas Farrow |
| Huron South | Malcolm Colin Cameron |
| Kent | Rufus Stephenson |
| Kingston | Hon. Sir John Alexander Macdonald |
| Lambton | Hon. Alexander Mackenzie |
| Lanark North | Daniel Galbraith |
| Lanark South | John Graham Haggart |
| Leeds North and Grenville North | Francis Jones |
| Leeds South | Albert Norton Richards |
| Lennox | Richard John Cartwright |
| Lincoln | Thomas Rodman Merritt |
| London (City) | Hon. John Carling |
| Middlesex East | David Glass |
| Middlesex North | Thomas Scatcherd |
| Middlesex West | George William Ross |
| Monck | James David Edgar |
| Muskoka | Alexander Peter Cockburn |
| Niagara (Town), with the Township of Niagara thereto attached | Angus Morrison |
| Norfolk North | John Charlton |
| Norfolk South | William Wallace |
| Northumberland East | Joseph Keeler |
| Northumberland West | Hon. James Cockburn |
| Ontario North | William Henry Gibbs |
| Ontario South | Hon. Thomas Nicholson Gibbs ⁸ |

⁷ Elected in by-election April 10, 1873

⁸ Named to the Ministry June 14, 1873; re-elected in by-election July 7, 1873

PROVINCE OF ONTARIO (cont'd)

| | |
|-------------------------|---|
| Ottawa (City) | Joseph Merrill Currier |
| Ottawa (City) | John Bower Lewis |
| Oxford North | Thomas Oliver |
| Oxford South | Ebenezer Vining Bodwell |
| Peel | Robert Smith |
| Perth North | Thomas Mayne Daly |
| Perth South | James Trow |
| Peterborough East | Peregrine Maitland Grover |
| Peterborough West | John Bertram ⁹ |
| Peterborough West | William Cluxton ¹⁰ |
| Prescott | Albert Hagar |
| Prince Edward | Walter Ross |
| Renfrew North | James Findlay |
| Renfrew South | James O'Reilly |
| Russell | James Alexander Grant |
| Simcoe North | Herman Henry Cook |
| Simcoe South | William Carruthers Little |
| Stormont | Cyril Archibald |
| Toronto Centre | Robert Wilkes |
| Toronto East | James Beaty |
| Victoria North | Joseph Staples |
| Victoria South | George Dormer |
| Waterloo North | Isaac Erb Bowman |
| Waterloo South | James Young |
| Welland | William Alexander Thomson ¹¹ |
| Wellington Centre | James Ross |
| Wellington North | Nathaniel Higinbotham |
| Wellington South | David Stirton |
| Wentworth North | Thomas Bain |
| Wentworth South | Joseph Rymal |
| West Toronto | John Willoughby Crawford |
| York East | James Metcalfe |
| York North | Anson Greene Phelps Dodge |
| York West | David Blain |

⁹ Disqualified, not having established his qualifications prior to election

¹⁰ Not elected candidate but designated by return

¹¹ Elected in by-election November 23, 1872

PROVINCE OF QUEBEC

| | |
|---------------------------|--|
| Argenteuil | Hon. John Joseph Caldwell Abbott |
| Bagot | Pierre-Samuel Gendron |
| Beauce | Christian Henry Pozer |
| Beauharnois | Ulysse Janvier Robillard |
| Bellechasse | Télesphore Fournier |
| Berthier | Anselme-Homère Pâquet |
| Bonaventure | Hon. Théodore Robitaille ¹² |
| Brome | Edward Carter |
| Chambly | Pierre Basile Benoit |
| Champlain | John Jones Ross |
| Charlevoix | Pierre-Alexis Tremblay |
| Châteauguay | Hon. Luther Hamilton Holton |
| Chicoutimi—Saguenay | William Evan Price |
| Compton | Hon. John Henry Pope |
| Deux-Montagnes | Wilfrid Prévost |
| Dorchester | Hon. Hector-Louis Langevin |
| Drummond—Arthabaska | Pierre Nérée Dorion |
| Gaspé | Pierre Fortin |
| Hochelaga | Louis Beaubien |
| Huntingdon | Julius Sriver |
| Iberville | François Béchard |
| Jacques-Cartier | Toussaint Antoine Rodolphe Laflamme |
| Joliette | Louis François Georges Baby |
| Kamouraska | Charles-Alphonse-Pantaléon Pelletier |
| Laprairie | Alfred Pinsonneault |
| L'Assomption | Hon. Louis Archambault |
| Laval | Joseph-Hyacinthe Bellerose |
| Lévis | Hon. Joseph-Godéric Blanchet |
| L'Islet | Philippe Baby Casgrain |
| Lotbinière | Henri-Gustave Joly |
| Maskinongé | Louis Alphonse Boyer |
| Mégantic | Édouard Émery Richard |
| Missisquoi | George Barnard Baker |
| Montcalm | Firmin Dugas |
| Montmagny | Henri Thomas Taschereau |
| Montmorency | Jean Langlois |
| Montréal-Centre | Michael Patrick Ryan |
| Montréal-Est | Louis Amable Jetté |
| Montréal-Ouest | Hon. John Young |
| Napierville | Hon. Antoine-Aimé Dorion |
| Nicolet | Joseph Gaudet |
| Ottawa (Comté) | Alonzo Wright |
| Pontiac | William McKay Wright |

¹² Elected in by-election February 15, 1873

PROVINCE OF QUEBEC (cont'd)

| | |
|------------------------------|---|
| Portneuf | Joseph Esdras Alfred De Saint-Georges |
| Québec-Centre | Hon. Joseph Édouard Cauchon |
| Québec-Est | Adolphe Guillet dit Tourangeau |
| Québec-Ouest | Hon. Thomas McGreevy |
| Québec (Comté) | Joseph Philippe René Adolphe Caron ¹³ |
| Québec (Comté) | Hon. Pierre-Joseph-Olivier Chauveau ¹⁴ |
| Richelieu | Michel Mathieu |
| Richmond—Wolfe | William Hoste Webb |
| Rimouski | Jean-Baptiste Romuald Fiset |
| Rouville | Honoré Mercier |
| Saint-Hyacinthe | Louis Delorme |
| Saint-Jean | François Bourassa |
| Saint-Maurice | Élie Lacerte |
| Shefford | Hon. Lucius Seth Huntington |
| Sherbrooke (Ville) | Edward Towle Brooks |
| Soulanges | Jacques Philippe Lantier |
| Stanstead | Charles Carroll Colby |
| Témiscouata | Élie Mailloux |
| Terrebonne | Louis-François-Rodrigue Masson |
| Trois-Rivières (Ville) | William McDougall |
| Vaudreuil | Robert William Harwood |
| Verchères | Félix Geoffrion |
| Yamaska | Joseph Duguay |

¹³ Elected in by-election March 28, 1873

¹⁴ Resigned upon appointment to Senate February 20, 1873

Readers Note

This is the sixth volume in a series initiated in the 1960s to reconstitute the early debates of the House of Commons, and represents the debates of the First Session of the Second Parliament (1873). The editorial approach followed here is set out in P.B. Waite's Introduction to the first volume, which reconstituted the debates of 1867-1868.

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

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

March 5, 1873

HOUSE OF COMMONS

Wednesday, March 5, 1873

The first session of the second Parliament of the Dominion was opened with the usual brilliant ceremonial. Never were the out-of-door influences of opening day more auspicious. The weather was perfect. Not a cloud dimmed the deep blue of our Canadian sky.

The sun shone as brightly as at midsummer, and there was just warmth enough in the atmosphere to make exercise in the open air pleasant, without taking anything away from its crisp, bracing qualities.

During the morning the unwonted bustle in the streets near to the Houses of Parliament betokened the coming event, while the flags which were flying from the main tower of the central building, and from all the principal public buildings, supplied a warm and welcome colouring to the surroundings. As the hour appointed for the ceremony approached the scene in and around Parliament square became more and more animated. Little groups of volunteers in uniform were seen hurrying past; the pathways were thronged with members going to and from the House; and as early as two o'clock, little parties of men and women had taken up their stations in what they considered as good positions from which to view the show. Gradually these parties increased in number, and some time before three o'clock the crowd assembled on the terrace and on the steps was very large indeed.

Soon the detachment of Foot Guards, under command of Captain Tilton, arrived and took up position as a guard of honour; the Ottawa Field Artillery, commanded by Capt. Stewart, came up very soon after and took their station on the square, at the same time unlimbering and making the necessary preparations for firing, with precision and celerity. As the clock was on the stroke of three the leading files of the cavalry escort, who accompanied His Excellency, appeared at the eastern gateway, and at the same instant the artillerymen opened a salute. A moment later, the cavalcade swept into the square and drove rapidly up to the main entrance of the Houses of Parliament.

Here Lord Dufferin accompanied by his secretaries, aid-de-camps and a brilliant staff, alighted and entered through the ranks of the guards who lined a pathway in the vestibule. He then proceeded to the Senate drawing room and afterwards entered the Senate Chamber and took his seat upon the throne, the staff as usual distributing themselves on either side of the dais. His Excellency was attired in the vice regal uniform, cocked hat, gold laced tunic, sword, etc. etc., and wore besides

the broad blue ribbon of the order of the Bath, the Star of the St. Michael and St. George, and several other decorations. Being seated, the Governor desired the presence of the Gentleman Usher of the Black Rod.

Black Rod was in attendance, as ever, faultlessly attired, and having received His Excellency's message to the members of the House of Commons requiring their presence at the bar of the Senate Chamber, he departed, first, however, giving those three inimitable bows, the like of which are not to be seen elsewhere in the wide world. Soon he returned, followed by the Clerk, the Sergeant-at-Arms, and the members of the Commons, whereupon the Speaker of the Senate, Hon. Mr. Chauveau, in a fine clear voice, and with that admirable elocution for which he is celebrated, read the Governor's message to the Commons, requiring them to elect a Speaker and return on the following day to hear his speech from the throne.

Thus the show was completed, the members of the Lower House returned helter-skelter to their chamber, Lord Dufferin and his staff returned to their sleighs, the Guards presented arms, the band played, the cannons were fired, the crown cheered lustily, and amidst a merry uproar, His Excellency took his departure, surrounded as when he came by an escort of cavalry under command of Captain Sparks.

The gentlemen who composed the staff were: Colonel Fletcher, Governor's Secretary; Mr. J.L. Patteson, Private Secretary; Lieut. Rowan Hamilton and Lieut. Coulson A. d. C's.; Lieut.-Col. Cumberland, Provincial A. d. C.; Col. Robertson Ross, A.G.; Lieut.-Col. Powell, D.A.G.; Lieut.-Col. Macpherson, D.A.G.; Lieut.-Col. Wiley, Lieut.-Col. Brunel, Lieut.-Col. Chamberlin, C.M.G.; Lieut.-Col. Griffin, Lieut.-Col. Jackson, D.A.G.; Lieut.-Col. Ross, Guards; Major White, do.; Major Macdonald, unattached; Major Smith, B.M. Coburg; Major Worsley, G.T.R.B.; Capt. Gifford, 4th Batt.; Capt. Tilton, Guards; Capt. Vankoughnet, Guards; Surgeon Malloch, Guards; Pay Master Wickstead, Guards; Capt. Perry, Militia Staff; Lieut. Dennis, Guards; and Lieut. Griffin, Guards.

Prayers

The House was opened at 3.15 p.m. and shortly afterwards received His Excellency's message, requiring the members to attend at the Senate Chamber.

When they arrived, **Hon. Mr. SPEAKER** said:

Hon. Gentlemen of the Senate; Gentlemen of the House of Commons,

His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament of Canada, until the Speaker of the House of Commons shall have been chosen, according to law; but tomorrow, at the hour of three o'clock, in the afternoon, His Excellency will declare the cause of his calling this Parliament.

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

Having returned,

Hon. Sir JOHN A. MACDONALD rose and said that he rose for the purpose of proposing an hon. member of the House to fill the important and responsible position of Speaker. He would at once say that the hon. gentleman whose name he would submit was the Hon. James Cockburn, member for the West riding of the County of Northumberland. To those gentlemen who had sat under his (Hon. Mr. Cockburn's) guidance, as Speaker of the House, during the last Parliament, he (Hon. Sir John A. Macdonald) need not address any arguments to press his claims for that important office. Five years ago he was elected to fill it and he (Hon. Sir John A. Macdonald) believed that during that time he had performed his duties in a manner acceptable to the House and to the country.

He might say to those Hon. members who occupied seats on the floor of the House for the first time, that the hon. gentleman whose name he had mentioned had had a long experience in Parliament and in official life; that in both positions he had performed his duties honourably and well, and that during his term in office as Speaker none of his decisions had ever been reversed. Like all other Speakers, he might have given decisions that were not acceptable to individual members.

Mr. RYMAL: Hear, hear.

Hon. Sir JOHN A. MACDONALD: Mr. Walpole, speaking on this subject in the British Parliament, had said that during his long experience he had never known a Speaker whose decisions had not been objected to on both sides of the House. Among his own party from a feeling that perhaps from fear of seeming to lean towards his friends he had given decisions adverse to them; and by his opponents from a belief that he had been partial to his friends. On the whole, and after all, the general tenor of a Speaker's conduct should be the guide as to whether he was fit for re-election or not. He (Hon. Sir John A. Macdonald) was

now trying to introduce the system that had been obtained in England, and had worked well; that after a Speaker had served well he should not be changed capriciously at the beginning of each Parliament.

Without saying any more he would move that the Hon. James Cockburn, member for the West riding of Northumberland, should be appointed Speaker of this Parliament.

Hon. Mr. LANGEVIN repeated in French the substance of the remarks made by the Premier.

The motion was then put to the vote by the Clerk, Mr. Patrick, and carried unanimously, amid loud applause from the ministerial benches, and a solemn silence on the part of the Opposition.

The Speaker elect was then conducted to the chair by the Hon. Premier and Hon. Mr. Langevin.

On assuming his seat he said, I desire to convey to the House my most grateful acknowledgements for thus again unanimously electing me to be its Speaker.

Hon. Sir JOHN A. MACDONALD then moved that when this House adjourns it stand adjourned until half past two o'clock on Thursday.—Carried.

The adjournment was then moved and the House adjourned.

* * *

INCIDENTAL TO THE OPENING

Incidental to the opening was the swearing in of the members. This duty was performed by the Clerk in the Commons Chamber; and certainly Mr. Patrick gave as much solemnity to the proceeding as was possible under the circumstances. It must, however, have been rather difficult to preserve that decorum which is so desirable, as the hon. gentlemen, who were crowding around, were in anything but a grave mood, and were, on the whole, more inclined to lark. Time pressed also, and the swearing was done by trios, and even then was hardly completed at the hour appointed for the sitting of the House.

It is, nevertheless, gratifying to feel that we have in the city a noble band, two hundred strong, who are bound by all that is holy to be loyal to their Queen and country. In some instances the loyalty of the commoners must be extreme, if we can at all rely on their oaths, for they have so often repeated them that they must surely be binding in the last degree.

HOUSE OF COMMONS

Thursday, March 6, 1873

Mr. PATRICK, the recently appointed Clerk, called the members to order, and intimated that the first duty was the election of a Speaker.

Hon. Mr. COCKBURN (Northumberland West) was the Government nominee, and he was elected without any opposition.

The House then adjourned at half past two o'clock p.m.

The House being met; and Mr. Speaker elect having taken the Chair.

A Message was brought by **Mr. RENÉ KIMBER**, Esquire, Gentleman Usher of the Black Rod.

The SPEAKER:

His Excellency the **GOVERNOR GENERAL** desires the immediate attendance of this Honourable House in the Senate Chamber.

Accordingly, Mr. Speaker elect, with the House, went to Senate Chamber.

And there Mr. Speaker spoke to the following effect, viz:

MAY IT PLEASE YOUR EXCELLENCY:

The House of Commons have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am.

Prayers

SPEECH FROM THE THRONE

His Excellency the **GOVERNOR GENERAL**, at three o'clock p.m. this day, proceeded in state to the Chamber of the Senate, and having taken his seat upon the Throne, His Excellency commanded the attendance of the House of Commons. The members of that body, preceded by this Speaker,

the Hon. Mr. James Cockburn, appeared at the Bar. The Hon. Mr. James Cockburn then informed His Excellency that the choice of the House of Commons had fallen upon him to be their Speaker, and he prayed for the members thereof the customary Parliamentary privileges.

After which, His Excellency was pleased to deliver the following address.

1. In addressing for the first time the Parliament of Canada, I desire to express the satisfaction I feel in resorting to your advice and assistance, as well as my deep sense of my own good fortune in being permitted to associate myself with you in your labours and aspirations for the welfare of this Dominion.

I rejoice to think that my assumption of office should have taken place at a period when the prospects of the country appear so full of promise, when peace and amity prevail amongst all neighbouring nations, and when so many indications are afforded of the success with which Canada herself is consolidating her political unity and developing her material resources.

2. In accordance with the decisions of Parliament, and to carry into effect the legislation of last session, I have caused a charter to be granted to a body of Canadian capitalists for the construction of the Pacific Railway. The Company now formed has given assurances that this great work will be vigorously prosecuted, and a favourable state of the money market in England affords every hope that satisfactory arrangements may be made for the required capital. The papers and correspondence relating to this subject will be laid before you.

3. During the past year the surveys for the improvement and extension of our system of Canals, for which appropriations were made last Session, have been in active preparation; and I am glad to inform you that the plans and specifications for the enlargement of the Welland and the construction of the Baie Verte Canals have been completed, and that the works can now be put under contract.

The surveys for the St. Lawrence Canals will I am assured, be finished in time to commence the works at the beginning of next year. This will insure the completion of all these great undertakings at the same period.

4. It is gratifying to know that the efforts made to encourage immigration have met with a great measure of success, and that the numbers seeking a home in Canada have been greatly augmented during the last year. I do not doubt your readiness to

make ample provision for the steadily increasing stream of settlers that may hereafter be annually expected to add to the population, wealth and strength of the Dominion.

5. The compilation of the first census of the Dominion approaches completion, and this would therefore, seem a fitting time to provide for the establishment of a proper system for the accurate collection and scientific arrangement of statistical information. I commend this subject to your attention.

6. It is important that provision should be made for the consolidation and amendment of the laws, now in force in the several Provinces, relating to the representation of the people in Parliament. A measure for this purpose, and one for the trial of Controverted Elections, will be submitted for your consideration.

7. Your attention will be invited to measures for the amendment of the Laws relating to Pilots, to Salvage, and to the Trinity Houses of Montreal and Quebec, as well as for the improvement of the Laws generally, affecting our Merchant Shipping.

8. Experience has shown that the duties now performed in the Offices of the Secretary of State, and the Secretary for the Provinces, may be readjusted with advantage to the public service. A Bill on the subject will be laid before you.

9. Among other measures, bills will be presented to you relating to the Criminal Law, to Weights and Measures, and to the amendment and consolidation of the Inspection Laws.

Gentlemen of the House of Commons:

10. I have given directions that the accounts of the past, and of the first six months of the present financial year, shall be laid before you without delay. You will be gratified to learn that the finances of the Dominion are in a prosperous condition, and that there is no reason to doubt that the revenue will be sufficient to meet all contemplated charges upon it.

The Estimates for the ensuing year, which will be submitted to you, have been prepared with as much regard to economy as is compatible with the efficiency of the public service, and I venture to hope that you will be of opinion that the supplies which my Government will ask you to vote, can be granted without inconvenience to the people.

Hon. Gentlemen of the Senate; Gentlemen of the House of Commons:

11. Many of the subjects I have enumerated are of the greatest importance. It is with full confidence in your patriotism and wisdom that I commend them to your consideration, and I trust that a Gratuitous Providence may guide your Counsels in whatever may best promote the happiness of the people of Canada and the welfare of the Empire at large.

The SPEAKER and members having returned from the Senate chamber, **The SPEAKER** made the usual formal declarations at the opening of Parliament.

OATH OF OFFICE

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. HOWE** for leave to introduce a Bill respecting the administration of oaths of office. The Bill was read a first time.

* * *

ELECTION WRIT

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. LANGEVIN** that the Speaker do issue his warrant to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member for the electoral district of Quebec in place of Hon. J. P. O. Chauveau, summoned to the Senate.—Carried.

* * *

THE SPEECH

The reading of the Speech was dispensed with.

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. HOWE**, that the Speech of His Excellency be taken into consideration tomorrow.—Carried.

* * *

VOTES AND PROCEEDINGS

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. HOWE** that the votes and proceedings of this House be printed being first perused by the Speaker, and that he appoint the printing thereof, and that no person but such as he appoints shall presume to print the same.—Carried.

* * *

COMMITTEES

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. HOWE**, that the Select Standing Committees of this House for the present session be appointed for the following purposes: Privileges and elections, railway, canal and telegraph lines, miscellaneous, private bills, standing orders, printing, public accounts, banking and commerce, immigration and colonization, and that the said committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House, and shall from time to time report their observations and opinions therein, and shall have power to send for persons, papers and records.—Carried.

* * *

CORRUPT PRACTICES

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. HOWE**, that it be resolved that if anything shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate; and all members returned on double returns are to withdraw until their returns are determined; that if it shall appear that any person hath been elected or returned a member of this House, or hath endeavoured so to be,

March 6, 1873

by bribery or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices; that the offer of any money or other advantages to any member of the House of Commons for the promoting of any matter whatever depending or to be transacted in the Parliament of the Dominion of Canada is a high crime and misdemeanour, and tends to the subversion of the Constitution.—Carried.

Hon. Sir JOHN A. MACDONALD gave notice that on Monday he would move that a Special Committee be appointed to strike the Standing Committees.—Carried.

* * *

DISPUTED SEATS

After these formal motions were disposed of,—

Hon. Mr. BLAKE said that before the adjournment of the House was moved he desired to call the attention of the House to certain questions of privilege. The object of his motion was simply to order the Clerk of the Crown in Chancery to appear before the House with poll books of certain elections. It was unnecessary and probably would be inconvenient that he should enter into details on the subject, or raise a discussion until the information in reference to these returns was before the House.

There was one return for the electoral district of Muskoka, which he had reason to believe was a special return, in respect of which the returning officer had declared, for certain reasons which he would not at present characterize, his inability to return any member elected for that district, although one candidate received a very large majority of the votes over the other, and that candidate was now in attendance without the bar, waiting to be admitted.

With reference to another election, that is Peterborough West, the returning officer for reasons also which he would not now characterize, had taken on himself to return as duly elected to this House a gentleman who did not receive a majority of votes, and that gentleman had taken or had a right to take his seat, while the gentleman who had the majority of votes is excluded, but was here waiting to be admitted.

There was a third case, of the electoral district of Renfrew South, in reference to which he took the responsibility of stating, from the information he had received, that the poll books would disclose the commission of very gross frauds with respect to the townships of Hagarty and Sherwood. He therefore moved, seconded by Hon. Mr. Holton that the Clerk of the Crown in Chancery attend the House forthwith, with the returns of the last election for the electoral districts of Muskoka, Peterborough West, and Renfrew South, together with the poll books and all other papers, letters and documents which may have been transmitted to him by the returning officers for the said districts. He observed that he thought

it his duty to inform the Clerk that such a motion would be made, in order that he might be prepared to attend to the order of the House.

Hon. Sir JOHN A. MACDONALD said that the hon. gentleman having made this a matter of privilege, the motion of course could pass, and the Clerk of the Crown in Chancery would attend with the returns in question in order that they might be laid before the House.

The motion was then carried.

Mr. SCATCHERD moved that the Clerk of the Crown in Chancery attend this House forthwith with returns for the electoral district of Middlesex East, together with the poll books and all other papers, letters, and documents which may have been transmitted to him by the returning officer of the said district.—Carried.

The Sergeant-at-Arms retired, and returned with Mr. E. Langevin, Clerk of the Crown in Chancery, who handed to the Clerk of the House the documents referred to, according to the order of the House.

Hon. Mr. BLAKE then said that, these papers being now in the possession of the House, he desired to inform the House that he would, at the earliest opportunity tomorrow, move resolutions amending the returns for Muskoka and Peterborough West so that the candidates who received the majority of votes shall be declared duly elected, subject to the rights of all parties to petition.

Hon. Sir JOHN A. MACDONALD: Will this motion precede the Address?

Hon. Mr. BLAKE: Yes, at the earliest moment tomorrow.

Hon. Sir JOHN A. MACDONALD: Then I presume that the returns, not of course including the poll books, will appear on the votes and proceedings of today, so that every member of the House may have an opportunity of reading them.

Hon. Mr. BLAKE: I move that the returns be read in each case.

Hon. Sir JOHN A. MACDONALD: They may be taken as read.

Hon. Mr. BLAKE: The motion is a mere formal one, the object being to put the returns on the votes and proceedings. The reading can be dispensed with.

The motion was carried and the reading was dispensed with.

* * *

LIBRARIAN'S REPORT

The SPEAKER laid on the table the report of the librarian of Parliament.

On the motion of **Hon. Sir JOHN A. MACDONALD** the House adjourned a few minutes after four o'clock.

NOTICE OF MOTION

Hon. Mr. MITCHELL, on Tuesday next, will move the House into Committee of the Whole to consider the following resolutions:—

1. That it is expedient to amend the Acts relating to the Trinity House of Quebec, by increasing the number of wardens thereof and providing for the election of four of them by the Board of Trade of the said city and by empowering the said Trinity House to investigate the causes of accidents to vessels in charge of pilots.

2. That it is expedient to amend the Act incorporating the pilots for and below the harbour of Quebec, by empowering the Trinity House of Quebec to appoint yearly six pilots, being members of the corporation, as directors thereof.

3. That it is expedient to amend the Acts relating to the port wardens at Montreal and Quebec, by making better provision for preventing vessels laden with grain from leaving either of the said ports without the proper certificate from the port warden.

4. That it is expedient to make better provision for keeping good order on board passenger steamers registered in Canada and for preventing wilful injury or obstruction to such steamers.

5. That it is expedient to amend the Act providing for the appointment of a harbour-master at the port of Halifax, by enabling the Governor-in-Council to impose penalties for infractions of the regulations made under the said Act.

6. That it is expedient to make one law common to the whole Dominion of Canada respecting pilots and pilotage and embracing those provisions of the laws of the several Provinces and of the United Kingdom which have been found most advantageous in practice, with such amendments as have been found desirable.

Hon. Mr. MITCHELL—A Committee of the Whole on the resolution that it is expedient to transfer the powers now vested in the Trinity House of Montreal to the Harbour Commissioners of Montreal, and to make such provisions as may be requisite to carrying such transfer into effect.

Hon. Mr. MITCHELL—A Committee of the Whole on the resolution that it is expedient to alter the Constitution of the

Corporation of the Harbour Commissioners of Montreal by providing that four members thereof shall be appointed by the Government, two members thereof shall be appointed yearly by the Board of Trade of the said city, and two by the members of the Crown, and that the mayor of the said city shall also be a member, and that buoys and beacons within the port of Montreal shall be placed and maintained by the said Harbour Commissioners out of the funds of their Corporation.

Hon. Mr. MACKENZIE—On Monday next—Will move for an order of the House for the production of a statement showing the quantities of material estimated on Section N^o 5 on the Intercolonial Railway, according to the original plans upon which tenders were made for the work, and also according to the changes subsequently made in the location of the line, with a statement showing the rates of payment applicable under the contract to each.

Mr. MILLS—On Monday next—A Bill to disqualify members of the Legislative Council and Legislative Assembly from sitting or voting in the House of Commons.

Hon. Sir JOHN A. MACDONALD—On Monday next—That a Special Committee of members be appointed to prepare and report with all convenient speed, lists of members to compose Select Standing Committees ordered this House.

Mr. CUNNINGHAM—On Monday next—Inquiry of Ministry whether any instructions have been sent to the Governor General of Manitoba relative to dealing with the key privilege, and, if so, what is the nature of these instructions.

Mr. CUNNINGHAM—On Monday next—Enquiry of Ministry whether, in making a disposition of the half-breed grant, it is the purpose of the Department to go by the Manitoba Act, which makes grants only to children of half-breed heads of families, or by a subsequent Order in Council which includes the parents as well as the children in the distribution of the lands.

Mr. CARTWRIGHT—On Monday next—A selection committee to investigate the report upon the best and most direct route for mails and passengers between this Dominion and Europe.

Mr. CARTWRIGHT—On Monday next—A Bill for the better protection of navigable streams and rivers.

The House adjourned at four o'clock.

March 7, 1873

HOUSE OF COMMONS

Friday, March 7th, 1873

The **SPEAKER** took the chair at 3.20 p.m.

Prayers

ROUTINE

Mr. DALY presented several petitions, praying the House to enact a prohibitory liquor law.

Mr. BEAUBIEN presented a petition from the Montreal Northern Colonization Railway Company, praying for the extension of its charter.

* * *

PETERBOROUGH WEST ELECTION

Hon. Mr. BLAKE rose to call the attention of the House to one of the questions of privilege of which he had given notice, namely, the case of the Peterborough West return. He proposed to move a resolution, which was framed upon precedents of the Parliament of the late Province of Canada, to the effect that Mr. Bertram instead of Mr. Cluxton ought to have been returned by the Returning officer as duly elected. He should have to trouble the House at greater length than perhaps would be necessary were it not for the exceptional and very extraordinary position in which, as a deliberative assembly they met, with reference to the electoral law.

It was to be remembered that no less than 47 members of this House were returned under four different statutory provisions, and that the remaining members were returned under laws different again from that. He would not assume that all the hon. gentlemen from the western and eastern sections of the Dominion were as ignorant of the election laws of the other sections as, he was ashamed to confess, he was of the details of their electoral laws; but he did not think he should be doing wrong in supposing that there was not that thorough acquaintance on their part with the electoral law of Ontario and Quebec which existed amongst members who had been elected under that law.

There were some general observations which must present themselves to the mind of every member, under whatever law elected. They were the choice of the people, chosen to debate upon the affairs of the people, and no doubt it must be the wish of everyone that there should be a full representation of the people in this House, that every constituency should be represented before they proceeded to transact the business of the country, and represented by the men chosen by the majority of the electors; and

where there was no dispute upon the questions of fact, where there were no issues raised which demanded an examination of witnesses and an investigation into contested facts, there existed, neither in theory nor in practice, any inconvenience in accomplishing that natural and laudable desire which they must all entertain, that the whole country should be represented. There must be a peculiar desire on the part of members of this House that that result should take place having regard to events that transpired in the late Parliament.

They were refused by the wisdom of that Parliament an election law, which would have permitted the trial of the question which he was about to bring to the attention of the House, during the recess. Had such a law been passed, the question might have been tried, and the opinion of a Court properly constituted for the purpose might have been obtained; and the result would have been achieved, before today, of determining not merely the question as to whom, under the circumstances, the returning officer ought to have returned, but also all other questions that could possibly arise in such cases. Having been deprived of that law, the present Parliament must be all the more anxious that no unnecessary delay should take place in according justice to the people of that constituency.

There was yet another reason of general application why Parliament should be prompt to act in such a case as this. A change was made in the electoral law by the wise and judicious Parliament, which repealed the law that certain officials who had a standing in the community should be ex-officio returning officers. That protection was removed, and the Government were entrusted with the power of appointing whom they pleased as returning officers. Under these circumstances an added wrong would be inflicted upon the people, if the House should refuse in a case where there were no disputed facts. He should be able to establish that the course was clear for the House to assert its own authority and admit the gentleman who stood without the bar to his proper place within it.

That the House had power to deal with a question of this description, and to it summarily, was established by many precedents. Gentlemen opposite were fond,—and he admired them for that fondness on their part, and it was delightful to have some ground for admiration,—were fond of referring to British precedents; and to that he understood they owed the present Speaker's presence in the chair today.

He should refer them to British precedent under circumstances which did not exist here, and which made the power of this House demonstrable *a fortiori*. Remember that in England they had the system of trial of election petitions by the judges and further that the law contained provision that no return of election should be

made otherwise than according to its provisions. Remembering this, he would refer to a very late precedent in England. On the 10th of February, 1870, the return of Jeremiah O'Donovan Rossa was laid on the table of the House, and, he having been adjudged guilty of felony, and sentenced to a penalty of servitude for life, it was resolved that he was incapable of being elected and returned as member of that House. The motion was made by the leader of the Government and supported by the leading men of both sides, and by almost the whole House. Some gentlemen, it was true, contended that the statutory provision to which he had referred, by which it was declared that no election or return should be made otherwise than under the provision of the Act, excluded the jurisdiction of the House; but the lights of the House on both sides agreed that Parliament had an inherent right to act in such cases. An amendment was proposed to the effect that a committee be appointed to examine into the precedents and law of Parliament and report to the House what steps ought to be taken under the circumstances.

That amendment received only eight votes, while 301 voted for the motion, the leaders on both sides being included in the majority, immediately after the order for a new writ was issued.

There were various precedents in the Parliament of the late Province of Canada. There were many cases in which the decision of former Parliaments were not to be considered of such great importance in the assemblage, containing representatives from all the Provinces, the decision of whose parliaments had, of course, equal weight. But in this case, which involved the adjudication of questions under the electing law of the late Province of Canada, of course the resolution of that parliament would have peculiar weight. He was sure he need not call the attention of the hon. gentleman who sat opposite him (Hon. Sir Francis Hincks) whom he was glad to see looking so well after the year's residence in the far-west necessary to qualify him for sitting in this House for Vancouver. (*Laughter.*) He need not remind him of the case of North Oxford. In that case the returning officer, a friend of the gentleman whom he was lately following, took upon him under a law more obscure than the present law, to judge of the sufficiency of the declaration of qualification of that hon. gentleman. By 40 votes to 12 the House determined that the conduct of the returning officer was not right, and they gave the seat to the honourable gentleman forthwith, saving the rights of all candidates or electors to petition, which was done shortly afterwards, but without success.

Hon. Mr. BLAKE proceeded to quote the cases of the Kent and Beauharnois elections and the Brodeur case. There was also the case of Lennox and Addington in 1862, in which the returning officer found something like the Middlesex East case. There had been some irregularities with reference to the lists that had been used, and because of that could not determine who was the properly elected member. The House, however, found no difficulty. They determined unanimously that the returning officer's duty was to return the gentleman having the majority of votes, who was then returned and allowed to take his seat.

A later case was that of Essex, which came up in 1863, and the decision of which devolved upon the gentleman who occupied the chair. There was in this case a majority of one. Mr. Speaker decided that the one vote, which comprised the majority, was not legal, and that, therefore, the votes were even. Whether any other votes on either side should be taken off on either side, was a question of fact, and that he did not think that the House was in a position to judge of the question; and in that manner he provided a solution of the case.

He would now trouble the House with a short history of the statutory law, in reference to this matter. In 1842 an Act was passed which provided that the returning officer should sum up and ascertain the state of the polls, and declare elected the person who should have the majority of votes under that law. The general election of 1847 was held, and it was under that law that the returning officer for Oxford made the return he had adverted to.

It was thought expedient in consequence of the conduct of this returning officer, to amend the law so as to define more clearly the duties of the returning officers, so that he who ran might read, and the law of 1840 passed. That law provided that the returning officer should ascertain the state of the poll by counting or adding up the total number of votes taken for the several candidates and as soon as he ascertained the total number of votes, he was to proclaim as being duly elected the person who should have the majority of the total number of votes counted. It was found shortly afterwards that there was an ambiguity in the language, and that possibly the conclusion might be reached that the successful candidate would have to have a majority of the total votes cast for all the candidates.

This ambiguity was removed by the amendment, and the law remained in this state for many years, till the consolidation of the statutes, when it was practically consolidated in the same form by the 65th section. It was thought expedient, on the eve of Confederation, to abolish the show of hands at nominations and the formal declaration of the election. It was provided that the day for closing the election should be fixed. So much of the Act as required the counting of the votes cast for each candidate by the returning officer was repealed and it was provided that the returning officer should, within 48 hours after receiving the poll books and ascertaining the total number of votes as certified and sworn to by the several deputy returning officers, transmit his return to the Clerk of the Crown in Chancery. The return was to be based upon the sole consideration, which was the candidate who had the largest number of votes as shown by the poll-books.

He maintained that, under this law, considering also the fact that there was express provision in the law against a scrutiny by the returning officer, it was the duty of the returning officer, on receiving the poll-books, to return as duly elected the man who had the majority of votes.

It was contended in this case that he had the right to consider the question whether Mr. Bertram was disqualified for being returned by reason of the period at which his declaration of qualification was

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handed in. He maintained that he had no right to entertain that question. His duty was limited by the express language of the statute, to the consideration of who had the majority of votes, and he had no right whatever to consider what the law was in reference to this part of the disqualification any more than to any other part. There were many grounds of qualification. There were many offices, the holding of which rendered a man incapable of being elected,—would it be pretended for a moment that the returning officer had the right to determine that a man was disqualified from being elected by holding any of those offices.

Consider for an instant the consequence of such a decision. Where would they draw the line? If the returning officer decided this question as to the point of time; had he not the right to decide as to the sufficiency of the declaration of qualification as a statutory document? The form of declaration was prescribed by statute; suppose a declaration was to be given in that did not comply with the terms of the statute, was the returning officer to be the judge? The duty of the returning officer was plain and simple, and it was the interest of every man in the House, who expected to be able to retain a majority when he went back to his people, to see that his right to get the fruits of the expectation and secure his seat was not to be impaired by the proposition that the returning officers, who, it was barely possible hon. gentlemen opposite would admit might not be so favourable to them as a majority of the returning officers were among the late election, should decide.

What have we got in this case? The returning officer reported that 705 votes were cast for Mr. Cluxton, and 745 for Mr. Bertram. Having in pursuance of his statutory duties ascertained the number of votes, and finding Mr. Bertram had a majority, he proceeded to supplement his duty by declaring the return of the gentleman against whom a vote of want of confidence had been recorded by the people and he sent to sit here and represent these people the man whom they had just before rejected at the polls.

What had the member for Middlesex East (Mr. Glass) to say upon this subject? Was he disposed to adopt the construction that the returning officer should have omitted the poll for the township of London on account of certain irregularities therein? The duty of the returning officer was prescribed by the statute. He was to ascertain the number of votes cast, as certified and sworn to by the several deputy-returning officers and the poll clerks were to swear to the return. In the division, where the hon. gentleman got his majority, the deputy-returning officers and poll clerks did not swear to the returns—would the hon. gentleman from Middlesex East say that the returning officer should have taken upon himself to reject those returns, because of the decision? In many large constituencies, he dare say there were many irregularities in the poll books. He did not want to make the returning officer the judge on those points. He maintained he had not fully established the position which he undertook to make out. When he had shown that, according to the law, the returning officer was excluded from considering whether a man was qualified or disqualified, and was limited to the consideration whether a man had or had not the greatest number of votes.

He might say a word or two upon another question, not directly material to the consideration of this question, but which, no doubt, would be imported into it. Assuming that there was a demand for the qualification—with reference to which there was a question of fact—the declaration of qualification was made anterior to the close of the poll, anterior to the receipt of all the poll books by the returning officer, and anterior to the making up of the return under the Consolidated Statutes provision. Was that when any declaration was required? The candidate called upon to make the same might do so any time during the election, provided it be made before the proclamation to be made by the returning officer at the close of the election. It was also provided that any candidate who delivered his declaration at any time before the proclamation, was to be taken as complying with the law to all intents and purposes, as regards such declaration.

Hon. Mr. BLAKE explained the law on this point, and showed that the declaration was in time if made at any time before the election was closed by the returning officer making a return. Certainly it was in time if before the returning officer had received all the poll books, and therefore could not have made up his return. Under the English statute it was proved that the declaration was in time if made at any time anterior to the day mentioned in the writ for the meeting of Parliament, and this was interpreted to mean the day for the actual meeting of Parliament. But suppose that it was admitted that the returning officer was right in this case as to the declaration, would any man pretend to say his result was correct? The law with reference to disqualification was that, unless the existence of the disqualification was made known to the electors before they voted, the result was not that the minority candidate was elected, the result was a void election.

He referred to a case in England in which a mayor, who was also a returning officer, returned himself elected to some municipal corporation. There he was disqualified by reason of his being the returning officer. It was found that as a matter of fact the electors had been warned that he was disqualified, yet it was determined that their votes were not thrown away, and they had been cast for a dead man and the result was a new election. In this case, would any one pretend that any elector could have known of the disqualification of Mr. Bertram because it might have been delivered at any time before the close of the poll? The electors did not believe Mr. Bertram was disqualified, and they were not throwing their votes away. They decided not merely in favour of Mr. Bertram, but against Mr. Cluxton, who, he was glad to see had sufficient self-respect not yet to propose to occupy the seat in the House.

Another observation, and then he would be done. The last Parliament, in the plenitude of its wisdom, thought proper to pass a law which had been called by many unsavoury names—the Costigan Bill which did give the returning officer power to return a minority candidate, but that was only with reference to one particular kind of disqualification, and the framers of that Bill found it necessary to give the returning officer express power to return a minority candidate, show that they did not consider that he had power under the existing law. But this law did not apply to the

present case. He was sure the hon. gentlemen of this House were not going to argue that that power exists under the general law. He proposed to the House that they should act summarily and promptly upon the acknowledged facts of this case. These acknowledged facts showed that there was in this case a majority of votes for the candidate who had not been returned by the returning officer notwithstanding his majority.

He would therefore move: "that it appears by the poll books and other papers transmitted to Mr. George Burnham, returning officer, appointed to conduct the last election for Peterborough West, that two candidates, John Bertram and William Cluxton, were nominated; that a poll was demanded, granted and taken; that at the close of the polling, the said John Bertram had the largest number of votes, having received 745 votes, while the said William Cluxton received only 705 votes; that notwithstanding, the said returning officer has not declared the return of the said John Bertram as duly elected; that the said William Cluxton has not taken his seat in this House; that the said John Bertram ought to have been returned as member for Peterborough West in this Parliament, and that the said John Bertram has a right to take his seat in the House as a member for Peterborough West; saving, however, to all candidates and electors the right to contest the said election if they think proper, in such manner as may appertain to law and justice, and in accordance with the usage of Parliament."

He trusted that every man who believed in the proposition that a majority in each constituency should return their candidate, and did not desire it to be left to a returning officer appointed by the Government to ignore the wishes of the people and sent the defeated instead of victorious candidate to this House, would say yea to this motion. (*Loud cheers.*)

Hon. Mr. CAMERON (Cardwell) alluded to the importance of the subject under discussion, and said that his hon. friend had placed the matter before the House with his usual ability. If the case were as he had put it there would be no doubt respecting it. His hon. friend had referred to precedents which had occurred in this county—one of them relating to the Essex election. When it came up before the House, the Hon. Robert Baldwin voted that it should be referred to an election committee.

The hon. gentleman could not point out a single case in England before the Grenville Act was passed, or since, in which an alteration was made without a petition having been presented to the House. If he could, his researches would have been much greater and deeper than his (Hon. Mr. Cameron's). He had not been able to discover a case in which, without a petition being presented either by the candidate or the constituency, the returns had been amended. In olden times no such motion was ever made.

After the passing of the Grenville Act, the House deprived itself absolutely of the power of dealing with these questions, and vested the authority in a Committee. It deprived itself of the power which originally belonged to it; and although there were cases in which I could not, namely, in such cases as those of O'Donovan Rossa, and

Smith O'Brien, yet the distinction was so clear that there would be no difficulty in any of the members of that House, whether lay or legal, understanding it precisely as it stood.

The hon. gentleman next described the reasons which gave rise to the passing of the Grenville Act, and maintained that after that law was amended, it became in England exactly what it is in this country. The law provided for the investigation of an undue election return. The House divested itself of the power of dealing with the questions therein mentioned when it passed the statute, although no one would pretend it did not retain a portion of its original jurisdiction over cases which had been alluded to by his hon. friend. These cases in England were referred to election committees when they came up on petitions, and even in cases where the action of the returning officer was to be considered. The House declined to consider them within fourteen days, because the discussion of the question might, it was thought, create a feeling in the House which would prevent the members entering upon their duties with unprejudiced minds.

The hon. gentleman referred to a number of cases which had been referred to Election Committees, and afterwards said he hoped that they would soon have election laws of their own, and he did not think it advisable to act upon laws which had been passed in a partisan spirit. He was of the opinion that they should cease to carry out erroneous decisions, and act upon those which had been come to in England. In the case under discussion the return was questioned. Strictly speaking, they had nothing to do with the return the returning officer had made. He had returned the individual who, in his judgment, had been elected and he (Hon. Mr. Cameron) maintained that a petition should be presented against the return, as had been done in all the cases he had referred to.

He named a number of cases which had arisen in England, in which the House did not attempt to seat parties, and which were referred to election Committees. The decision of the Committee was always considered final and conclusive; and Mr. Speaker Abercrombie, in a celebrated case in which he was called upon to give his judgment, alluded in strong terms to the impropriety of the House breaking in upon the terms of an Act of Parliament which had been passed. Mr. Abercrombie held that the object of the Grenville Act was to take from the House the power of deciding upon controverted elections, to consider the decision of the Committees final; and he hoped the House would not be induced to shake off the fetters which it had imposed upon itself, for, if it did, he thought it would prove a dangerous and mischievous precedent.

The House of Commons he (Hon. Mr. Cameron) admitted had a right to act in the cases of O'Donovan Rossa and Smith O'Brien, as they were of an annual character, and of a description not referred to in the Grenville Act. The Committee, after investigating a case, might report the Acts upon which the House would be justified in entering upon a consideration of it, but at present he maintained that they had no authority whatever to do so. He contended that the motion ought not to prevail, and that the House was not in a

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position to decide that the name of the one should be erased and the name of the other inserted.

Hon. Mr. DORION (Napierville) said the hon. gentleman opposite had not contended that there was no irregularity on the part of the returning officer in the case referred to. He had not dared for a single instant to say that the returning officer had a right to decide the question; on the other hand, all that was asked for in the motion of the hon. member for Durham West (Hon. Mr. Blake) was merely that the Clerk of the Crown in Chancery should do what the returning officer should have done, that is, declare the candidate elected who had a majority of votes, but leaving in the power of the electors or the other candidate the right to appeal.

This would be a simple set of justice. If the House refused to vote for the motion of the hon. member for Durham West (Hon. Mr. Blake) then it would be doing what was equal to granting the power to the returning officers to declare the candidate of the minority elected, leaving the question of the legality of that decision to go through the lengthy course of an enquiry by court, going on for one, two or perhaps three years; and during all that time a member who represented not only a constituency but the whole country would be voting and taking part in all the proceedings of this House without even the shadow of a right to do so.

The hon. gentleman had referred to the legislation of a hundred years ago, and laid a great deal of stress upon it. He had urged that it was necessary to inquire into all the particulars before any judgment could be pronounced, but the cases and precedents to which he referred were cases of alleged corruption and bribery and not at all similar to the case in point. The motion of the hon. member for Durham West (Hon. Mr. Blake) did not ask the House to decide who was entitled to the seat, but merely who had the right to be proclaimed duly elected, as returned to this House. There could be no doubt—and, as he had already observed the hon. gentleman opposite had not denied—that in this case the candidate having the minority of votes had been returned, while the candidate having the majority was rejected. If it was the opinion of the House that this view of the case was the correct one, it would be their duty to see that the returning officer who had been guilty of such a gross breach of duty should be punished, and to declare that his return was false and imperfect, which the Clerk of the Crown in Chancery should correct and amend.

As to the precedents brought forward by the hon. gentleman, he (Hon. Mr. Dorion) could find precedents on his side of the argument. He would refer to one memorable occasion on which a certain gentleman had acted as returning officer at his own election, declared himself elected and signed his own certificate of election and qualification. What was the conduct of the hon. gentleman who had just spoken in regard to this matter?

[Editor's Note: Edward Blake was elected in two constituencies: Durham West and Bruce South. He subsequently chose to sit for the latter constituency on the 20th of March 1873.]

He need not say that the election to which he referred was that of Mr. Timothée Brodeur. That gentleman had been brought to the bar of the House, and the House was asked to declare his election null and void. The hon. member for Cardwell (Hon. Mr. Cameron) had voted for that motion, and the whole proceedings were carried on under the direction of the then member for Frontenac. The motion for thus summarily disposing of this very interesting gentleman, Mr. Timothée Brodeur, was secured by the present Minister of Justice (Hon. Sir John A. Macdonald). Now, in plain terms, the effect of this was, that the Hon. Mr. Cameron was found in that case voting that a case in some measure similar to the present should be disposed of at once; and not merely that, but that the seat be declared vacant on the spot, without even referring to the matter to a Committee for investigation. On the strength of a petition resented to the House, Mr. Fenton had moved that an investigation be made by a Committee, upon which a division resulted; but the vote for the amendment was so exceedingly small that it was not recorded on the journals of the House. The motion to declare that Timothée Brodeur was not entitled to sit in the House had been carried by a majority of 69 to 40, the Government of the day voting for it. The motion declaring on the spot the illegality of the election had been carried by 62 to 43. That was a precedent of equal weight with any that could be brought forward on the other side and one which the hon. gentleman had given his assent and approval to. Let his vote and his own idea of the justice of the proceeding be taken, and it was found that they were both in direct contradiction to having such a matter referred to a Committee.

To him (Hon. Mr. Dorion) it would be perfectly satisfactory, even if there were no precedent, that to settle the present difficulty in accordance with the motion of Hon. Mr. Blake was a matter of simple justice. It was true that the hon. member for Durham had stated that it was a disputed fact whether any qualification had been asked in this case at all, but that gentleman had also said that no reference was required to be made to that matter at all on the present occasion. Take for granted, if it was the pleasure of the House, that the qualification had been properly demanded, he contended the returning officer had no right to say that a candidate should not be returned for non-compliance with that demand. If he had a majority of the votes of the electors the House was not asked to pronounce judgment in regard to the qualification at all. It was found that the returning officer had not done his duty, and it was simply asked that the Clerk of the Crown in Chancery should do that duty for him. He again asserted that this would be an act of simple justice.

A good deal had been said about the laws of the old Provinces not being the law of the Dominion; but the Controverted Elections Law in the Dominion was exactly the same as the law existing before Confederation, and by which the case to which he had referred had been tried and decided, and the precedent must of course hold good in the same degree. During the operation of that law, a returning officer had returned a candidate having only a minority of votes as compared with Mr. Cameron, who had a majority of votes. Mr. Richards, now Chief Justice of the Court of Queen's Bench, had moved that Mr. Cameron, should have been

declared elected, and that he should take his seat in the House forthwith; this motion was carried, and Mr. Cameron was immediately sworn in, and took his seat without any preliminary investigation. There was no opposition to the motion, and no division on the question, but the resolution was adopted unanimously.

Then there was the case of Mr. Jacob De Witt returned for Beauharnois in 1848, in which two poll books had been destroyed by a mob. In that case the returning officer reported by affidavit that under the circumstances he declined to declare who should be returned, and the Clerk of the Crown in Chancery had been instructed to clear the matter up, and to bring to punishment the offenders.

Again, in the case of the South Oxford election, which had already been referred to, the motion to allow the candidate having the majority of votes to take his seat was carried by 40 against 12 and among those to be found on the list voting yea were such great men as Messrs. Chauveau, Cauchon, Chief Justice Richards, and others whose legal opinion was of great weight. If, in this case, the returning officer had acted improperly—and the fact was not denied by the hon. gentleman opposite—justice should be done to the party aggrieved and the wrong of the returning officer righted. He could not conceive that any attempt would be made to resist the motion of the hon. member of Durham West (Hon. Mr. Blake). (*Cheers.*)

Hon. Mr. O'CONNOR defied the hon. gentlemen opposite to say that the present case did not come within the power of the jurisdiction of the committee on privileges and elections. They would have trouble to contradict the member for Cardwell (Hon. Mr. Cameron) it was admitted in the English law that since the Grenville Act all jurisdiction of this kind is taken from the body of the House. Gentlemen opposite had cited some of the cases which occurred in Old Canada and some of the cases in England, but they failed to show their adaptation to the present case.

Mr. JETTÉ (in French) supported and echoed the argument of the hon. member of Durham West (Hon. Mr. Blake).

Hon. Sir JOHN A. MACDONALD said that the gentlemen on the opposite side of the House who had followed the hon. member for Cardwell (Hon. Mr. Cameron) did not address themselves to the question raised by that hon. gentlemen which was really the question in point.

He had heard it rumoured, and from appearances should judge the rumour to be well founded, that the hon. member for Durham West (Hon. Mr. Blake) had been elevated to the honourable and responsible position of leader of the Opposition. If this were the case he congratulated the hon. gentlemen on the eminence to which he had attained. He was led to believe that there was foundation for the statement from the manner in which the hon. member had treated the question now before the House. As that hon. gentleman had not confined himself to the strict legal and constitutional view,

but had taken that broader and more extended view which might be expected from the leader of a party.

The true argument moved in a different line from that taken by the hon. members opposite. Those hon. gentlemen had stated that the returning officer had made a mistake; now the question in point was not whether the returning officer was right or wrong, but whether the House was the proper place to try that question. His hon. friend, from Cardwell (Hon. Mr. Cameron) had contended that this House was not the proper tribunal in which to try the question raised. Now if it were true that this House was a proper place to try this question, then he feared that they might put aside all idea of devoting themselves within a reasonable time to the regular business of the session.

For the express purpose of avoiding such delay in the public business, and for the higher purpose of avoiding party and political votes on questions of this nature, the law had provided another and a specific tribunal, a sworn tribunal, a tribunal surrounded with all the authority of judges; a tribunal having all the duties to perform that the judges of the land had imposed upon them, a tribunal which the wisdom of the law had for years decided should try cases of this sort. This tribunal, upon whom both England and Canada the duty of trying cases of controverted elections had been thrown, this tribunal had the same obligations as our courts; they took as solemn oaths as our judges did, and he hoped and believed they purged themselves as completely of all political or party feeling in the execution of their duty.

He (Hon. Sir John A. Macdonald) would deeply regret that the time of the House should be taken up in the trial of disputed elections. If they interfered in this case no member of the House had any assurance that his seat might not be contested not only during the present session, but at any time during the existence of the present Parliament. They knew that the law relating to controverted elections, specified the time at which petitions could be sent in, and that if the parties interested, whether they were constituents or candidates, neglected within fourteen days to present their petition, no matter how irregular the proceedings might have been the member held his seat. It was also provided that the petition must be presented by the opposing candidate or by a constituent qualified to vote at the election. And if no one, either constituent or member, had sufficient interest in the matter to petition within the fourteen days prescribed by law, then the opposite party would have gained a right to his seat which could not be impugned.

He moved, "That the return made by the returning officer of the member to represent Peterborough West in this House, and all papers connected therewith, be referred to the select standing committee on privileges and elections to be appointed in pursuance of the order of the House made on the 10th inst., with instructions to proceed without delay to enquire and report to this House the proper course in order that the rights of all parties may be duly protected." (*Cheers.*)

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CONTINUATION OF DEBATE ON PETERBOROUGH WEST ELECTION

Mr. JETTÉ (in French) commented on the singularity of the fact that the returning officer had judged that the proper man to return for Peterborough West received only 705 votes to his opponent's 745. It seemed from this that we were to have minority representation. This appeared on the face of this return, and therefore no investigation was necessary. The position taken by the hon. member for Cardwell (Hon. Mr. Cameron) presupposed a doubt as to the contents of the return, but what had to be decided was on facts already adduced. Bertram's qualification was tendered to the officer, and it was not for that officer to decide upon its validity, but the House. The officer not being a judge of those matters, but an executive servant, his conduct could not be defended.

Mr. Jetté proceeded to point out the law relating to the matter, and contended that the declaration of qualification was in time. It was not for the returning officer to say whether this was the case or not; his duty was to return the candidate having the majority of votes, leaving other matters to be decided by the House.

Mr. CARTER did not think that the question of whether the powers of a returning officer were judicial or ministerial was to be decided by them. The most important point they had to consider was, were they to adopt the resolution before the House, which presupposed questions of fact which could only be decided by the tribunal to which they belonged? The statute to him seemed to be perfectly clear, and as they had a statute of that description, he thought the House had derogated their power in such cases. He did not think it would be advisable to establish a precedent by deviating from the usual mode of procedure. It has been stated they had in that House a number of precedents, but he held that they were not bound by the action of former Parliaments. They had a right to act as they considered wisest. He afterwards reviewed the observations of several previous speakers, and thought the matter should be referred to a Committee.

Hon. Mr. HUNTINGTON replied at length to the observations of the previous speaker. He held that the principles on which investigations of this kind had been made were definite and clear. Motions of this kind were made when upon the fact of the returns there appeared a manifest error, and it had been shown that the House had acted so before in the Three Rivers case, which had been alluded to. The House refused to enter into an examination of it because there were outside considerations which necessitated the examination of witnesses.

He denounced in strong terms the contention that they should follow only the precedents of the English Parliament, and maintained that they should not throw aside the doctrines and principles established in our own Parliament and adopt these which had been established by the English Parliament. It had been asked if cases could be pointed out where the English Parliament had acted in a similar case without a petition having been presented. He

thought it would be difficult for gentlemen opposite to quote an instance in which a returning officer in England had acted as the returning officer of Peterborough West had acted. (*Hear, hear.*) He asserted that the business of the House was not so great as to preclude them from entertaining such a case. He thought the case of his hon. friend (Hon. Mr. Blake) had been clearly made out.

Mr. BLAIN said he was prepared to vote upon the question upon its merits, and asked the hon. member for Cardwell (Hon. Mr. Cameron) if he was prepared to substantiate what he had said as to the power being taken from the House to determine whether any member was properly or improperly occupying a seat in the House. He denied that this was the fact, and though he had carefully examined the matter he failed to find any evidence to support the proposition laid down by the member for Cardwell. On the fact of evidence already before the House, the fact that the returning officer had not legally fulfilled his duties was perfectly evident, and it was perfectly evident, and it was not proposed to go without this House for any evidence in the matter. He could not see how it could be argued that a returning officer was invested with the judicial authority necessary to give him the power of judging of the eligibility of the candidates. He contended that the candidate of the majority was qualified to take his seat, and let the proper authorities declare whether or not he was qualified. (*Cheers.*)

Mr. SCATCHERD said that the proposition now before the House was to send this case before a Committee, which was not sworn, and this was anything but in accordance with the principles for which the Minister of Justice and the other hon. gentlemen opposite had pretended to favour.

Mr. CARTER made a few observations in explanation.

Hon. Mr. MACKENZIE rising said he entered into the debate with some trepidation, because they, the "laymen", were told they could not be expected to judge a matter of that importance. The hon. gentlemen who led the Government forgot that those very laymen from the country districts, of whom he spoke so contemptuously, and of whom he spoke as if there were not capable of forming an opinion for themselves upon the merits of the case—he forgot that those very persons would have to act as sworn judges if the matter went before an election Committee. (*Hear, hear.*)

An Hon. MEMBER: There is a lawyer as chairman.

Hon. Mr. MACKENZIE said that everyone knew that other than lawyers had been chairmen of Committees. It was possible that the lawyers might be exhausted, numerous as they were, (*laughter*) and it would then devolve upon laymen to preside over the committees; and further, if the lawyers were to be appointed chairmen of the committees, by far the major portion of the committee would consist of laymen, the men whom the hon. gentlemen opposite considered incompetent to act on the matter. He thought lay gentlemen could decide whether the gentleman who had received 745 votes or the gentleman who had received 705, votes was entitled to his seat. (*Hear, hear, and laughter.*) He was of the opinion that anyone as capable of deciding that the returning officer

had no right to make the return he had made. He maintained that it was above all things the duty of laymen, of legal gentlemen, of other professional men, of merchants and others in the House, to see that substantial justice was done, where there was a clear case for that justice being executed.

The question was "is there any doubt as to the facts of the case". No one denied the facts. He noticed very carefully the speech of the leader of the Government and also the speech of the hon. member for Cardwell (Hon. Mr. Cameron) then whom no person was better able to place his views before the House on a legal or other question, and he saw how very careful gentlemen opposite were, while condemning the resolution, against committing themselves as to the facts of the case. The facts were incontrovertible and the House would perpetrate an injustice if they allowed the gentlemen having the smaller number of votes to take his seat; but gentlemen opposite were anxious to place him in that position, and thereby perpetrate a great wrong to himself and a great wrong upon his neighbours, and they were endeavouring to persuade the House, against all law and all decency, to accept a proposition which was simply one to delay the execution of justice in this matter. (*Hear, hear.*)

Considerable stress had been laid upon the argument that English precedents did not fully bear out the course taken by his hon. friend, but no one denied that the entire course of Canadian precedent was in the direction now pursued. He (Hon. Mr. Mackenzie) was surprised at the anxiety manifested invariably by the hon. gentleman opposite, when it suited his purpose to plead English practice, and his admiration of that practice. They (the Opposition) pleaded English practice several times last year in vain, when they tried to introduce the English law respecting the trial of controverted elections, a law which would effectually prevent any such case as this being brought before the House.

Now, he was desirous, in his simple way as a layman, of presenting an amendment to the House, of endeavouring to lay before the House properly the facts, so that they might have a vote to follow the precedents that had always been followed in this country.

He begged to move, seconded by the Hon. Mr. Dorion (Napierville), an amendment to the amendment: "That this House deems it proper in the matter of the return for Peterborough West to act upon the precedents of the Parliament of the Province of Canada in the Oxford case, the Kent case, in the Beauharnois, in the Bagot case, in the Lennox and Addington case, and in conformity with those precedents to assert its jurisdiction and maintain its privileges and forthwith redress the grievances and flagrant violation of law and duty, apparent on the papers, which has been committed by the return of the defeated as the successful candidate to this House and declares that J. Bertram should have been returned as member for Peterborough West and has a right to take his seat, saving the right of all other persons to contest the election and returns."

Mr. PALMER thought he was not competent to judge upon the question, and hoped to hear the parties concerned. He knew exactly

the weight which English Judges laid upon the decisions of Election Committees, in which he had personally no faith. He saw in the conduct of the members on both sides of the House that party was the ground upon which they would be likely to decide this question. He came to this House to give his support to the right, no matter from which side the measure emanated. He was prepared to give an independent support to the Opposition as well as to the Government when the occasion demanded.

The man who got the most votes ought to sit in the House, but he was not prepared to say who had the majority of votes, and the parties (the electors and candidates) ought to be heard in the matter. It might be speedy justice to act as had been suggested by the motion of the honourable leader of the Opposition, but he did not think it was according to law. He did not think that the gentlemen who had expressed an opinion upon this subject were the proper parties to judge in the case, for people had very strong objections to have the case adjudicated upon by even a judge, if he had in any way given indication of having formed an opinion on the subject before hearing all the evidence. The precedents which had been quoted were of a nature and arrived at a principle that he was not willing to follow. The question was one of importance, and he did not think it should be decided upon without mature deliberation. He objected to the use of the term "speedy justice," and thought rather that hon. members should take a serious view of the case, and instead of talking about speedy justice, they ought to speak of well considered justice. The present state of his mind would not allow him to vote for the motion of the hon. member for Durham West (Hon. Mr. Blake) but as to the other motions on the subject before the House he was not prepared to give any opinion of them, as he had not time to make up his mind on the subject.

Hon. Sir FRANCIS HINCKS said that reference had been made to a precedent in which he was interested, and remarks had been made which led him to think that a wrong impression existed as to the facts of that case. These remarks had rendered it absolutely necessary for him to rise and set himself correct before the House. It had been stated by the former speaker that he had endeavoured improperly to seat himself in Parliament on that occasion as representative of the county. There was not a member of that House who would for a moment insinuate that Mr. Bertram, who he understood to be standing outside the Bar of the House, waiting for admission, was at all responsible for the proceedings that were being taken in this House.

He (Hon. Sir Francis Hincks) in the same way was not in any degree responsible for the proceedings in 1848. At the time he was returned for the county of Oxford in 1848, he was in confidential correspondence with a very distinguished member of the Imperial Parliament, the late Mr. Charles Butter. The conduct of the returning officer, he admitted, caused him a great deal of irritation because he considered himself extremely ill used. He had inquired of Mr. Butter what his opinion was of the case. That gentleman replied that although he conceived that he (Hon. Sir Francis Hincks) was badly treated and should certainly have been declared duly returned, yet it was a fact that his case should have been referred to

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an Election Committee. He had left the matter in the hands of the House and was in no way responsible for the decision.

The Minister of Justice (Hon. Sir John A. Macdonald) had already stated that the then leader of the Reform party, although no doubt most anxious for his (Hon. Sir Francis Hincks) return to the House as speedily as possible, had on that occasion voted against his party. His hon. and learned friend, however, had forgot to mention the name of another very high legal authority, Mr. H.J. Boulton, who had also voted on that occasion on the same side as Mr. Baldwin. Among the gentlemen who voted on the other side were such men as Mr. Lafontaine, but it must be remembered that in the old Province of Lower Canada there was no such thing as a trial of contested elections by a committee, and proceedings to settle a dispute were taken in the House and by the members of the House, and they hesitated not to take the matter into their own hand, in consequence, the member for Bruce South (Hon. Mr. Blake) had remarked that this discussion and these proceedings were rendered necessary by the election law which had been proposed in order to have contested elections tried by a different tribunal, and yet he stated that he had also said that if such a law had been enacted, this case would not have come before the House, which he now asked to decide the question.

Hon. Mr. BLAKE: No, no.

Hon. Sir FRANCIS HINCKS: The hon. member for Bruce South had told the House plainly that the case which he cited as a precedent was that of O'Donovan Rossa, which he (Hon. Sir Francis Hincks) deemed to be not a case in point. The hon. member for Lambton (Hon. Mr. Mackenzie) charged gentlemen on the Ministerial side of the House with carrying the practice principles opposed to those which they preferred with reference to the election law. He was surprised to hear such remarks from a gentleman who showed himself generally so acute upon all parliamentary questions, and he concluded that in this case the gentlemen who supported the Minister of Justice in his amendment were merely invoking English practice in order to show what was done in the administration of a law similar to our own; but it was not necessary that the English example should therefore be followed in reference to a law that was merely proposed. He had no desire to go into the question, but he merely meant to justify himself in agreeing with the position taken up by Sir John Macdonald. Thus the House would get the very best advice as "to whether the case was one with which they were competent to deal or not".

He was sure he spoke the sentiments of every gentleman in the legal profession, when he said it was right that the House should have the benefit of the advice of the Committee on Privilege and Elections. This would not be postponing the consideration of the question, and the importance of the advice would be all the greater. Then this Committee would be composed of the highest legal authorities on both sides of the House. One party might influence the other to agree upon the question, and an unanimous report might be obtained; but even if this were not accomplished, the House would be better able to judge in the matter when they had the reasons for and against the opinion of the Committee.

He would just make one observation in reference to his own case, which he argued was not exactly the same as the one in point. He could not reproach himself upon having caused any embarrassment to the country or to the House by the course he had taken; and at every election he had engaged in since 1848, he had invariably gone to the election with his qualification along with him. In regard to his election in Oxford, he had put in his qualification on the day of the nomination, and the only question raised was whether it was good or not. The returning officer had said it was not. In the case before the House, it was alleged that the qualification had not been put in at all, at least not in the proper time. One thing was clear. It was open to Mr. Bertram to have put it in the proper time, and thus save himself from all blame, and the House from a great deal of trouble. (*Cheers.*)

Hon. Mr. HOWE said the Canadian practice had been quoted, but hon. gentlemen opposite did not care to quote precedents from his part of the country. He thought the carrying of the motion made by Hon. Mr. Blake would be disposing of the question in too summary a way, and he therefore opposed it.

Mr. BODWELL said he was astonished at the reference made by Sir Francis Hincks to his own case. That gentleman seemed to have received new light on the subject since he became a representative of Vancouver. (*Laughter.*) He (Mr. Bodwell) had heard it broadly stated throughout the country that the Minister of Justice had aversed that he was determined that the gentleman receiving the majority of votes in Peterborough West would not sit in the House this session.

Hon. Sir JOHN A. MACDONALD rose to deny in the most explicit terms that he had ever said anything to any person to the effect referred to by Mr. Bodwell.

Mr. PRÉVOST (in French) maintained that there was no necessity for referring the matter to an Election Committee. All that had to be considered was already before the House, and appeared upon the face of the report of the returning officer. A gross injustice had been done to the electors, and to both candidates, and an infringement of the privileges of this House had been inflicted by the malfeasance of the returning officer who ought to be brought before the bar for trial. (*Hear, hear.*) He urged upon the House to do their duty to themselves and justice to the electors and the candidates in the case. (*Cheers.*)

Mr. MATHIEU (in French) quoted from the election law of the Dominion, and contended that it remained to be shown whether, under the circumstances, the returning officer had not done his duty. The matter ought to be referred to the Committee, as proposed by the Premier. (*Hear, hear.*)

Hon. Mr. CAUCHON said he would, on this occasion, maintain the position he had taken up 25 years ago. He felt himself placed in rather an awkward position on account of the arguments used by the hon. member for Cardwell (Hon. Mr. Cameron) to prove that the matter was one with which the House could not legally deal. At the same time the speech made by the hon. Premier in moving this amendment to send the matter before the Committee on Privileges

and Elections had in a manner enabled him to decide that in moving that amendment the Minister of Justice had acknowledged that the question was one with which the House was competent to deal. He thought the argument a splendid one, and thought that if it was sound they ought all to move against its being sent before any Committee previous to being dealt with by the House. He did not regret what he had done 25 years ago in a similar case, and would give a similar vote in this case. (*Cheers.*)

Hon. Mr. BLAKE was pained to see the position taken up by the hon. member for Vancouver. That gentleman, if he did not say it in as many words, left the impression upon the House, when he said that he was not responsible for what the House had done in 1848, that he was opposed to the action they had then taken in the matter. He had confessed to having felt irritated about it, and had consulted a gentleman whom he cited as a witness but who was not no longer in the land of the living, and was told that the matter could not be put right, according to English practice except through the medium of an Election Committee.

Was the House to understand that it was against his will and in spite of his remonstrances that he was forced by friends to accept the decision of the House upon the question of his right to take his seat in the House, or that he sacrificed his own feelings for the sake of his party and permitted them to remain in ignorance of the fact?

He (Hon. Mr. Blake) must be permitted in ignorance of the facts of the case to retain the impression that the hon. gentleman did not object to the course taken by his friends, but that he had assented to it throughout. He (Hon. Mr. Blake) had always heard that the affair was a feather in the cap of the hon. gentlemen which had had no little influence in elevating him to a position on the Ministerial benches. Shortly afterwards the hon. gentleman was called upon to vote upon this same question himself, when the hon. gentleman was himself in the House. The proceeding which commenced upon the day upon which the House determined to deal with his case as a question of privilege were terminated, and the gentleman who had taken his seat declared guilty of a breach of privilege. The hon. gentleman had given his consent to the proceedings, and his name was recorded on the journals of the House as having voted upon the motion made upon the question. (*Cheers.*)

Yet he (Hon. Mr. Blake) gathered from what the hon. gentleman had said that, though 25 years after the event referred to, he rather thought the House had done wrong. (*Laughter.*) He requested to be allowed to state a fact which might not be known to all. Twenty-four years ago the hon. gentleman was on the opposite side of the House from that he now occupied, and another man illegally occupied his place. Today the hon. gentleman was himself illegally occupying a seat in the House. He was sitting for the constituency of Vancouver, and he trembled lest the facts should be inquired into. It was well known that one of the legal requirements of the representative of Vancouver was a residence of one year in the island previous to the period of his election. It was also well known that not more than twelve days previous to his election, the hon. gentleman was doing yeoman service for the Government which he was now supporting.

The resolution as well as the amendment called upon the House to decide whether or not the returning officer was wrong in taking upon himself to consider the qualification of a candidate or whether he should have confined himself to the question of who had the majority of votes. It was proposed by the hon. gentleman to adopt the most procrastinating course it was possible to adopt. In the constitution of the Committees there was always a decisive majority of the supporters of the Government, and a proof of this would be found by reference to the composition of the former Committees. The hon. gentleman showed how the delay would be caused by referring the matter from one committee to another, and even then the question at issue would probably not be decided, as the mover of the amendment had not directly put the question of whether the House had power or not to act in the matter. He showed that it was the practice in the English Parliament to decide similar questions without being petitioned.

In alluding to the contention that the decisions of the old Parliament were of no real weight, he said in 1857 the rules and regulations which prevailed in the old Parliament were adopted, with few exceptions, as the rules and regulations of this Parliament.

He quoted instances to show the Parliament of England had retained its inherent jurisdiction to deal with questions affecting the seats of members, and in the case in question the facts were apparent on the poll books. It was held that the case of O'Donovan Rossa was of a different and peculiar character, but He (Hon. Mr. Blake) failed to see the difference, and he maintained it was not considered on account of its peculiarities, but on account of its general principles. He maintained that the returning officer had not the right to return anyone except the one who had the majority of votes, and that the amendment called upon them to delay justice with a view to its ultimate denial.

The House could, in accordance with precedents, give to the people of Peterborough West their proper representative; if they did not, they would tell the returning officer that they had a power they ought not to possess, and it would give them to understand that they could decide who might or might not sit in that House until the long and procrastinate procedure thus proposed was gone through. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD deprecated the attack made by the hon. gentleman opposite upon his hon. friend for Vancouver, who after 21 years of political service was so highly esteemed throughout the country. The hon. gentleman opposite had complained of the delay which would be created, but a delay of a few days could make no difference whatever. It had also been argued that Standing and Special Committees reflected the opinions of the Government. This would always be so, for the opinions predominating in the House would predominate on the Committees.

He next referred to the case of O'Donovan Rossa, and said this was an exceptional case. A convict was not a man to act as a member of Parliament. The returning officer was abused for a dereliction of duty, yet his statement with regard to the number of votes would be received. If he made an error in one respect, he

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might make it in another, and he did not think the hon. gentlemen opposite were consistent in this respect. Mr. Bertram might have suffered a wrong, but they were not the tribunals to decide the matter. A proper tribunal had been established and it was their duty to refer the matter to that tribunal. The hon. gentleman opposite had complained that the people of Peterborough West would not be properly represented.

He (Hon. Sir John A. Macdonald) called the attention of the House to the time when the late Mr. Sandfield Macdonald moved in the Ontario Legislature the adjournment of the House for a few weeks until the representatives were elected for a number of constituencies then unrepresented. The hon. gentleman at that time opposed the motion, and, taking a vote before the election of those representatives, succeeded in defeating the Government. This was not in accordance with his present argument. He held they were not bound to act upon the precedents of the old Parliament. The reason they followed the precedents of England was because the law was the same here as there.

The hon. gentleman referred to the action of the Nova Scotia Government to show that the Government in these particulars were acting constitutionally, and he also read a long article by Mr. Todd in support of the same. The course the House should pursue was to reject the motion and refer the matter to a committee for decision, and he was satisfied the Committee would arrive at a right and just conclusion.

The reason that he had moved an amendment was not to oust the House of its jurisdiction because it had no jurisdiction, but that the opinion of the legal committee might be got; the House could deal with the case afterwards. The tribunal appointed by law would decide whether the party claiming the seat or the party holding it was the right one.

The motion in amendment to the amendment being then put to the vote it was lost on the following:

Yeas 79; nays 95.

YEAS

Messrs.

| | |
|----------------------|------------------------------|
| Anglin | Archibald |
| Bain | Bécharde |
| Bergin | Blain |
| Blake | Bodwell |
| Bourassa | Bowman |
| Boyer | Brouse |
| Buell | Cartwright |
| Casey | Casgrain |
| Cauchon | Charlton |
| Church | Coffin |
| Cook | Delorme |
| De Saint-Georges | Dorion (Drummond—Arthabaska) |
| Dorion (Napierville) | Edgar |
| Ferris | Findlay |
| Fiset | Fleming |

Fournier
Geoffrion
Gillies
Harvey
Holton
Huntington
Joly
Landerkin
Mackenzie
Metcalfe
Oliver
Paterson
Pelletier
Pozer
Ray
Richards
Ross (Middlesex West)
Ross (Victoria)
Rymal
Smith (Peel)
Stirton
Thompson (Haldimand)
Trow
Wilkes
Young (Waterloo South)—79

Galbraith
Gibson
Hagar
Higinbotham
Horton
Jetté
Laflamme
Langlois
Mercier
Mills
Pâquet
Pearson
Pickard
Prévost
Richard (Mégantic)
Ross (Durham East)
Ross (Prince Edward)
Ross (Wellington)
Scatcherd
Snider
Taschereau
Tremblay
White (Halton)
Young (Montreal West)

NAYS

Messrs.

| | |
|------------------------|-------------------------|
| Almon | Baby |
| Baker | Beaty |
| Beaubien | Bellerose |
| Benoit | Blanchet |
| Bowell | Brooks |
| Brown | Burpee (St. John) |
| Cameron (Cardwell) | Campbell |
| Carling | Carter |
| Chipman | Chisholm |
| Colby | Costigan |
| Crawford | Cunningham |
| Currier | Cutler |
| Daly | Dewdney |
| Dodge | Domville |
| Dormer | Doull |
| Dugas | Duguay |
| Farrow | Flesher |
| Fortin | Gaudet |
| Gendron | Gibbs (Ontario North) |
| Gibbs (Ontario South) | Glass |
| Grant | Grover |
| Haggart | Harwood |
| Hincks (Sir Francis) | Howe |
| Keeler | Kirkpatrick |
| Lacerte | Langevin |
| Lantier | LeVesconte |
| Little | Macdonald (Sir John A.) |
| McDonald (Cape Breton) | McDonald (Pictou) |
| MacKay | Mailloux |
| Masson | Mathieu |
| McAdam | McDougall |
| McGreevy | Merritt |
| Mitchell | Moффatt |
| Morrison | Nathan |
| Nelson | O'Connor |
| O'Reilly | Palmer |
| Pinsonneault | Pope |

COMMONS DEBATES

18

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Price
Robitaille
Ross (Champlain)
Savary
Staples
Thompson (Cariboo)
Tobin
Tupper
Webb

Robillard
Rochester
Ryan
Shibley
Stephenson
Tilley
Tourangeau
Wallace (Norfolk South)
White (Hastings East)

Witton
Wright (Pontiac)-95.

Wright (Ottawa County)

The amendment was then carried on the same division.

The original motion, as thus amended was also carried.

The House adjourned at midnight, until three o'clock Monday.

March 10, 1873

HOUSE OF COMMONS

Monday, March 10, 1873

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

Prayers

PETITIONS

Among the petitions presented were several for the prevention of the manufacture of intoxicating liquors under the Prohibitory Liquor Law.

Mr. RYAN presented a petition from the Dominion Board of Trade respecting the insolvency laws, and praying for the continuance of the Act of 1869.

Hon. Mr. BLAKE presented a petition praying for an investigation into the alleged frauds in the Townships of Hagarty and Sherbrooke, in connection with the South Renfrew election.

* * *

APPOINTMENT: ASSISTANT CLERK

Hon. Mr. MACKENZIE said he desired to ask the Speaker, as Chairman of the Commissioners for the management of the affairs of the House, whether any person had been named to fill an office vacant at the Clerk's table, and whether it was the intention to promote meritorious officers who then occupied positions in the House, and were fully capable of performing the duties satisfactorily?

The SPEAKER said the appointment had been made. He had selected for the office a gentleman who he believed would perform the duties satisfactorily. The gentleman's name, if the hon. gentleman wished to know it, was Mr. Piche, Q.C., a gentleman who was formerly a member of the Parliament of the old Province of Canada.

Hon. Mr. MACKENZIE: That gentleman, I believe, has not previously held a position in this House?

The SPEAKER: He has not.

* * *

CONTESTED SEAT: MUSKOKA

Hon. Mr. BLAKE said that in rising to call the attention of the House to the other case of privilege which he had intimated he would bring before it (Muskoka election) he felt that the discussion which had already taken place would enable him to abbreviate very much the remarks which he might otherwise have thought it his duty to make. The motion he was about to make was one which probably he would have earlier brought

before the House, had it not been, for unexplained circumstances, that the papers had not been fully entered upon the votes and proceedings, and consequently the House was not in possession of that portion of the matter upon which they were called upon to set.

The case was one of extreme clearness. He would shortly state the facts upon the poll books and papers before addressing himself to the difficulties which seemed to have oppressed the mind of the returning officer. In Muskoka there were two candidates, Messrs. Cockburn and D'Arcy Boulton. A poll was demanded, granted and taken; and, from the poll book returned by the returning officer, it appeared that the total number of votes polled for Mr. Cockburn was 652, while the total number polled for Mr. Boulton was 530, thus leaving a majority upon the total poll for Mr. Cockburn of 122 votes; but the poll book for the township of Morrison was lost, and the returning officer under the statute took the evidence of the deputy returning officer for Morrison, and ascertained, as appeared by his return, that in that township the total number of registered voters was 48. There were 37 polled, of which 3 were for Mr. Boulton and 34 for Mr. Cockburn. Owing to what the returning officer thought to be a difficulty, he found himself unable to add this poll to the other poll books.

The result of striking out those votes would be that the poll upon the books, which were actually produced, and which by the returning officer were stated to be regular, would be 618 for Mr. Cockburn, and 527 for Mr. Boulton, giving a majority for Mr. Cockburn of 81. The returning officer further stated that the majority of votes in the return of the deputy returning officer for Parry Sound was in different handwriting from that in which the first two of the votes were recorded, and that he had made some enquiries upon the subject and found that 81 votes were for Mr. Cockburn, and 19 for Mr. Boulton. Striking off this poll, as well as the poll for Morrison, the result was that there were 534 votes for Mr. Cockburn and 508 for Mr. Boulton, or, a majority of 26 for Mr. Cockburn. In this case they had not to deal with any difficulty upon the ground of qualification. The returning officer had not returned the minority candidate; he had made no return at all. He had alleged that owing to the facts with reference to these two polling divisions, he had made no return as required by law. The result was that the constituency of Muskoka was at this time disfranchised by the action of the returning officer.

He had already stated his views as to what were the functions of the returning officer and he rejoiced to know that those views were not in the slightest degree controverted in the discussion on Friday. His duty was to return the candidate who had the greatest number of votes. In this case they had not the difficulty of his having returned somebody, and so they had not to take what some considered had

the violent step of striking out a gentleman who had been returned as member and putting in another in his place.

They were here dealing with a case in which the returning officer had alleged it impossible in consequence of the undisputed facts before him, to determine what he ought to do, and in which he had not complied with the exigency of the writ, which called upon him to return a member to Parliament; and the question before the House was, whether upon these facts, which for the purposes of the case were assured to be indisputable, the House would act in the manner in which any Committee would act, namely, by determining that the returning officer, if he had done his duty, would have returned Mr. Cockburn, and that Mr. Cockburn ought to be returned as a member to Parliament.

Before pointing out what he regarded as a most material point, namely the law, as he understood it to apply to election and policy divisions in question, he desired once more to press upon the House that if they were pleased to take the course of striking out the votes polled in these divisions altogether they would still arrive at the plain undisputed result that there was a majority of votes for Mr. Cockburn. He desired also to point out how closely many of the precedents which were adverted to the other day fitted to the present case.

The Beauharnois case was one in which the returning officer had been unable to obtain some of the poll books at all. They had not been returned to him up to the period at which by law he was obliged to make his returns. His partial return showed a considerable majority for De Witt, one of the candidates. The returning officer made a special return, that in consequence of his not receiving some of the poll books he was unable to return either candidate as elected. The House entertained the question and unanimously determined that he ought to have returned De Witt as elected, and he was declared returned. If the name of Baldwin was to be invoked as an authority, he invoked that authority. Mr. Baldwin was one of the leaders of the House at the time.

He would next refer to the Lennox and Addington case: that also was a case of an unanimous vote. On 24th March 1862, a resolution was placed to the effect that it appeared by the return that Mr. Hooper, one of the candidates, had a majority of votes but notwithstanding this the returning officer did not declare him returned; and it was determined that he ought to have been returned and had a right to take his seat. In that case the House was dealing with a special return, which stated that Hooper had a total of 1,744 votes, and Roblin 1,360. The hon. gentleman who was leading the House now was leading it then, and the motion was made by Mr. Walbridge, a member of the Opposition, and unanimously agreed to.

Turning to the Essex case, he said he was quite prepared to stand by the decision which the leader of the Government spoke so highly of. The House had not forgotten that the leader of the Government appealed to the authority of Mr. Walbridge. He had stated that his decision was of the highest authority, as it was a judicial one, and was entitled to the greatest weight. He (Hon. Mr. Blake) pointed out to the hon. gentleman that Mr. Speaker Walbridge, placed in that

responsible position, had taken the line which was consistent with his (Hon. Mr. Blake's) line, that he had established the view that the House had the right to deal with those questions which are apparent upon the papers, with reference to which a conclusion of law was to be drawn, but ought not to deal with those questions which involved disputed fact. He proceeded to read from the journals of the second session of 1863 the decision of the Speaker in the Essex case. The Speaker gave his vote for the negative, for the reason that when matters of fact are to be enquired into the question should go before the Election Committee.

He was of opinion that the vote marked "refused to swear" was a bad vote. That was not a matter of fact but a matter of law, which the House according to the statute, might properly look into. This left a tie between the two candidates, and he could not therefore say that Rankin had the majority of votes, but the question as to the alleged rescue and transfer of another vote was a question of fact to be decided by evidence taken before a committee.

This decision divided itself into two parts. There was one question depending upon a conclusion of the law upon the facts before the House. Upon that question this authority which the leader of the Government spoke so highly of, determined that the House had a right to decide. When he came to the second question the same authority said he could not enter into an investigation of disputed facts. That precedent was one for the interference of the House in a case where a conclusion of law was to be drawn from undisputed facts before the House, and that precedent was strengthened by the adoption of it by the leader of the Government the other day and his recommendation to follow it.

Having quoted that, he (Hon. Mr. Blake) thought he had relieved this case of all difficulty. The observations he had made would relieve the minds of hon. members from what was no doubt innocently and mistakenly suggested by some of the speakers on the other side of the late debate, namely, that there was any proposal on the part of those who took the view of the law which was taken by those who supported his motion, to make the House the theatre for the investigation of disputed facts. The line they took was clear, intelligible, and decisive and laid down in the clearest and sharpest manner by Mr. Speaker Walbridge. In this authoritative decision he gave the rule and the example of the rule, and he decided upon one question one way, and upon the other another way, just because one fell within and the other without the rule. The apprehension, then, that the House might be delayed by the calling of witnesses and the carrying on of an investigation was entirely removed by the establishment of the proposition that where no disputed matters of fact were brought forward, and where the House was called upon to conclude the law upon admitted facts, the House might properly interfere.

It had been said also that there would be some danger of a partisan decision. He trusted that the House would not, from a distrust of itself, from an apprehension that its members would not give a fair and honest vote, transfer the liberties of the people to the custody of a partisan returning officer. At present the Government appointed the returning officers. They determined upon the course

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to take, and not after argument in the light of day as in the House. Hon. gentlemen say that the returning officers are supposed to act honestly in all these matters; but the House, forsooth, when only called upon to draw a conclusion as to what was the well settled law of the land, might be biased to give a partisan vote, though five of them in committee would be quite sure not to give a partisan vote. That was the logic of the argument of the gentleman opposite.

He had long been of opinion that the man who would not do honestly without the sanctity of an oath would not be the ones with the oath. He had long been of the opinion that the man whom you are obliged to bind by an oath would not be bound by an oath. The obligations of members of the House were as solemn as if they had received that sanctity of an oath.

He desired to make another observation in order to remove a false impression. The suggestion was thrown out that they were deciding the election. That was not the case. The proposal they made was to put the candidate in the position in which he would have been placed had the returning officer done his duty fully. Having put him in that position, the question as to whether he was duly elected could be determined according to the general law; but to call upon a man who had been returned by a decisive majority, for whom his constituents had shown a marked preference, to send in an election petition, which could not perhaps, be disposed of for two sessions, to provide securities, and be at considerable expense, was to deny him and his constituents justice subject to being petitioned against, and what they desired in this case was that Mr. Cockburn should be returned and that Mr. Boulton should be left to petition against him in the ordinary way.

Having pointed out the result of the worst possible construction against Mr. Cockburn, he might sit down without saying a single word as to what the result ought to be. On the townships of Morrison and Parry Sound, he had already said that it was not material whether there were difficulties or not as to them, but it was necessary that a word or two should be said upon that in order that the House might clearly understand what was the result of such action on the part of the returning officer. An irregularity of the poll book of the most trivial character would be taken as a sufficient reason for the returning officer preventing a member from taking his seat.

Take the case of the returning officer for Middlesex East. In that case, as the return shows, for the polling division in which the hon. gentleman from that riding got his majority the return was sent in by the deputy returning officer, unsworn to by either the poll clerk or deputy returning officer. Now, the statute required that both those officials should append their oaths at the close of the poll, showing the total number of votes. The duty of the returning officer, finding that these oaths were not attached, was to call both the deputy returning officer and the poll clerk before him and enter into an enquiry under oath as prescribed in the statute, and having found that there was this majority of votes by these poll books, to have returned Mr. Glass. He thought the returning officer erred in not making this enquiry, but he did not pretend for a moment to say that he ought to have struck the poll book off; yet if they agreed to

the proposition of the hon. gentlemen opposite, they would render it possible for a returning officer to make a special return, and keep a member, who had been elected, out of the House for some time.

Within a few hours, he had heard of another case in which the poll books were altogether missing, and there was no account yet of all in the return. The hon. gentlemen who was returned happened to be a supporter of the Government, and of course he was returned as duly elected; but the question was whether they were to allow the statute law of our land to be violated, as would be the result of the House hesitating to affirm its jurisdiction, at any rate when the returning officer declared himself unable to obey the exigencies of the writ and to return the person whom the returning officer ought to have declared returned. Look at the difficulty which this officer had raised.

In the township of Morrison the poll book was lost. The statute provided for the appointment of a deputy returning officer for each polling division. The duty of the deputy returning officer was declared to be to take a record of the votes of electors according to law. He was to keep the poll and record the votes. The deputy, however, was required by statute to appoint a poll clerk to assist him in keeping the poll. The duty of the poll clerk was to assist the deputy and obey his orders. Then when any poll clerk refused or neglected or was unable to perform his duty, the deputy may and shall appoint another person to be poll clerk. When a poll book has been lost, the statute provides that the deputy returning officer shall attend upon the returning officer and inform him of the fact, and the returning officer shall examine him and the poll clerk upon oath as to the loss of the poll book and its contents. The examination to be taken down in writing and annexes to the returned number of votes which the returning officer shall find recorded on the poll book for each candidate and shall be included in his summing up as if the same had been taken from the poll book. The returning officer in this case did call the deputy of Morrison before him and examined him according to the statute. He found from him what the number of votes polled in Morrison was, but he could not call the poll clerk, because the deputy had himself recorded every vote in Morrison. That was his difficulty.

In the Beauharnois case the poll deeds were missing altogether, and it was adjudged that the returning officer did wrong in making a special return; but the returning officer in this case went a little further.

In the poll book for Parry Sound, he found the first two entries in a different handwriting from the remaining entries, and he found the cause to be that the poll clerk was found to be incompetent and the deputy called upon one Foley, who acted without oath. The poll book was returned with the oath of the poll clerk but without the oath of Foley. This was a grossly irregular act on the part of the returning officer, and he was entitled to make enquiry in certain cases. The 69th section embraces the whole of the authority, and provided that the returning officer, having reason to believe the poll book has been altered or injured, shall make enquiry as to the circumstance, in the same manner as if the poll book had been lost. He is to examine the deputy returning officer and poll clerk; but in

this case the returning officer did none of these things. He did not pretend that he had examined anybody. He says, upon enquiry he found that such and such things had happened, and under these circumstances he was unable to make any return. He (Hon. Mr. Blake) said the enquiry was not a proper one; the case did not call for enquiry, and if it did, it should have been an enquiry under oath, an enquiry which would have enabled either this House or a Committee to deal with it; but, as he had said in reference to Morrison, take away the votes of Parry Sound altogether, and there would still be a majority for Mr. Cockburn.

He held, therefore, that this case was relieved from any of the difficulties and sophistries which might have surrounded the other case. It was relieved from all questions as to whether the returning officer was right or wrong on the point of qualification. It was a plain question of fact, and the question of fact was plainly in favour of Mr. Cockburn—that under the least favourable circumstances he had a majority of votes as appeared from the poll books.

The plain question of law which the House had to determine was this: these being the facts, and it having been the duty of the returning officer to return Mr. Cockburn, and he having failed to do so, alleging his incapacity to return anybody, was not this House entitled—was it not, in point of act, bound according to precedent—to amend that return so as to make it what it should have been, by inserting the name of Mr. Cockburn? As the return is subject to the right of all parties to petition under the law, he felt that this case was relieved from all difficulty, and he was glad to know that that was the view entertained by some of the members who thought there were some difficulties in the other case. He was glad to know that upon this occasion there would be found no difficulty in asserting the privileges of this House, and doing what he asked, which was simply justice towards the constituency and towards the country. (*Cheers.*)

He concluded by moving—That it appears by the poll books and other papers transmitted by Richard James Bell, officer appointed to conduct the last election in Muskoka, that two candidates, Alexander Peter Cockburn and D'Arcy Boulton, were nominated; that a poll was demanded, granted, and taken; that at the close of the polling the said Alexander Peter Cockburn had the largest number of votes, having received 652, while the said D'Arcy Boulton received only 530, leaving a majority for the said Cockburn of 122 votes; that in the township of Morrison 37 votes were polled, whereof 34 were for Cockburn and three for Boulton, so that, omitting these there would have been still left a majority for Cockburn of 96 votes; that in the district of Parry Sound 103 votes were polled, whereof 84 were for Cockburn, and nineteen for Boulton, so that if the votes polled in Morrison and Parry Sound were omitted there would still be left a majority for Cockburn of 26 votes; that the returning officer had made a return which was in the following words:—

Return, by virtue of writ of election for the electoral district of the county of Muskoka in the Province of Ontario and Dominion of Canada; dated the 15th day of July, 1872. I hereby declare that I duly proceeded to hold the said election, and, a poll having been demanded on behalf of Alex. P. Cockburn and of D'Arcy Boulton,

the only two candidates at such election who did not withdraw from the contest before the polling day, a poll was accordingly taken at the several polling places named in the proclamation issued in that behalf. I further declare that since the said polling, which was taken on the 23rd day of August, I have received returns which appear to have been regularly made according to the requirements of the law in that behalf, for the following polling places, that is to say: the township of Macaulay, the united townships of Draper, Ryde, and Oakley, the township of Muskoka, the township of Monck, the townships of Watt and Cardwell, Rosseau Junction, the polling place half way between Rousseau Junction and the Magnetewan, the polling place at Magnetewan, the polling place at Parry Sound Village, the polling place at McKellar's Falls, the polling place at Uttoson, the polling place at Huntsville, the polling place at Port Carling, and the polling place at Byng Inlet.

I further declare the return for the township of Morrison, being also one of the polling places or divisions mentioned in the said proclamation, has not been duly made to me; that I have examined Henry N. Anderson, the deputy returning officer for that polling division, upon oath, and that his statement in writing signed by him and sworn before me is hereto annexed; and I declare that the poll book for Morrison, aforesaid, has been lost and cannot be found, and that the said Henry N. Anderson was instructed to appoint a poll clerk duly, and if he appointed a clerk the person so appointed did not officiate at the said polling place or division, and I am therefore unable to comply with the provision of the consolidated statutes of Canada, chapter six, sec 68, and of sub-section two of the same section, which requires that in case of loss or a poll book the deputy returning officer shall examine under oath the clerk at the place; but the said clerk was found to be incompetent to discharge his duties, and the deputy returning officer forthwith called upon one Foley to act as poll clerk in lieu of the said Wilson, and that Foley did so act without being sworn as required by law, and that, notwithstanding these facts the said poll book was returned to me with the oath of the said Wilson and without the oath of the said Foley, who kept the said poll book through the said polling, with the exception of the time occupied in recording the first two votes; and I further declare that upon the state of facts above set forth I am unable to make a return of the said election in compliance with the provision of the law in that behalf. As witness my hand and seal, the 14th day of September 1872. (Signed) Richard James Bell, Returning Officer.

That the said Mr. Cockburn ought to have been returned as member for Muskoka for this Parliament; and that he has a right to take his seat in this House, saying, however, to all candidates and other their rights to contest the said election if they think proper, in such manner as may be appointed by law and justice, and in accordance with the usage of Parliament.

Hon. Mr. CAMERON (Cardwell) said there were circumstances which the House ought to consider beyond the statements that had been made by his friend. With regard to the precedents his hon. friend had alluded to, the first one did not bear upon this case, namely, the Beauharnois case of 1848. The law of the old Province of Canada was the law which in that day affected

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contravened elections. He thought the position in which that case had been placed was not exactly what his learned friend had stated. He reviewed the observation of his hon. friend with regard to the duties of returning officers, and held that his contentions were not substantial. He called attention to the list of voters in Morrison, which was not printed in the return. It was no more evidence than an ordinary piece of paper placed with the returns would be.

Hon. Mr. BLAKE said that as a matter of fact the list was annexed by the returning officer for his return.

Hon. Mr. CAMERON (Cardwell) said it was a return under a clause in the statute, but it was not even *prima facie* evidence. The poll books stood on a different footing. The statute made the poll books evidence, and not the list of voters. The list of voters was a statement of fact and would have to be proved like any other fact by the evidence of witnesses. The Middlesex case he did not consider strengthened the hon. gentleman's argument, as he was informed that the return had been sworn to, but that the affidavits had been torn off. He could not say whether this was correct or not, but the returns had still a piece of torn paper attached to them. None would deny that if the whole of the votes of Morrison and Parry Sound were struck out, there was still a majority for Mr. Cockburn, and if he (Hon. Mr. Cameron) were a member of the General Committee on Elections, and this case were referred to that Committee, he would be bound to say that Mr. Cockburn had a majority of votes and should be returned to the House. He believed that would be the feeling of a great number of the members of the House.

A difficulty in his mind, however was the fact that the Grenville Act as in use in Canada, was amended to provide for cases of this description, but it might be a matter for the consideration of the leader of the Government as to whether he would take upon himself to judge in this matter, and to decide whether it would not be more advisable that the House should amend the return rather than refer it to the general committee on Elections. He saw no reason why this should not be.

He had no desire to delay the question, and he thought the committee would be obliged to report favourably to Mr. Cockburn, and he (Hon. Mr. Cameron) would leave it with the leader of the Government to say what he thought would be the best course to pursue in the matter. He was not going to oppose Mr. Cockburn's return from a partisan point of view—(*hear, hear*)—or prolong the discussion in order to keep him out of his place, because he belonged to another party.

Hon. Sir JOHN A. MACDONALD said he could not conceal from himself that the returning officer for Muskoka would have acted more wisely if he had declared Mr. Cockburn as elected. The only question which presented any difficulty to his mind was the question of jurisdiction. The Parliament of England had enacted a wise Act, when they passed the Grenville Act, and removed from the floor of the House of Commons the discussion of questions of this description. Following the wise example of England, the same thing had been done by the Parliament of Upper Canada, and the Act referred to was adopted in 1851, and actions were ordered to be tried at another tribunal than this House. He felt himself

considerably embarrassed from the fact that while he believed that the returning officer had not acted wisely, he rather thought he was acting legally in making the returns he did. He agreed with the hon. member as to the illegality of the list of entries affixed to the return.

Mr. YOUNG (Waterloo South): I have heard it stated that the returning officer consulted Sir John A. Macdonald on the matter.

Hon. Sir JOHN A. MACDONALD said he had not.

Mr. YOUNG (Waterloo South) said it was rumoured that the returning officer had ridden to Toronto to consult the hon. gentleman opposite.

Hon. Sir JOHN A. MACDONALD said he had not seen the gentleman nor consulted with him. He had seen a gentleman who requested him to advise him in the case of South Renfrew. He had refused to do so; but he had, as also in the other case, suggested that the highest legal authority in the land should be taken and acted upon. Reference had been made to his action in the House of Assembly of Canada, in the Addington case, when he had voted for the motion that Mr. Hooper be declared as returned. He had great difficulty in reconciling himself to that vote, and had only consented to give it on the ground that the return was to all intents and purposes a return in favour of Mr. Hooper and in consequence of the language used by the returning officer.

He (Hon. Sir John A. Macdonald) had prided himself that ever since he began his political career, he had been uniformly in favour of having the consideration and discussion of these questions reserved for the floor of the House, and, as he had already said, had voted with considerable reluctance for a motion which was not strictly in accordance with that view; but, as had been pointed out, there was a marked distinction between the Addington and Muskoka cases, although he still thought that under all the circumstances it would have been better for the returning officer to have declared in favour of Mr. Cockburn (*hear, hear, and applause*). Mr. Cockburn, it was clear, had polled a majority of votes, and under the circumstances he could not oppose this motion (*Cheers*). At the same time, however, he came to the conclusion with a great deal of hesitation, and he sincerely hoped that it would not be acted upon as a precedent hereafter, and he hoped and believed that this Parliament before the end of this session would pass an Act relating to controverted elections that would prevent such a matter again coming before the House, and that the tribunal selected would take care to settle all such matters would asking the House to give any vote on the question. All the circumstances considered, he concurred in the motion (*Cheers*).

The motion was then put and carried amid loud cheers from the Opposition.

Hon. Mr. BLAKE moved that the Clerk of the Crown in Chancery amend the return for the District of Muskoka and insert therein the name of Alexander Peter Cockburn, Esq., as having been duly elected for the said district.

The motion was carried without discussion.

The Clerk of the Crown in Chancery having been called, appeared, and the return was amended as required by the motion.

Hon. Mr. BLAKE said he heartily rejoiced to note the action taken in this matter by the leader of the Government. It was gratifying to know, after the amount of reasoning expended by his friend opposite, in the case he (Hon. Mr. Blake) had formally brought before the House, to prove that the House had no power to deal with these questions, that he had voted the other way today—(*hear, hear*)—but the case had assumed a different phase on this occasion, and influence had been brought to bear on the leader of the Government, which he (Hon. Mr. Blake) could not have had if he had spoken till doomsday. (*Hear, hear.*)

The hon. gentleman had said that this House had no jurisdiction when he (Hon. Mr. Blake) moved to amend the return in the Peterborough case, but the hon. gentleman had now changed his ground, and if his convictions remained the same it was also a fact that he had voted in this case against his convictions. When the hon. gentleman had stated that the House had no right to interfere in such cases, he had laid the principle down in such a manner as to make it applicable in all cases, and in proposing to refer the matter in dispute to the Committee on Privileges and Elections had appealed to the hon. gentleman from the country.

As to the justice of the principle involved, he (Hon. Mr. Blake) would like to remind these gentlemen on this occasion that the agreement was one made by the right with the left and not one by the left with the right. The entire force of the reasoning of hon. gentlemen opposite in the Peterborough case had been revised by their conduct and their vote today. The whole ground which they had occupied on the previous occasion had now been deserted, and the whole effect of the majority of votes upon the division on Friday had been destroyed. (*Hear, hear.*) The hon. gentleman had said that there was a difference between the cases. What was the difference? He (Hon. Mr. Blake) would tell them.

At this stage, Mr. Cockburn entered the Chamber, introduced by Messrs. Mackenzie and Dorion. He subscribed to the oath at the Clerk's table and took his seat for Muskoka in the House amid loud cheers from the Opposition.

Hon. Mr. BLAKE, resuming, said he could inform the House what the difference between the cases was, and he was glad to be able to do it in the presence of the hon. member for Muskoka. (*Cheers.*) It was simply that in the one case the returning officer had failed to do his duty in returning a man to this House who had only a minority of votes, and in the other case omitting to return as elected either the candidate who, by receiving a majority of votes, was entitled to be returned, as was the candidate in the other case, or any other person to represent the constituency. It was not easy to see where such difference was as would lead the hon. gentleman opposite to take such an opposite course, and he felt certain he did not, even with reluctance, until he found that otherwise he would be beaten. Then he determined to sacrifice his convictions, as his enemies said he had frequently done before, to maintain his majority in the House. (*Loud cheers from the Opposition.*) The hon. gentleman had done the same thing on former occasions with

results of this description (*hear*), and he might apprise the hon. gentleman further that the happy precedent to which he had just given his assent would doubtless be taken advantage of when in any similar case the House desired to discharge its duty.

With regard to the returning officer, he thought the case was perfectly clear. He might remark that Mr. Read, who it was said had been consulted in regard to this matter, if he had given any opinion about it at all, should not have hesitated for a moment to determine that the proper course was to return Mr. Cockburn. It was now left to the returning officer to state his case. If he had one he (Hon. Mr. Blake) had no hesitation in saying it was a case in with the duty of the returning officer was plain to return the candidate having the majority of votes. This had been disregarded.

He would tell the hon. gentleman opposite (Hon. Sir John A. Macdonald) that it was broadly stated that the Premier had asserted that the matter was in his own hands, and he would take good care that Mr. Cockburn should not occupy a seat in the House this year at least. Of one thing he was certain, for he had himself read that this assertion was repeated in effect in Sir John A. Macdonald's organ, which had openly congratulated its friends and the country on the fact that Mr. Cockburn was out of Parliament. It was gratifying to know that those assertions of the hon. gentleman, if he had ever made them, as well as his arguments and vote on Friday had been ignored and reversed today. (*Hear, hear.*)

He would ask the House if the returning officers were to continue to be permitted to get up sham difficulties in order to prevent the return of any member, and put him into the position in which Mr. Cockburn was on this occasion place, as well as to trifle with the House and the country. He did not ask the House to pronounce judgment on the officer until he had got a fair opportunity of stating his case.

In conclusion, he moved that Mr. Speaker do issue his warrant summoning Mr. Richard James Bell, returning officer of the electoral district of the county of Muskoka to the Bar of this House, on Monday, 24th day of May 1873, to answer for his return in the recent election in the said district.

Hon. Sir JOHN A. MACDONALD thought it would have been better if the hon. gentleman had refrained from his remarks respecting himself, as he had infringed a rule of the House in reference to a previous debate. He (Hon. Sir John A. Macdonald) went on to contend that there was a marked difference between this case and the Peterborough West case. In such matters the Government stood in a different position from the Opposition. The Government were bound to stand by the law even if it were unpopular. He had already said that in accepting the resolution, he did so with the greatest reluctance, and his hon. friend need not suppose that it was from political feeling he did so. He believed on the whole it would be infinitely better for the independence of Parliament if the law as he had laid it down on Friday was rigidly carried out, that in no case shall Parliament interfere that, on the whole, would have been the correct rule to take.

If it be true, as was alleged, that the returning officer had consulted legal authorities, and he was brought to the bar of the

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House, the consequence would be that Parliament would have to pay his expenses; and if he should show that honestly and *bona fide* he had consulted legal authority and acted on such advice, the House would not punish him. However, he agreed, the motion having been carried, the returning officer should be brought down here in order to explain the circumstances. The one is a necessary corollary of the other.

The motion was then carried.

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ADJOURNMENT

Hon. Sir JOHN A. MACDONALD announced that on Wednesday evening Her Excellency Lady Dufferin would hold a Drawing-room at 9 o'clock; the House would therefore adjourn at 6 o'clock that day. He then moved the adjournment of the House.

Hon. Mr. MACKENZIE asked if the hon. gentlemen would not go on with the debate on the Address, as the hour was yet early.

Hon. Sir JOHN A. MACDONALD remarked that owing to the other debate they had not intended to take up the Address today.

Hon. Mr. BLAKE: You expected it to be a long debate.

Hon. Sir JOHN A. MACDONALD: Yes, we did expect it to be. (*Laughter from the Opposition benches.*)

The House then adjourned at 5 o'clock.

NOTICES OF MOTION

Hon. Mr. McDONALD (Antigonish)—On Thursday next—A Committee of the Whole to consider the following resolution:—That it is expedient to empower the Government of Canada to transfer to a Company or Companies, or to the Government of Nova Scotia, the title to the Government Railways in Nova Scotia, extending from Truro to Pictou, and from Windsor Junction to Windsor, on condition that such Company or Companies, or the Government of Nova Scotia, will guarantee the extension of the railroads eastwardly and westwardly to such points and under such conditions as may be agreed upon.

Mr. MERCIER—On Thursday next—A Bill to amend the Act 34 Vic., Cap. 43, intituled “An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their railways”, and to amend the Railway Act of 1863.

Mr. OLIVER—On Wednesday next—That an order of this House do issue for a return of the number of all the petitions and all the petitioner up to this date from the various Provinces of the Dominion for and against the repeal of the Insolvency Act of 1864; and also all the petitions and petitioners praying that the Act may be amended.

Mr. OLIVER—On Wednesday next—An address to His Excellency the Governor General for a copy of the last tariff of tolls sanctioned by the Governor in Council with respect to the transportation of freight and passengers and the Great Western and Grand Trunk Railways.

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HOUSE OF COMMONS

Tuesday, March 11, 1873

The **SPEAKER** took the chair at 3.25 p.m.

Prayers

PETITIONS

Mr. LANTIER presented a petition for the construction of the canal on the north shore of the St. Lawrence, from Coteau Landing to the Cascades.

A petition was presented for an Act to incorporate the St. Francis and Mégantic Railway Company.

Other petitions were presented, several praying for the prohibition of the sale and manufacture of intoxicating liquors.

* * *

THE ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Mr. TOBIN then rose to move the address in reply to the Speech from the Throne. Last year the address had been moved by a member from the Pacific coast, this year it was by a member from the Atlantic coast, which suggested the union of interest that had been brought about from east to west by wise legislation and good government; and it might be hoped that in a very short time Prince Edward Island and Newfoundland would join the Confederation. (*Cheers.*) Could he do justice to the theme he would like to speak of the grand spectacle presented by the whole country being represented in one house. (*Cheers.*)

He would speak of the Speech from the Throne and the programme laid down therein as briefly as possible, and though he could not hope to find unanimity on all subjects, there was one subject on which they would all agree, namely, the esteem in which they held the Governor General and his lady. He then referred to the exalted position Lord Dufferin held in England, to his appointment, and to the many ways in which since his arrival in Canada he had sought to identify himself with the people and the country, showing that he possessed in the most eminent degree every quality which could be desired in our Governor. He welcomed them to Canada, and trusted their career would continue as auspiciously as it had commenced, and he was sure the House would reciprocate the expressions of His Excellency in the opening paragraph of the speech.

He then referred to the contract for the Canada Pacific, and thought that the statement that the work would be prosecuted vigorously would be received with pleasure by every true and loyal Canadian. (*Cheers.*) He would not deal with the details of the charter, as it was sufficient for him that Parliament in a previous session had decided on a policy on this question, and had given the Government the extraordinary powers needed for the extraordinary undertaking, and he was satisfied that the Government had dealt with the matter in a common-sense view and with the greatest foresight.

He should turn a deaf ear to the rumours on this subject given in newspapers, and should pay no attention to them until the charges were proved in the House. He believed the Board of Directors of the Pacific Company represented the energy, enterprise and straight forward dealing of the country, and he spoke in high terms of Sir Hugh Allan, expressing the hope that the energy which had enabled that gentleman to connect two continents by his steamers would enable him to connect to oceans by the proposed railway. The railway was to be built by Canadian capital, and would be of the greatest possible benefit and advantage to the country. (*Cheers.*) Canada would become the highway of nations, and her future importance could not be over-estimated.

The Northwest ought to have been opened upon England long ago, and if this had been done that country would have now been peopled by tens of thousands of prosperous farmers. We should have another Ontario in the west. The Pacific Railway would do this, and he hoped all differences of the past would be forgotten and every exertion made to shape well our future.

He next referred to the Canal improvements, and though he was not so immediately interested in this matter as gentlemen from other provinces, yet he fully appreciated the importance of the undertaking, and should support to his utmost any action in the enlargement and improvement of the water navigation of the country. He referred more particularly to the Baie Verte Canal, the importance of which was very great. He was a great enthusiast in the construction of canals and railways, and thought all public works should receive every support, and should be pushed forward with all energy, both for our own sakes and for the sakes of those who come after us.

He was glad to see that emigrants were flocking to Canada, but, though much may have been done in Canada, very much still remained to be done. Population was what Canada wanted, and he trusted the appointment of agents, and the liberality of Parliament would produce much good in this respect. The Canadian Pacific

Railway would do much for Canada in this matter. With reference to statistics, the measure foreshadowed (a Bureau of Statistics) was no doubt necessary, and would no doubt be beneficial. Referring to the Election law promised by the speech, he thought occurrences of the past few days showed how much such a measure was wanted, and it had not come a day too soon. He welcomed the promise of bills respecting merchants, shipping, salvage, and pilotage, and was sure the Government would receive every encouragement in the measures they promised to support.

He then referred to the late Finance Minister in very complimentary terms, which were received by the House with loud cheers. There seemed to be no fear for the future of Canada. Her resources were becoming developed; her public works extended; peace prevailed, civil and religious liberty were exercised in a measure which the proudest nation might envy, and Canada had everything to make a country prosperous and the people good. He observed, in French, that he had proposed to repeat his speech in that language, but he had not yet got quite accustomed to the tongue and was besides somewhat fatigued with his recent journey and so he begged to be excused. At some future time he would perhaps take occasion to address the House in French. (*Cheers.*) He resumed his seat amid cheers.

Mr. PALMER rose to second the address, and though he could not add much to what had been said by his predecessor, yet coming from another Province he would desire to say a few words. While he would yield to Nova Scotia in eloquence and poetry, yet, as a representative of New Brunswick, he would yield to none in loyalty and love of British rule, and he was proud to say that no man in his Province who should advocate any scheme of severance from the Mother Country would find himself entirely unsupported. He desired to assent entirely to the remarks made by the mover of the Address with reference to our Governor and his lady.

He then referred to the Pacific Railway, congratulating the government on their success in the matter. He fully realized the value of money, and would hold the Government strictly responsible for the expenditure of the public money; but money was of no use unless it was used to develop the resources of the country.

With reference to the canal improvement, he was glad that without burdening the people the Government found themselves in a position to propose such improvements in the canal system of the Dominion. With regard to the western canals, he would have been ashamed of his ignorance of the subject had he not found that gentlemen from the west were fully as ignorant respecting the wants of the Maritime Provinces. He dwelt on the importance and necessity of the Baie Verte Canal, describing the hindrances to trade and commerce experienced from the want of this canal, and was sure that there was no public work of greater consequence. Mistakes, no doubt, had been made in public works of the past, but he would hope that every care would be taken in the future.

There was one other subject to which he would desire to refer. The Speech seemed to have been framed in order to ensure its easy

passage, and to his mind it was principally remarkable, not for what it mentioned, but for what it did not mention.

Mr. RYMAL: Yes. Let us have a little of that.

Mr. PALMER went on to refer to the claims of New Brunswick, and said that he firmly believed that her only hope was from the Government, for he had carefully looked to the speeches in Ontario during the election, and whenever the claims of New Brunswick were mentioned favourably, it was so mentioned by a supporter of the Government. This being so, he thought New Brunswick representatives ought to thank the Government for making no mention of this matter in the Speech, for whatever the Government proposed would be sure to be opposed by the gentleman opposite. What he wanted was to have an opportunity of appealing to the justice of the whole House. He therefore, thanked the Government for omitting the question from the Speech.

He again referred to the matter of connection with England, believing that the whole House was agreed on the subject. He sat down amid cheers.

Hon. Mr. MACKENZIE was sure that all the members of the House would be glad to welcome the two gentlemen who had just addressed the House. They had all listened to them with pleasure. They all joined most heartily in welcoming the new Governor General in the person of Lord Dufferin and they need scarcely assure his Lordship, who was himself a most accomplished statesman, that they always recognized in every British governor representing Her Majesty that authority which rightfully belonged to him, and he would always be able, doubtless to recognize in them that constitutional body over whom he had come to reign in place of the Queen.

He (Hon. Mr. Mackenzie) did not indulge in remarks which were so extensively indulged in by the movers of the Address as to their loyalty to the British Throne, because that he thought might be fairly taken for granted, and it was unnecessary to be constantly talking about a thing that they all admitted.

In making a few observations on the speech, he would notice briefly, in the way of criticism, some of the statements that had been made. He quite recognized the fact stated by the last speaker, that the resolutions had been drawn with a view of not committing any member of this House to any distinct policy upon any of the subjects referred to in the speech. This was in accordance with the usual practice, but he was not willing to agree to what was suggested as to the probable state of affairs in the country at the present time.

They were called upon to rejoice at the prosperity of the country; and while he admitted that it was enjoying great prosperity, and did not at all expect any serious reverse of the prosperity which we had enjoyed for some year, he could not forbear referring to the discussion which had taken place in the late Parliament in regard to the financial policy of the Government.

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Some of them believed it to be calculated to interfere severely with the trade of the country, and they knew there had been a sort of financial crisis prevailing for the last few months; and while he did not intend to trace the causes of that crisis, he thought he would not be passing beyond what was legitimate criticism in stating that that financial crisis, if not caused, was partly aggravated by the financial policy of the hon. gentleman who lately retired from the chief position in the Government. It was quite impossible that the Government could assume the control of the currency without making some parties pay for the use of the money so obtained, and it had practically the effect which a forced loan would have in depressing to some extent the commercial interest of the country.

And although the local Government of some of the Provinces, notably that of Ontario which was in a position to aid the financial bodies of the country, to some extent took measures calculated to remove as far as possible the possibility of any serious financial crisis; still the fact remained that for the last few months commercial men had been charged an extraordinary rate of interest for the advances they had required for commercial purposes. (*Hear, hear.*) This was one of the results, in his opinion, of the policy of the hon. gentleman who had retired from the country. That was the policy they expected from that hon. gentleman. It was a policy which he introduced when fairly in office and which brought ruin and disaster to many of our people.

They were called upon also, in this paragraph of the speech, to rejoice that peace and amity prevailed amongst all the neighbouring nations.

Who the neighbouring nations might be he was not able to determine; for the nearest neighbour other than the United States was he thought, the empire of Japan, and if there was anything in the present relations of Japan with Canada to rejoice over, he really did not know it. (*Laughter.*) They had a little touch of the same sort in the speech three years ago, when they were called upon to rejoice that peace prevailed. He then took the liberty of hoping that when the distinguished member, whom he regretted was not now present, was in Europe, he himself had taken some means to obtain the views of the potentates there and secure them of our own pacific intentions. It was gratifying to know that there was no serious cause of war in the neighbouring nations at present though he recollected some hon. gentlemen opposite rejoicing very much when a state of discord and war prevailed in that one nation they could call a neighbouring nation.

He could not forget in connection with this matter that if there was entire peace and amity with that powerful nation, it was a peace and amity that the *London Times* and other influential English journals had decided were bought by an incompetent Commission, at the expense of this country (*hear*)—bought by the sacrifice of Canadian interest. There was nothing, therefore, for them to rejoice over, except as part of the empire which was not imperilled by any question that existed between the two nations, but if they were called upon to rejoice in anything connected with that matter it would have been better to have specifically mentioned it.

With regard to the paragraph concerning the success of Canada's political unity, it was a timely rounded phrase, and one which any person in his position, who had always been an advocate for the consolidation of the British interests on this continent, could have no objection to; and if there was any prospect of greater success in the future than in the past of inducing the remaining portions of British territory on this continent to join in Confederation, he was sure no one would rejoice more earnestly and heartily than he and the gentlemen around him would.

The paragraph concerning the Pacific Railway was one that perhaps called for some more extended notice than had been given it by either of the gentlemen who has addressed the House. He could not forget that they took a strong exception to the course that the Government pursued last session, although the hon. gentleman who moved the Address was quite in error in making the statement that the policy of building the Inter-oceanic Railway was carried by a large majority. There was no such resolution every proposed, and no person ever opposed the idea of a subservient majority. The power to make a contract with any parties that they please, and to give a charter possessing the validity of an Act of Parliament to those parties without any future reference to parliament, was an extraordinary proceeding and he challenged hon. gentlemen who had charge of the Bill to point out a single instance in English legislation where such extraordinary powers were taken by the Government.

One hon. gentleman who then occupied an Independent position in the House (Hon. Sir A.T. Galt) supported even this proposition of the Government, and did it for this reason: he said it seemed to him to be necessary that the Government should have the alternative power, so that if they failed to make arrangements with either of the two companies who had received charters, they would not be placed in a position to be controlled by those companies, but would have power to organize another company with a loan, to make the contract; but what had been the result? Why, instead of using the power that they obtained to ensure free competition, they actually used it to shut out all competition. (*Hear.*)

They would have evidence before the House in a few days, which would satisfy every one that the hon. gentleman opposite acted without any references, in his opinion, to the real interests of the undertaking or of the country in making the arrangement they did.

Why was the company that was formed with Mr. Macpherson at its head, treated so cavalierly; why were they not permitted to make some offer which might be submitted to Parliament, if the gentlemen themselves were not able to determine upon it? And why was another company composed wholly, or almost, of English capital who were willing to undertake the building of the road, rudely thrown aside.

He believed it was a fact that some months ago, when these negotiations were in progress, hon. gentlemen at the head of the Government induced the agent of that English combination to make

his way to England with a view to give some definite offer which might be considered by the Government. He did not speak without authority, when he made this statement. He thought the gentleman and been sent to England and had returned and reported that the co-operation of some of the wealthiest men in monied circles in England could be obtained. Even then there was no stopping of the arrangement that had apparently been premeditated with Sir Hugh Allan and his American co-adjustors in this matter.

He noticed that hon. member for Vancouver smiled. They had a speech from him the other day, when he took occasion to speak approvingly of the introduction of American capital into the undertaking. He (Hon. Mr. Mackenzie) had not the slightest objection to the introduction of such American capital as they could obtain, and as many enterprising Americans as they could secure either to settle in this country or carry on our public works; but he did not agree that it was the right policy of this country to place this undertaking not merely in the hands of Americans, but in the hands of the Americans who notoriously control the Northern Pacific Road in the United States, in the hands of those who were there avowed antagonists of and rivals to our own undertaking, and the mere setting up of some Canadian gentlemen as their representatives would not do away with the objection. They were assured from sources that seemed to be entitled to some consideration that the parties who were supplying the chief part of the capital were those whose names did not appear on the directorate of the Company at all.

It was tolerably evident from the speeches of Sir Hugh Allan that his own preference was for a road different from that proposed by the Parliament. The indications were that at some future time they might apply to Parliament to have the road changed to that extent that they would find the Canadian Pacific diverted from the course Parliament had marked out in order to become the feeder to what was at present a rival road, traversing to a great extent in foreign country.

He thought it was extremely unfortunate that the course the Government had taken in this matter was such as to create strong feeling of hostility on the part of a large number of our influential public men. Whether rightly or wrongly, there could be no question of the existence of a feeling in connection with the inauguration of this great public work. That feeling would result very probably in the first place in injuring the prospects of obtaining money in the English market. It might result in injuring it in several other ways that might easily be understood by gentlemen who had considered this subject, and he could see no necessity for having placed those parties in this position at all. It seemed to have been an easy matter to have brought the subject before the two companies that were organized in such a way as to invite a new combination of the gentlemen who were in a position to procure the capital.

The non-fulfilment of this essential part of the administrative duty of the Government was what he could not find words strong enough to condemn. If the undertaking were to be made a mere plaything of the Government when it suited their purpose, or to be

made a football to accomplish political objects with, then they had no security that the road would be proceeded with as it ought to be, and the people of British Columbia had not only no security for the fulfilment of their contract, but it became absolutely certain that that contract would not be fulfilled.

As one member of this House, he was prepared to give every reasonable assistance to carry out what this House once pronounced to be the proper mode of doing that or anything else till the same authority had changed the course prescribed. But the same duty was imposed upon them of preventing as far as they possibly could, the perversion of the power that had been entrusted to the Government in this or in any other matter.

He had intended to have asked that all the correspondence that the Government had had with any or all of the parties be laid before the House, as practically this paragraph was inviting discussion upon the subject; but he knew from experience that gentlemen opposite would refuse to bring it down, and he therefore simply determined to make such remarks as would present his own views, and he trusted, the views of some others, in advance of the period when they should have full discussion after these papers should have been brought down.

With regard to the canal question, he asserted that the interest of the country depended upon a liberal and extended canal policy, and the Government would have no more earnest advocates than the gentlemen to be found on that Opposition side of the House, if such a policy as would afford a means of opening up the country from ocean to ocean by the cheapest and shortest route; but there were circumstances connected with this canal policy to which attention should be directed for a few moments. They were informed that the specification of the Baie Verte Canal had been so far completed as to make it possible to proceed at once with the construction of that work.

He has been informed—he did not know whether or not his information was correct, but it was stated in the newspapers, and he supposed it was true—that the gentleman entrusted with the survey was once an engineer in the Public Works Department, and in consequence of a serious blunder, of which he was guilty, was removed from office. That gentleman was supposed to be the most competent of engineer, and competent of giving advice, and making surveys and pleas for what he ventured to say was one of the most extraordinary works that had ever been conceived in the Dominion. It was a work which would require the greatest possible engineering skill, and if the Government had not obtained the very ablest men to be found for that class of engineering work, they were very sadly to blame in proposing to submit the estimates for the contracts for the performance of the work. He thought this course should not be adopted. The House should have the most intimate knowledge of all the facts and circumstances that were obtainable with respect to the matter before they proceeded rashly to undertake the performance of a work of such magnitude. That was the only way in which they could obtain a cheap and good work, and avoid blunders such as were made in connection with the Beauharnois Canal.

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They brought before the House a report of the Engineer of the Welland Canal, and he did not venture any remarks upon a report rendered by the gentleman who made it, although he was glad to see one gentleman, who was said to be a distinguished American, had been asked to report on that survey. He regretted this year as he regretted last year, the year before, and the year before that, no reference was made in the Speech of any proposed construction of a canal at Sault Ste. Marie, near Lake Superior. There was no work more needed, yet the Government appeared to systematically avoid the subject.

He had purposely abstained from saying anything when discussing the Pacific Railway question, with regard to the charge made in reference to the granting of land. The Company, in the Act passed by the late Parliament, were to take certain quantities of land on each side of the line; but now the company was not bound to take land not valuable, and could take the balance of the land in places where it was found to be the best. In other words, the Company could reject all the bad land, and the Government had bound themselves by a solemn contract to give the Company all the good land. (*No, no.*) He would be very glad if the hon. gentleman who had spoken would explain that it was not so. He had supposed that there was no question of fact in the matter.

With regard to immigration, he believed that action in this respect was essential to the rapid settlement of the country. He believed that the prosperity of the country depended upon the immigration which they were able to direct into it, and immigration would depend to a great extent upon the value of the land and the value of the privilege connected with settlement on that land. What were the Government arrangements made with this company? That for the present no land should be sold by the Government in our Northwest Territories below the fixed price of \$2.50 per acre. His opinion, and he believed it was the opinion of the whole country, was that this action was an effective bar to the settlement of that country. (*Hear, hear.*) They might as well put a fence round that territory and have said no one shall climb over that fence, as try to settle the country in that way.

The Government would probably by this means give a fictitious value to the securities which the Company were preparing to offer for sale in the money market of London. The Company expected to be able by this means to show that they had millions of acres of lands at \$2.50 an acre, worth over one hundred millions of dollars. No one could doubt the capacity of the Company to execute the works and make a profit, with such an enormous amount of land at such an enormous price; but the people of England knew—those who were in any way interested in American affairs or American securities—knew that the settlers could obtain land in the western part of the United States for nothing, and that they had homestead laws which provided farms for those who chose to go and settle there.

The great Provinces of Ontario and New Brunswick also—though he was not sure about the Province of Nova Scotia—but Ontario was granting free lands paying the expenses of the

emigrants to those lands, and affording every facility for the settlement of that part of the country; and was it likely that the Northwest Territories were to be settled by charging \$2.50 for the land? It was a delusion to suppose that such could be the case. It hindered progress and the development of our country. He thought it immensely more important to our country that we should have a large number of settlers brought into the country than we should receive a certain price for the land. (*Hear, hear.*) A large population predict wealth, and soon enriched the country to which they went, even if they took little with them—though not if they attempted to make money, as the Government were trying to do by selling those lands in the West at such extraordinary terms. The Government would fail to sell these lands.

Five years ago—nearly six years ago—when the hon. gentlemen came into power, they found \$70,000 at their disposal, left by the former Parliament of Canada to commence the operation of opening up a road between the inland waters and Fort Garry. The House had since voted half a million for the same purpose, but this day it was impossible to take the cars from one point to the other, and it was impossible for our people to traverse through their own country, after nearly six years and a large expenditure by the Government. They had only to ask for money and they received it. The country was shut up, as though it was intended to check emigration from the east. When the money was granted last year, then the expression used was that that sum would be wisely expended, if the Government were in earnest in opening and settling the country. He regretted that that hope had proved a delusion. They had not reaped the advantages which they expected would result from the course they pursued.

He would like to know what the Government had done with regard to the poor settlers who were on San Juan Island. The hon. gentleman was one of the Commissioners who framed the Washington Treaty. The question of San Juan Island was left in an exceedingly obscure position and they made no provision for the security of the British settlers on the Island. Immediately after the Prussian monarch delivered his decision as arbitrator, as soon as this was given, the British settlers were ordered out of the Island. He wanted to know if they might not have some information about those settlers. What had been proposed, and why was not their cause taken into consideration. At the time it was suggested by an eminent member of the late Parliament that, in order to provide specifically for due attention in this matter, it might be advisable to get up a thoroughly Canadian case and have a Canadian representation made at Berlin, which would place the actual and proper statement of the matter in the hands of the monarch. They at present had no information as to whether any attempt was made to assist those British settlers, and in the absence of that information they would have to presume the matter was neglected.

A discussion had taken place in some of the public newspapers regarding the mode of conveyance provided for emigrants crossing the Atlantic to this country, and he observed that while the steamship companies had a fixed price of six guineas, he believed that gentleman opposite had made arrangements for having

emigrants conveyed at four pounds five shillings, but that arrangement was confined to one or two particular companies, who were to have a monopoly of the transportation of emigrants at this price. He found it stated that a London line of steamers, that might be of much more service, had been refused the privilege of bringing out emigrants under those conditions. He thought the hon. gentleman had made a mistake if he had refused the London owners. He (Hon. Mr. Mackenzie) could only say that he had the information from those who owned the steamers.

He wished to make one or two remarks upon matters respecting which he did not attach any blame to the Government. He hoped the Government had adopted some means, or were prepared to submit some measure to Parliament, which would ensure the better treatment of passengers by the ocean steamers. If the stories published were correct, he was sure it would be the desire of every hon. gentleman to make arrangements that would prevent the crowding of persons of both sexes indiscriminately in a confined hold, and that would ensure the conveniences necessary for the preservation of decency and health. The matter required the serious consideration of the Government, and he presumed the hon. gentleman must have had his attention called to it.

He was glad to see that the Government had at last decided upon establishing some system of obtaining correct statistics of the country, and he could only say, with regard to that, that they would be prepared to give every assistance in their power to promote the object, which was very much needed.

He was glad that the hon. gentleman opposite had concluded at last to bring in an electoral law. The hon. leader of the Government last session succeeded in throwing out the amendment to the present law, in order that his party might have the benefit of its looseness. There was much more necessity for the passing of an election law twelve months ago, when an election was imminent, than at the present time, yet those gentlemen refused to provide for the proper trial of controverted elections or make proper reforms in the law. They had English precedent for such a course, but English precedent was only followed in that House when it suited the convenience of gentlemen on the other side. He did not intend to refer to many particulars respecting this question, but he merely wished to point out the strange inconsistency of the hon. gentlemen opposite, and his firm conviction was that they beheld the necessity of adopting an electoral law for the same reason that they decided to reinstate the hon. member for Muskoka—because they could not help themselves. (*Laughter.*) The new electoral law would be passed, whether or not they put it in the Speech, and they knew that the new mode of carrying controverted elections would be carried whether they assented or not.

With reference to some practical measures, he was surprised—considering the view expressed by the hon. gentleman at the head of the government and he thought by all the members of the Government excepting one—that no reference was made to the necessity of enacting an Insolvency Law this session. He had the misfortune to be at variance on this point with some of the

gentlemen on his side of the House, but from the discussions which had taken place in various parts of the country, he had no reason to doubt that was the desire of the majority of the people that an Insolvency Law should be passed. There was a strong expression of opinion in circles which must command attention at the hands of the House, and he did expect Government being almost unanimously in favour of this measure, that at the opening of the House some action would be proposed in reference to the matter.

The hon. member from New Brunswick had asked and had complained that the Opposition had not evinced any desire for assisting them. He (Hon. Mr. Mackenzie) informed the hon. gentleman that it was not one of the functions of the Opposition to develop their policy on any subject. One of the greatest accusations brought against him at this election was that he had acted too liberally towards the Nova Scotians. He found placards up in many places with the following upon them:—“Vote against Mackenzie, who endeavoured to give Nova Scotia more money than the Government proposed to give.” He was sure the hon. gentleman would see that he had fallen into error.

He did not intend to detain the House further. It was not the intention of the Opposition to make any amendment whatever to the Address. They recognized the desirability of proceeding with the business as soon as possible. When the Government did not ask them to commit themselves to any policy in the Address, it was not their intention to offer any amendment, but every facility to proceed with the actual business of the House.

But he might be permitted before sitting down to congratulate the House on the acquisition of so many able members to its ranks. With reference to the observations of the hon. member for Vancouver (Hon. Sir Francis Hincks) respecting the hon. member for Montreal West (Hon. Mr. Young), he said he would rather be associated with that hon. gentleman than with the hon. member for Vancouver. He congratulated the House and the country on the acquisition of members on the benches behind him. It was a source of congratulation that they could indulge in with perfect freedom, as they had been successful in the face of many disadvantages, in the face of a bad electoral law, and in the fact of all the influence the Government could bring to bear against them. He was very glad that the victory had been achieved, and he hoped it would only be used for the benefit of the country and for the advancement of those great public institutions which would have a tendency to make our country greater and more prosperous than it is at present. (*Hear, hear, and applause.*)

Hon. Sir JOHN A. MACDONALD said he had heard with pleasure that the hon. gentleman opposite who had just spoken and had been elected to the leadership of the Opposition, and he could assure him he would meet with all the courtesies and attention from the Ministerial side of the House that are customarily exchanged between the great political parties in a great country like this. He also hoped and believed that as in the past the members of the Parliament of Canada would be guided by the conduct of the Parliament of Britain in the observance of those rules which guide

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the conduct of members of one political party towards the members of another and the non-observance of which would bring ruin and disgrace upon the House and the country.

While he could not be expected to concur with Hon. Mr. Mackenzie in all things, he could heartily join with him in the congratulations he had offered to the hon. gentlemen who had moved and seconded the Address in reply to the Speech from the Throne. The eloquence of the one and the sound judgment and the practical common sense of the other must have struck the House. Hon. Mr. Mackenzie, he felt satisfied, had acted with wise discretion in not proposing any amendment to the Address. Such a course would merely have had the effect of interrupting the dispatch of public business, unless indeed the hon. leader of the Opposition had taken advantage of the occasion to propose a vote of want of confidence.

It was perfectly true that as the hon. gentleman had said, and as all such speeches ought to be, the Speech from the Throne was worded in such a way as not to commit any member to a particular course of action in voting for its adoption. This was done for the purpose of preventing premature discussion of any of the subjects of importance referred to in the Address, which would come up at the proper time, and the full information regarding which was not yet in the hands of the members. He said the hon. leader of the Opposition in referring to these matters, had maintained a fair and proper line of argument and had kept within those bounds which regulate Parliamentary debate; and he could only say regarding the remarks the hon. gentleman had made that he had indicated those points and portions of the speech in which he did not concur, and which he would in all probability make the subject of attack. It was very right that this should be so, and the Government were in this way more likely to be prepared. This, he granted was a most fair course on the part of the leader of the Opposition, and one which he hoped would in the future, be respected.

The hon. gentleman had spoken at some length respecting the Pacific Railway, but he (Hon. Sir John A. Macdonald) would not go into that subject at present. It was well before entering upon the discussion of the question that the Government should know the points of objection taken to their action. He would merely tell the hon. gentleman in the House that the Government would be prepared to justify the course that they had taken. The hon. gentleman and the House knew the difficulties with which the question was surrounded, and he (Hon. Sir John A. Macdonald) hoped that all pains would be taken on the part of every individual member of the House to keep clear of local jealousies, which, if they be allowed to interfere, would destroy the success of the enterprise. The Government in endeavouring themselves to do this, had to keep clear of all statements in disparagement of any of the schemes before them, which would have had the effect of insuring the interests of the scheme, and they had endeavoured to guard against the possibility of any such influence in controlling the management as the hon. gentleman had alluded to as having obtained hold on this great natural highway.

The Government had been careful to guard against the possibility of foreigners or aliens having any controlling power in the matter, and there was not a single sentence or provision of the charter which was not framed with a view to accomplish this end. He would remark in relation to this subject that it would be the duty and the pleasure of the Government to stand by their actions in the matter, and to explain to the House the reasons for the course they had adopted in relation to this great Canadian enterprise, which was to be accomplished by Canadian ingenuity, skill, and labour, through Canadian territory in its entire length, and, if at all possible, by Canadian and British capital altogether.

The hon. gentleman had said he had no objections to foreign capital taken advantage of in this country. If foreign influence were not to rule the enterprise, he quite agreed with the hon. gentleman on that score, as it had the effect of leaving the infant capital of this country to be expended for local purposes. He (Hon. Sir John A. Macdonald) however hoped that English capitalists would have confidence enough in the scheme to invest their money in it to such an extent as that Canadian and British capital alone would be required. He hoped that the House would show itself possessed of statesmanship enough to bury in the grave everything like sectional or personal feelings in this matter, and hoped a fair and just line of argument would be preserved throughout.

He said the work connected with the Baie Verte Canal was surrounded with many difficulties. His hon. friend the Minister of Public Works had the matter in his hands and had felt it his bounden duty to secure the very best engineering skill in the construction. With regard to Mr. Keefer, the engineer, every one knew him to be one of the first hydraulic engineers on this continent, and the hon. gentleman was quite mistaken in saying that he had been at any time removed from the service of the Government of which he (Hon. Sir John A. Macdonald) was the leader. He was a gentleman of first-class professional education and ability, and had brought to this important work the large experience which he had obtained many years ago in his connection with the construction of the Welland Canal.

The hon. gentleman had said that the Government had ignored the necessity for the construction of the Sault Ste. Marie Canal. His reply was that until such a canal could be constructed conveniently, we had free access to the American one, and if at any time this privilege were denied, we could have one of our own constructed on the shortest notice—in one year, or at the most, one year and a half, as the distance was only one mile and a half.

He had simply to say in explanation that while it was perhaps desirable that this canal should be constructed, it was not an absolute necessity at present, and it was impossible for the Government to do everything at once. (*Hear, hear.*) They had to leave something for their children to do, and by that time there would be more capital in the country with which to do it. Until the present amicable relations between this country and the United States were suspended, the Government felt that they would have to postpone the construction of the Sault Ste. Marie Canal.

He would now refer to the remarks made as to the course taken by the Government in fixing a price on lands along the Pacific Railway. The Government were the servants of Parliament, and Parliament last session had passed a solemn resolution containing two propositions: first, the Pacific railway must be built by an incorporated company with government aid, and second, that the subsidies in land and money should be so granted as not to cause any increase in the taxation of the country. Carrying out this resolution it was decided that the land grant should be laid out in alternate blocks and the proceeds of the lands should form a fund by which the money subsidy should be returned to the Treasury without bringing additional taxation on the people. (*Cheers.*)

Looking to what had occurred in the construction of the American railways and the consequently increased value of the land, he believed the fifty million acres would be, if the Northwest was at all what it was represented to be, amply sufficient to restore to the treasury the thirty million dollars of money subsidy with accumulated interest. The hon. gentleman had said that by putting a price of two-and-a-half dollars per acre on these lands, while the Americans were offering free grants, would keep emigrants out of the Northwest; but he denied that any free lands were to be obtained in the States anywhere near railways. He asked what would be the value of their land to the Company if emigrants could go to the same spot and get free grants from the Government? There would, however, be a future opportunity of discussing these questions.

As to the Dawson road, he pointed out it had been the only means of keeping down the rates charged by the American railways on passengers and freight going to the Northwest, and maintained that in this way it had repaid all that had been expended.

Hon. Mr. MACKENZIE said what he complained of was that the road was not yet built.

Hon. Sir JOHN A. MACDONALD said he could only say that the Government had done everything they possibly could in the matter.

With respect to emigrant ships, he said that there was a very stringent law for the proper direction of the owners of such vessels, and they were liable to a very severe punishment in case its provisions were violated. It was a notorious fact that not a single complaint had been made during the year 1872 to any of the officers of any of the ships with regard to the mode of treatment.

The hon. gentleman had referred to the conduct of the Government in the last year, refusing to pass a law for the conduct of elections throughout the country, and for the trial of controverted elections, and had said that the Bill was thrown out by a subservient majority. The hon. gentleman might call them subservient or not as he liked, though, in case he did, all majorities were subject to a like imputation. He had to say that the Government had opposed the Bill on account of the feeling against it among those gentlemen from whom the Government derived their support in their measures. At any rate, he could not be held responsible for any action in that

matter as he was then in Washington taking part in what hon. gentlemen opposite termed that infamous and humiliating treaty.

Hon. Mr. BLAKE: Hear, hear.

Hon. Sir JOHN A. MACDONALD: The hon. gentleman said "hear, hear," but he (Hon. Sir John A. Macdonald) did not feel at all humiliated in consequence of that treaty; but while he was said to be sacrificing the interests of Canada, he could not also have been doing it here. The Parliament of Canada has said that for the next election the law which obtained before in the different provinces should be the law again.

Hon. Mr. BLAKE: Who introduced that motion?

Hon. Sir JOHN A. MACDONALD: Sir George Cartier.

Hon. Mr. BLAKE: The hon. gentleman cannot thus speak himself clear of the responsibility.

Hon. Sir JOHN A. MACDONALD said the gentleman who had introduced the motion was not present to answer, he was sorry to say, but he would say for him that he introduced the motion as Minister of Militia. If any other course had been taken the Government would have reversed their own policy and swept away a measure which only a year or two before they had sanctioned. The matter had been solemnly debated, and Parliament had come to the deliberate conclusion that their action should be sustained and not be altered at the last moment. He did not think that the Government could be charged with dereliction of duty, for in April next the law which they intended to amend expired, and something had of necessity to be done in the matter. With regard to Hon. Mr. Mackenzie's reference to the different interpretations put upon his conduct in Nova Scotia and his own constituency respectively, he contended that the hon. gentleman had again and again stated that Nova Scotia had received too great a subsidy.

Hon. Mr. MACKENZIE: Where does the hon. gentleman find that statement?

Hon. Sir JOHN A. MACDONALD said the objection of the hon. gentleman was quite tenable, and if he denied there and then having ever made such as statement he (Hon. Sir John A. Macdonald) would say no more on the subject.

Hon. Mr. MACKENZIE: I never made that statement.

Hon. Sir JOHN A. MACDONALD said he was, of course, bound to accept the denial, and he did so implicitly. Still he feared his memory must failing him very much if the hon. gentleman had said so—(*laughter*)—and from what he heard around him he feared many others were labouring under the same misfortune. (*Laughter.*) He would now conclude by congratulating the House with all sincerity on the acquisition of new blood. He believed a great number of able men had come in, who would aid the older members, and men whose experience would prove most advantageous to the country. The hon. member for Lambton had congratulated himself on his increased following, and in the victory

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which he said he had won. He might congratulate himself on his following, but as to any victory he had won, he (Hon. Sir John A. Macdonald) was quite satisfied that for the next twenty years, the hon. gentleman would have a series of similar victories. (*Loud cheering.*)

It being six o'clock the House rose.

AFTER RECESS

DEBATE ON THE ADDRESS

The first five paragraphs of the Address were agreed to. On the sixth paragraph, relating to election law,

Mr. JOLY said he was glad to perceive a change was to be made to the election law, which he hoped would be effective enough to prevent as far as possible the corruption which characterized so many of our elections. He hoped the law for the trial of controverted elections would be stringent enough to punish bribery if it was committed. It was to be hoped the ballot system would be introduced which so far had worked well in England.

He proceeded to contrast the election in Quebec with those in New York, stating in the former the bribery and intimidation far exceeded what it was in New York. The difference was that in New York the Government determined to put down all disorder; but in Quebec, instead of putting down disorder the Government encouraged it. For the last 10 years violence had prevailed at the elections in Quebec, and the Government had always gained by it. At the last election public sentiment forced the Government to maintain order, and the result was the Liberal candidate was elected.

He proceeded to say that a large majority of the population of the Quebec were law-abiding, but that there were a few men who could be bought to do anything. The very men who shot at Mr. Pelletier and nearly murdered him were hired to take away the Liberal candidate from the hustings. Doubtless those who hired them did not mean murder, but murder was very near the result. He concluded by again hoping that the election law would be stringent enough to prevent those practices.

Hon. Sir FRANCIS HINCKS would not trespass upon the time of the House did he not think that it was proper that he should offer some explanation of the position he occupied, particularly as a great deal had been said about him through the medium of the public press. When he was applied to by the leader of the Government to accept the office which he had held until the last two or three weeks, he felt that public duty required him to accede to the request. He had no personal objects to serve nor any personal desires on the subject, and it was on private grounds entirely that he retired from the Government. He wished to state that, during the whole time he had the honour to serve under his hon. friend the First Minister, he had never had the slightest cause to complain of his hon. friend or any of his colleagues, although it was supposed that there had been

differences of opinion between them. He saw before him two hon. gentlemen, one of whom was said to be strong Conservative, and the other a strong Liberal, but he had never been able to discover any difference between them.

Hon. Mr. HOLTON: Hear, hear.

Hon. Sir FRANCIS HINCKS: Nothing had astonished him more, knowing as he did the very strong Conservative character which his hon. friend the Minister of Customs (Hon. Mr. Tupper) had striven to obtain. He wished to be distinctly understood. There were no political differences whatever between himself and his friends in the Cabinet. He felt great pride in his defeat in Brant South. He was a total stranger in that constituency, with the exception of the two townships which were attached to Oxford when he represented that county twenty-five years ago; but notwithstanding that fact he had polled a majority of votes in the town of Brantford, the fifth largest town in Ontario, although his opponent was the mayor of the town. The defeat was nothing to cause him mortification. From the remarks made in a former debate, it was evident that hon. gentlemen opposite thought he was exceedingly anxious to retain his seat in the House, but he wished it to be understood that so far as personal feeling was concerned, gentlemen could not confer a greater obligation upon him than by causing his retirement from the House. In the course which he took when he entered the Government he was actuated by a strong feeling of duty (*cheers*), and he did not think that the public necessities required him to continue in official life after the close of the last Parliament.

He would appeal to his hon. friend, the member for Russell (Mr. Grant) who was more responsible than any other individual for his retirement, to repeat to the House the statement he had made to his (Hon. Sir Francis Hincks) family with regard to the course he ought to take.

Mr. GRANT stated that about a year ago he had occasion to advise as to the desirability of the late Finance Minister withdrawing from public life. He extremely regretted that the country should lose the services of the hon. gentleman, but he felt great anxiety on account of the state of his health, and therefore recommended his retirement.

Hon. Sir FRANCIS HINCKS wished to repeat that he had absolutely retired from official life, and the cause of such retirement was entirely on private grounds.

The member for Lambton (Hon. Mr. Mackenzie) had referred to his financial policy as being the cause of the recent stringency in the money market. He would ask if the hon. gentleman attributed the stringency in England and the United States to the same cause. (*Laughter.*) The hon. gentleman had not pointed out any fear of a stringency. One cause was patent to all. The Government had for some time a large balance of money for the Intercolonial Railway, but as that railway had to be constructed, the money had to be withdrawn from the banks, thus necessarily diminishing the power of the banks to give accommodation.

He could not say whether importation had been excessive or not, but a further cause was the increased price of all staple goods. Since he had retired from the Government he had received the strongest expressions of regret at his retirement from gentlemen in opposition to him in politics, as well as those on his own side of the House, and he would not be afraid to go to any part of Ontario and meet the hon. member for Lambton squarely on his financial policy.

The hon. gentleman had made use of an expression about the subservient majority on the Government side of the House. He (Hon. Sir Francis Hincks) thought it better to be subservient to a Government than subservient to the proprietors of a leading newspaper in Ontario.

The hon. member for Lambton had also stated that his (Hon. Sir Francis Hincks') former financial policy had brought ruin to the country. Of course he referred to the Act which had enabled municipalities to borrow money to aid public works; but it was not fair to charge the Premier of the day with all the blame arising from legislation which received the sanction of Parliament, and he well remembered that the Hon. George Brown strongly supported the measure referred to; and, further, what the hon. member for Lambton styled "ruination to the country" was not so much the result of injurious legislation as recklessness on the part of the municipalities borrowing the money.

They had heard during the past few years a great deal from the opposite side of the House about coalitions and the evils thereof, but not a word had been uttered against them since the famous Scott coalition in Ontario. He had been charged with having made, while in the West, certain remarks in regard to the hon. member for Montreal West (Hon. Mr. Young). It was well known that his hon. friend was an avowed advocate of independence, as was also the hon. member for Shefford (Hon. Mr. Huntington), and yet they were received into the Opposition compact.

He (Hon. Sir Francis Hincks) admired the happy family. The hon. member for Lambton had also strongly recommended a gentleman who held a seat in the last Parliament, Mr. Carmichael, who was an avowed annexationist. He (Hon. Sir Francis Hincks) was entirely removed from official life, but if he were still in office he would rather be associated with the hon. member for Lambton, much as he differed from him, than the member for Montreal West. There was no member in the House for whom he had a higher personal respect than the member for Montreal West, whose services and experience would be of great value to the House and country, particularly as he did not think the independence sentiments which his hon. friend entertained would do any great harm. He would have it understood throughout the country that the House did not sympathize with the independence sentiments of hon. members for Montreal West and Shefford, but those hon. gentlemen could render great service to the country on other subjects. He then apologized for trespassing so long upon the time of the House, but he had desired to set his position clearly at rest. (*Cheers.*)

Hon. Mr. YOUNG (Montreal West) said he had not intended to address the House, but after the remarks of the hon. gentleman it

was proper he should say a few words. He had been nearly 50 years in this country, and during the whole time, there was no person in the House, or out of it, who had been a more faithful subject of Her Majesty than he had. When members had been knighted for publishing annexation views and for fighting British soldiers he was doing his duty on the Citadel of Quebec. He was among the first to take up arms in Canada on behalf of the Crown in 1837. He had on several occasions since received the highest honours from the Government of this country, and from the Colonial Secretary for his conduct on various occasions.

When treaties arose out of the Trent affair he was in England, and he at once offered to come out and take his place in the defence of his country. He was one of the oldest colonels of Militia, and on every occasion he had, he thought, discharged his duty in the matter faithfully. It had been favourite argument against him that he held certain views with reference to the future of this country. British statesmen had advanced opinion upon the question of independence, holding that after the youth of nations it was requisite that they should assume their own government. Why should Gladstone and other British statesmen and the Governor General offer such opinions, and he should not, as a Canadian, discuss questions which appeared to him affected very deeply the interests of the country.

He had never concealed his opinions in reference to independence. He believed that the people of this country were now old enough and strong enough to govern themselves, and to enter into a treaty for themselves. He had never concealed those views, but he knew very well that the great bulk of public opinion was against him. But that did not prevent him from expressing his opinion. He did so in loyalty to the country, its people, and its interests.

The hon. member for Vancouver (Hon. Sir Francis Hincks) had ventured one session to report some remarks at a private dinner party, and represented him as holding annexation views, when he knew that there were no more loyal man than he was. He could have come up from Montreal and obliged the hon. gentleman to withdraw his statement, because he knew it to be completely contrary to the spirit of his whole life. (*Cheers.*)

Mr. YOUNG (Waterloo South) adverted to the sensitiveness of the hon. member for Vancouver to any criticism of his financial policy, and he proceeded to point out how the Dominion Note Act of the hon. gentleman had increased the stringency on the money market. He was obliged to withdraw his reserves from the banks, and the banks in turn had to fall back upon their customers. The result justified the position the Opposition had taken upon the subject last session. The effect of the act was that had public confidence not been strong a severe commercial crisis would probably have been produced, and perhaps it was a suspicion that some such result would follow his present policy that followed his policy in 1857, that he desired to withdraw from the Government.

The hon. gentleman then went on to speak of the contemptible nature of the old loyalty cry, and controverted the general view held

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in the United States that the Canadians desired annexation and the continued charge of disloyalty made by hon. gentlemen opposite against their opponents. The sneering remarks of the late Finance Minister respecting the happy family on the Opposition benches were scarcely becoming that hon. gentleman, seeing that he was once denounced in the strongest terms by the gentleman he now acknowledged as his leader. Referring to the Speech from the Throne, he thought that no previous speech ever submitted to Parliament contained so meagre a bill of fare.

A VOICE: It is Lent. (*Great laughter.*)

Mr. YOUNG (Waterloo South) went on to say that there were ten paragraphs in the speech, and almost every one of them had done duty over and over again for the last five years. They had the references to canals, to the census, to commercial law and piloting, to weights and measures, and immigration time and again. The only measure that had not been referred to in a speech before was the election law, and that had been inserted for the same reasons that the Government agreed to admit the member for Muskoka: because they could not help it. The hon. leader of the Government had yielded in that case upon the principle that he who fights and runs away will live to fight some other day. (*Laughter.*) If the Bill for the trial of controverted elections was to submit their trial to judges it would be triumph for the Opposition.

The only important references in the Speech were the enlargement of the Welland and St. Lawrence Canals, and the Pacific Railway. With regard to these he believed there was no difference of opinion. They were all anxious to make the St. Lawrence what it was intended to be, the great highway for the commerce of this continent. The Government were to blame for not dealing with this subject long ago.

With reference to the Pacific Railway, he pointed out the vast character of that undertaking, and the fatal errors into which the Government had fallen in their scheme. He also pointed out the dangers to the country from having a powerful railway ring, which was a political ring as well.

With reference to the Charter he would not at present say more than that it was almost impossible to tell where the powers of the Government ended, and where the powers of the Company began, they were so mixed up together. So much was this the case that it would not be surprising if we were to see before long in this country something very much like the Credit Mobilier scandal, over which there was so much excitement in the United States. He pointed out the dangerous powers entrusted to the Government and the result which would be likely to flow there from. He was inclined to believe from all he could learn that the reason why the work was not thrown open to public competition was because the Government were so bound to Sir Hugh Allan that they could not give the contract to any other Company.

After referring to the position of the Premier, who had been beaten in his own Province as well as in the Old Province of Canada, he concluded by expressing his gratification at the

improvement in the composition of the House, by the introduction of so many able men here for the first time.

Mr. PATERSON said with reference to the controverted elections Act, that it would be of great benefit to the country. It was one which would receive his co-operation. Referring to the first paragraph of the Address he sympathized with the loyalty expressed. He wanted to know how he was to reconcile the two points that the Government were going to charge \$2.50 for the land and the statement in the fourth paragraph of the Address, respecting emigration. He did not think they were reconcilable.

The hon. member for Vancouver (Hon. Sir Francis Hincks) told the House that in Brantford, where he was not known, he had received a majority of votes, but he (Mr. Paterson) desired to say that in Burford, where he was known, he had a decided minority (*hear, hear*), so where he was known he was refused. He went on to say that he felt sad. He always felt sad in the presence of death or even upon the approach of death. It was evidence that the Government were writhing in the pangs of political dissolution, and in his opinion it would be mercy to put them out of existence. (*Hear, hear and applause.*)

Mr. DODGE said that when he heard the speech of the member for Waterloo (Mr. Young) he thought he was in the Legislative Chamber of Illinois, or some other State, and not in a chamber under the protection of Great Britain.

A short time ago he had been honoured by being made a loyal subject of the Queen. He could assure the House that it was wonderful what an unanimous wish there was among the respectable population of the States for a constitutional Monarchy, and they looked to Ottawa and this House for the men who would raise a bulwark behind which the respectable men of the Continent could make a stand against licentiousness and disorder. Though an American a short time ago, he believed himself to be as nearly as anything, a Baldwin Reformer, and if he were a spiritualist, he would like to have some spiritual intercourse with the late Robert Baldwin, so that he might ask him where his friends now are. He professed himself a Government supporter, and said his constituents were disgusted with the tyranny of the *Globe* and the old man at the head of it who desired to rule the whole of Canada.

A member of the House had been talking to him and told him how he sympathized with him as an American, and told him he rejoiced in the prospect of there being one whole republic on this continent, and said the Governor was no more than the bauble on the table, and the Queen a mere appendage. Any one who could do this and then try and get him on the other side of the House deserved to go to a place, he would not mention. (*Loud cheers.*)

He believed what was done in Ottawa was of much greater consequence in respect to the future of the whole continent than what was done at Washington, and he hoped yet to see the day when 20,000,000 of people and more should fill up this great and glorious country. He had told his constituents that the present Government was a Government of statesmen of which the country

ought to be proud, and that he believed the true Reformers were on the Government side, and the obstructionists opposite.

As to the charge on the lands of the Pacific Railway he could say that from his knowledge of American railways the charge proposed was no objection. Numbers of miserable people to his knowledge went to the free grant lands of the Muskoka district, but they were a delusion and a snare. There was no railway and the emigrants could not go alone to this place. The way to build up the country was for the companies to take the emigrants and help them to settle. He knew Sir Hugh Allan and he believed he would succeed, and then emigrants would go to the proper places. They would remain under British protection, and they ought not to go to the States till they had tried Canada.

He then spoke of the leader of the Government, who he believed to be the first statesman in the country. He strongly advocated a broad liberal canal policy then, which nothing was more important to the future prosperity of Canada.

Mr. EDGAR was glad to see something in the speech that would seem to encourage emigration, though he thought the Government might heretofore have done much more in the matter than they had done. The New Zealand Government was making most strenuous exertion in the matter, and if Canada only did what she ought an immense stream of emigration might be ensured next year. As to the prices of passage the whole of the steamboat companies had combined to charge six pounds six shillings for each passenger, out of which their profits were five pounds. The Government ought to take action to break up that combination. This was a most important matter and he would ask the attention of the Minister of Agriculture to it.

He charged that the Department of Agriculture did not answer many important communications addressed them from England on the subject, mentioning one from the British Emigration Society, which he said had never been answered. He would support the Government in any proper scheme for canal enlargement. He regretted the remarks of the previous speaker as to the Muskoka free grant lands.

Mr. DODGE said he had only desired to show the difference between a country with and a country without a railway. (*Hear, hear.*)

Mr. CHARLTON thought the charge on the lands would operate in preventing emigration into the Northwest for lands could be got for nothing further south.

Mr. WITTON referred to the proposal to introduce an election law as one that deserved the approbation of the whole House, and he hoped it would provide the introduction of the ballot, which he believed would be a benefit to both employer and employee.

He referred to the prosperous condition of the country, the bountiful harvests, the immense source of wealth found in the forests, and the prosperous state of manufacturers, as matters for

cordial congratulation. He also mentioned the great extension of railway construction as a matter for congratulation, as they were of vast importance to the country in every way. All this material prosperity argued well for the future.

Mr. MERCIER (in French) regretted that no member of the Government had explained their policy in French. He regretted also that the improved election law had not been in force before the last election, so that no returning officer would have dared to falsify the return as had been proved had been done. He expressed his surprise that no reference had been made in the speech to the New Brunswick School Act.

Referring to the remarks of Hon. Sir Francis Hincks about the position of the Liberal party he observed that he and his French Canadian colleagues willingly followed the lead of the member for Lambton (Hon. Mr. Mackenzie). He maintained that the members of the *Parti National* were as loyal as their forefathers, who had proved their loyalty by abating their blood in defence of the British connection.

Mr. CUNNINGHAM protested against any charge of subserviency against the followers of the Government and the Manitoba members, and said that the charge would however hold good as regards the Opposition. As to the Canadian Pacific it was his candid opinion that it could not nor never would be built. From Fort Garry eastward the line would run through seven hundred miles of perfectly barren land which would never produce one particle of local traffic. Then the whole fertile belt consisted at most of fifty millions of acres, and the whole of the belt would have to be given to the company and not an acre of good land would be left to the Government. He did not make these remarks in opposition to the Government, but the facts could not be done away with. Referring to the matter of emigration he urged the claims of Manitoba, and trusted she would get justice in this respect.

Mr. BLAIN desired to know whether the Government had settled on a canal policy which would give a uniform system throughout the Dominion; which he thought was essentially necessary.

Hon. Sir JOHN A. MACDONALD said the policy of the Government as to canals was settled last session, and would appear on the journals of the House. The Welland St. Lawrence Canals were to be of the same size.

Mr. BLAIN would not further detain the House. Every one would feel bound to aid the Government in any scheme for the prosperity of the country.

Mr. De COSMOS believed the Pacific Railway would be built and finished. The Government had sent out the most able engineers, and they reported that a practicable route had been found. He believed the land grant and money subsidy would construct the railway, and would afterwards leave the promoters a very fair profit on their expenditure. British Columbia was well satisfied with the way in

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which the affairs of the Dominion were being managed by the present administration. (*Cheers.*)

Mr. MATHIEU desired to call attention to the necessity for the improvement of the Richelieu River, without which the enlargement of the Grenville Canal would be useless, as all lumber for the States passed through that river. It was all very well to improve canals, but natural channels ought not to be neglected.

The remaining paragraphs of the Address were then adopted.

On motion of **Hon. Sir JOHN A. MACDONALD** the address was then referred to a Select Committee for preparation for presentation to the Governor-General.

The Committee then presented the Address which after passing through the usual routine was ordered to be presented to the Governor-General by members of the Privy Council.

Hon. Sir JOHN A. MACDONALD called the attention of the member for Lambton (**Hon. Mr. Mackenzie**) to the form by which the English Government were doing away with the formalities attending the voting of Supplies, by going into Committee of Ways and Means as soon as the Address in reply to the Speech was carried: He asked if the hon. gentleman would give his assent to his mode of procedure here.

Hon. Mr. MACKENZIE said he would take the matter into consideration and give his reply tomorrow.

The House adjourned to 11.30 p.m.

* * *

NOTICE OF MOTIONS

Mr. LANDERKIN—On Monday next—Enquiry of the Ministry, whether it is their intention this session to abolish the postage on newspapers.

Mr. SAVARY—On Monday next—Address to his Excellency the Governor-General for copies of all correspondence which has taken place since the first day of July 1867, between the Government of the Dominion and the Judges of the Supreme Court of Nova Scotia and New Brunswick, showing the inequality of the salaries of the Judges of the same standing in the different provinces, and of any protest on the same subject made by the Bar Society of Nova Scotia and New Brunswick.

Mr. SAVARY—On Monday next—Bill to repeal the Act imposing duties on bills of exchange and promissory notes.

Mr. CUNNINGHAM—On Thursday next—Address to his Excellency the Governor General for copies of all correspondence which may have passed between the Dominion Government and the Government of the Province of Manitoba, touching the military riots in 1870, and the riotous and incendiary proceedings at the late elections; together with the murderous assault committed on Mr. Dubuc, barrister, for acting as prosecuting counsel against some of those charged with taking part in those riots. Also copies of any communications that may have been received referring to the late outrages perpetrated on the Legislative Assembly of Manitoba, and the Speaker thereof.

Mr. FLEMING—On Thursday next—Address to his Excellency the Governor General for a return of the number of Indians in the different counties of the Dominion, to whom letters patent have been issued granting a life estate in the lands allotted them, with the number of acres apportioned to each.

[Editor's note: The text of the address, as presented to the Governor General, is printed in the *Journals of the House of Commons*, First Session, 1873. pp 14-15.]

Mr. HIGINBOTHAM—On Thursday next—Enquiry of the Ministry whether it is the intention of the Government to form camps of brigade drill during the present session.

Mr. HIGINBOTHAM—On Thursday next—Enquiry of the Ministry whether it is the intention of the Government to introduce a measure during the present session for the better remuneration of Postmasters in country places.

Mr. MACKAY—On Thursday next—Enquiry of the Ministry whether the Government intend to widen St. Peter's Canal, connecting the Atlantic with Bras d'Or Lake so as to utilize it for the passage of vessels of a larger size than it now admits.

Mr. MACKAY—On Thursday next—Enquiry of the Ministry whether the Government intend to take any, and if any, what measures to supplement the subsidy of the Nova Scotian Government towards extending the Railway east of Pictou so as to utilize Louisbourg as the most eastern harbour in the Dominion.

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HOUSE OF COMMONS

Wednesday, March 12, 1873

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

Prayers

PETITIONS

Several petitions were presented for the Prohibitory Liquor Law.

The **SPEAKER** read a message from His Excellency announcing that he had appointed Hon. Sir John A. Macdonald, Hon. Mr. Tilley, Hon. Mr. Langevin and Hon. Mr. Tupper to act with Mr. Speaker under the provisions of the Act respecting the internal economy of the House of Commons.

A petition asking for an investigation into the frauds in the Renfrew South election case was read and received.

Hon. Mr. BLAKE moved that it be printed with the votes today, as he intended to bring up the matter as a question of privilege.

* * *

BILLS

The following Bills were introduced;—

Mr. MILLS—To disqualify Members of the Legislative Councils and Assemblies from sitting or voting in the House of Commons.

Mr. MILLS—To amend the Act to compel the Members of the Local Legislature in any Province where dual representation is not allowed to resign their seats before becoming candidates for the Dominion Parliament, and to make further provision in case of the election of disqualified candidates.

* * *

THE HAY PRIVILEGE

Mr. CUNNINGHAM asked whether any instructions had been sent to the Surveyor-General of Manitoba relative to dealing with the “hay privileges,” and if so, what was the nature of those instructions.

Hon. Sir JOHN A. MACDONALD said no instructions had been sent to the Surveyor-General of Manitoba, but the Lieutenant Governor of that Province was under instructions to form a

Commission, which was composed of two judges and a surveyor, with further instruction to report immediately.

* * *

HALF-BREED GRANTS

Mr. CUNNINGHAM also asked whether in making the disposition of the Half-Breed Grant it was the purpose of the Department to go by the Manitoba Act, which makes the grants only “To children and half-breed heads of families,” or by a subsequent Order in Council which included the parents as well as the children in the distribution of lands.

Hon. Sir JOHN A. MACDONALD said there was an ambiguity in the Manitoba Act. An Order in Council had been passed, by which the heads of families would receive a share in the land as well as the children. It seemed absurd that the children of half-breeds only should have land and the parents none.

* * *

INSOLVENCY ACT

Mr. YOUNG (Waterloo South) asked whether the Government proposed to introduce a measure relating to insolvency during the present session.

Hon. Sir JOHN A. MACDONALD said the only answer he could give now was that the Government proposed to call the attention of the House to the insolvency question during the present session.

* * *

INSPECTION OF INSURANCE COMPANIES

Mr. YOUNG (Waterloo South) asked whether the Government proposed to introduce a measure during this session to provide for the proper inspection of fire and life insurance companies, and for the appointment of an inspector thereof.

Hon. Mr. TILLEY said it was the intention of the Government to introduce such a measure.

* * *

INTERCOLONIAL RAILWAY

Hon. Mr. MACKENZIE moved for an order of the House for the production of a statement showing the quantities of materials estimated on section No. 5 on the Intercolonial Railway, according

to the original plans upon which tenders were made for the work and, also according to changes subsequently made in the location of the line, with a statement showing the rates of payment applicable under the contract to each. He hoped it would be produced soon. Then he proposed to call the attention of the House to what he understood to be a very serious irregularity in reference to this special contract.

* * *

STANDING COMMITTEES

Hon. Sir JOHN A. MACDONALD moved the appointment of a Committee to strike the Standing Committees for the Session, so be composed of Hon. Messrs. Tilley, Langevin, Tupper, Messrs. Mackenzie, Blake, Holton, and the mover.—Carried.

* * *

NEW BRUNSWICK SCHOOL ACT

Mr. MERCIER moved for copies of all correspondence had in pursuance of a resolution adopted on the 30th of May last, 1872, by the House of Commons of Canada, between the Government of the Dominion, the law officers of the Crown in England, and the Judicial Committee of the Privy Council, in relation to the Act passed in 1871 by the Local Legislature of New Brunswick respecting Common Schools in that province, together with all documents relating to the subject, placed in the hands of the Dominion Government since the adoption of the said resolutions.—Carried.

The House adjourned at 4 o'clock.

* * *

NOTICE OF MOTION

Mr. YOUNG (Waterloo South)—On Thursday next—Bill to provide for the election of members to the House of Commons by vote by ballot.

Mr. ROSS (Victoria)—Enquiry whether it is the intention of the Government to place a sum in the estimates for the enlargement of the St. Peter's Canal during the present year.

Mr. CARTWRIGHT—On Friday next—Enquiry of Ministry. First, What amount of exchange was sold on public account between the 15th of January and the 1st of March last past? Second, For what purpose the said exchange was sold, and whether the said sale was required to be then made to provide for any immediate engagements? Third, What has been done with the proceeds thereof, and whether any portion of the same was deposited among the various banks of the Dominion, and if so, at what rates, and upon what terms and conditions? Fourth, Whether the said exchange was drawn against the funds actually in the hands of the London agents of the Dominion, or whether the credit possessed by the Dominion was used for this purpose?

Hon. Mr. Le VESCONTE—On Friday next—An address to His Excellency the Governor-General for copies of all correspondence with local engineers, relative to the enlargement of St. Peter's Canal.

Hon. Mr. Le VESCONTE—On Thursday next—An address to His Excellency the Governor-General for copies of all Orders in Council relative to the levying of tolls on vessels and boats passing through St. Peter's Canal.

Mr. MERCIER—On Friday next—An enquiry of the Minister whether it is the intention of the Government to propose any change in the postal tariff, abolishing the postage on newspapers.

Mr. McDONALD (Cape Breton)—On Friday next—An enquiry of the Minister whether it is the intention of the Government to place in the estimates a sum sufficient to cut Big Pond Beach, Bras D'Or, Lake County, Cape Breton; the same having been surveyed and reported upon the Local Engineer.

Mr. McDONALD (Cape Breton)—On Friday next—An enquiry of the Ministry whether it is the intention of the government to cause a lighthouse to be constructed at Morgan Head, Cape Breton County.

Mr. BODWELL—On Monday next—That the several petitions presented to this House, praying for the passage of a prohibitory liquor law be referred to a Special Committee, and the said committee have power to send for persons, papers, and records, and to report by Bill or otherwise.

Mr. TREMBLAY—On Friday next—A Bill to provide for taking the polls by ballot at elections of members to serve in the House of Commons of Canada.

Mr. OLIVER—On Friday next—An address to His Excellency the Governor-General for a copy of all correspondence to and from the Government relative to an alleged infraction of the revenue laws by the Great Western Railway Company, and also all evidence taken at any investigation which may have taken place with reference to the same, with a statement of claims against the said Company for the said duties

Mr. EDGAR—On Friday next—An address to His Excellency the Governor-General for copies of all correspondence had between the Government of the Dominion, and the Hon. William McDougall, made 1st June 1872, in any way relating to the appointment of the said Hon. William MacDougall to any office of employment under the Government; and copies of all Orders in Council or other documents on the same subject; also, copies of all instructions to said Hon. William McDougall from the Government relating to any office, appointment or employment which he now holds or has held under the Government since the 1st of June 1872.

Hon. Mr. TILLEY—On Friday next—That the House do go into Committee of the Whole to consider the following resolution which he will then propose:—1. That it is expedient to amend Act

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34 Vic., Cap. 5, relating to banks and banking, as regards the form of the declaration attesting the correctness of the monopoly returns made by the Banks to Government. 2. That it is expedient to amend the Act 34 Vic., Cap. 7, respecting certain Savings Banks in the Province of Ontario and Quebec, by enabling such banks to invest or loan any amount of moneys deposited with them, or of their capital stock, in any manner in which they may, under the 18th section, invest or loan any amount of moneys deposited with them.

Mr. EDGAR—On Friday next—An Address to His Excellency the Governor-General for a statement in detail, with the dates, of all sums paid to Hon. William McDougall, since 1st June, 1872 in respect to any services performed or to be performed by him for the Government, or in respect of expenses or allowances connected with any such services.

Mr. MILLS—On Friday next—An Address to his Excellency the Governor-General for all correspondence between the Government of Canada and the government of any of the Provinces, relating to the appointment of Queen's Counsel, and also for any opinion upon the subject expressed by the law officers of

the Crown in England, which may have been communicated to the Government.

Mr. MERCIER—On Friday next—An Address to His Excellency the Governor-General for copies of all documents produced, records and judgments in a case in which judgment was rendered by the Supreme Court of New Brunswick on the 12th of February last, respecting the constitutionality of the Act respecting the Common Schools of New Brunswick, passed by the Legislature of that province in 1871.

Hon. Mr. MITCHELL—On Friday next—Committee of the Whole to consider the following resolution:—That it is expedient to make better provision and to amend the law respecting the storage of dangerous goods in ships.

Mr. HORTON—On Friday next—An enquiry of the Ministry whether the Government intend to ask an appropriation for opening the harbour and completing the works at Goderich.

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HOUSE OF COMMONS

Thursday, March 13, 1873

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

Prayers

PETITIONS

Hon. Mr. CAUCHON presented a petition from Mr. Gagy against Chief Justice Duval, of Quebec, calling for his removal from the Bench. In course of conversation respecting the nature of the petition.

Hon. Sir JOHN A. MACDONALD suggested to the leader of the Opposition the propriety of appointing a Committee to examine petitions before their presentation, as in England.

Several petitions were presented for the Prohibitory Liquor Law.

Mr. LANTIER presented a petition from Hon. Isaac Buchanan and others, of the City of Hamilton interested in the trade and navigation of the St. Lawrence, praying for the construction of a canal on the North Shore of the St. Lawrence from the Cascades to Coteau Landing.

By **Hon. Mr. MACKENZIE**, from William Kittson, of Baddeck, Nova Scotia, complaining of an injustice in reference to a mail contract and praying for an investigation.

Petitions praying for the continuance of the Insolvency laws, and for the passage of an Act to prohibit the sale of intoxicating liquors were also presented.

On the order for reading and presenting petitions, Mr. Speaker ruled that the petition of Sir Hugh Allan and others for the construction of a canal on the North Shore of the St. Lawrence was out of order, and could not be received.

Hon. Sir JOHN A. MACDONALD presented the report of the Committee to strike the Select Standing Committees, recommending that the following gentlemen compose the Select Standing Committee of Privileges and Elections, viz: Messrs. Anglin, Blake, Blanchet, Cameron (Cardwell), Cameron (Huron South), Campbell, Carter, Colby, Dorion (Napierville), Dormer, Edgar, Gendron, Grove, Holton, Kirkpatrick, Laflamme, Macdonald (Hon. Sir John A.), McDonald (Pictou), McDonald (Antigonish), McDougall, Mills, O'Connor, Palmer, Richards (Leeds South), Scatcherd.

Hon. Sir JOHN A. MACDONALD moved that the Committee's report be adopted.—Carried.

* * *

REPORTS

Hon. Mr. LANGEVIN laid on the table the report of Public Works.

Hon. Mr. TILLEY presented the Public Accounts.

Hon. Mr. TUPPER laid on the table the Trade and Navigation Returns.

Hon. Mr. LANGEVIN submitted the return to an address containing the charter of the Canadian Pacific Railway, and all correspondence relating to it.

Hon. Mr. MACKENZIE asked if the correspondence included that with reference to the defunct companies.

Hon. Sir JOHN A. MACDONALD said that the correspondence has been addressed to himself personally and not to the Government, but that if it were desired he would consider it as moved for, and submitted to the House.

Hon. Mr. MACKENZIE was content with this arrangement. He asked the Premier to move that the return be printed, as the printing Committee could not be struck for some days.

Hon. Sir JOHN A. MACDONALD moved that the return be printed.—Carried.

* * *

THE CONTESTED ELECTION OF RENFREW SOUTH

Hon. Mr. BLAKE rose to call the attention of the House as a matter of privilege, to the Renfrew South election case. He reminded the House that the position taken by the gentleman on his side of the House was that the House should not be made the theatre for the investigation of disputed facts, and he did not intend to depart from that position in this case. He proposed to proceed, as in the Essex Lotbinière cases, and the Shefford election. In these cases, upon the allegations of improper conduct on the part of the returning officer, the House deal with the matter by an investigation.

He (Hon. Mr. Blake) proceeded to state the facts of the Renfrew case. Anterior to Confederation Renfrew had but one member; by the Confederation Act the county was divided and allowed two members, and the townships of Hagarty, Richards, Sherwood, Burns, and Jones, form part of the north riding. At the first election after Confederation the electors in those townships enjoyed the ordinary franchise. Last session an Act was passed to readjust the representation in Ontario. That measure passed the Commons, and was sent to the Senate. In the Senate this measure, affecting the representation of the people and the distribution of political power in the Commons, was altered at the instance of the Government, by an amendment moved by the Postmaster General to transfer the townships of Hargarty, Richards, Sherwood, Burns, and Jones from the North to the South Riding of Renfrew. The members, with that addition, came back to the Commons in the last days of the session. They all knew that particularly in the first days of the session there was practically but one stage for the discussion of the amendments from the Senate. Under these circumstances the amendment was acceded to by the Commons.

There was passing in the House at the time an Act to amend the Interim Elections Act and the fourth section of that Act provided that those townships that were transferred to the South Riding should have the same franchise as the electoral districts of Algoma, viz: every person entitled to vote should be of the age of 21 years, subjects of Her Majesty, and being at the time of voting owners or householders of real estate to the value of \$100, and should have been such six months preceding the election. Further, the Act was so changed that no oath was required from the voters in those townships, although there was not the protection of the voters' list. The next step anterior to the election was the appointment of the returning officer. He had excellent authority for saying—and he challenged contradiction of the allegation—that as a general rule the mode in which that patronage was exercised, at any rate in Ontario, was by communicating with the Ministerial candidate or some of his leading supporters, and ascertaining who would be a suitable person, in their view, for the returning officer: Practically placing the appointment in the hands of the Ministerial candidate or his chief supporters. He could cite instances, if hon. gentlemen desired them, and could call on Ministerial supporters in the House to say whether he was correct in these instances.

The gentleman who was nominated to the position of returning officer in the county of Renfrew was John Quealy. He happened to be one of the census commissioners for the district of Nipissing, which comprised those townships which had been added to South Renfrew. He was therefore aware of the facts which had been disclosed by the census, with reference to the population in those townships; fact which he would now lay before the House. In the districts of East Madawaska and Bonnechere, which comprised besides these five townships five or six other townships, and also a considerable portion of territory as yet unorganized, there were only 178 families, 194 male adults, and, a total population of 836.

The returning officer in discharge of his duties was called upon to determine as to the polling divisions in each of the townships of

Hagarty and Sherwood. He assumed to make two polling divisions. There was but one division for both Richards and Burns combined, and one for the township of Jones. In Hagarty and Sherwood, although there were processed polling divisions, there was no division of the territory indicated in any way by the returning officer, so that the deputy returning officer at any polling divisions could not reject any vote tendered in the whole townships of Hagarty and Sherwood. He assumed to make two polling divisions. There was but one division for both Richards and Burns combined, and one for the township of Jones. In Hagarty and Sherwood, although there were processed polling divisions, there was no division of the territory indicated in any way by the returning officer at any polling divisions could not reject any vote tendered in the whole townships of Hagarty or Sherwood. These facts appeared from the proclamation amongst the papers brought down to the House.

The hon. gentleman went on to refer in detail to the polling of votes in the townships of Richards, Burns, Jones, Hagarty, and Sherwood. The total number of votes polled was 414—406 for the sitting member and 8 for Mr. McDougall—being more than twice the number of male adults. In this enormous territory the total number of male adults was 194. He proceeded to quote statistics, which showed that the votes polled in certain townships were very greatly in excess of the adult male population.

He stated that he was able to lay before the House as a ground for investigation certain further facts. He need hardly inform the House that the electors had to be qualified six months before the election. The census was taken in April, 1871, and the electors would have to qualify themselves by the 1st of March, 1872, which left eleven months for the extraordinary increase in population. The census had been very carefully taken, and it was quite obvious that for all practical purposes they might take the vote to have been that which was indicated by the census. He was able to lay before the House figures which would inevitably lead to that conclusion.

Finding that a very large accession was being made to the population of these townships, the Government caused an investigation to be made in the month of June last. The result of this official examination was that in Hagarty the male and female population in actual occupation of lands for 71, non-residents 11—total 82; but the votes were 267, or more than three times the number. These were the figures of the Crown Lands Agents; but there was another document, the result of which was similar to the one he had referred to. It was that of Mr. Allan, Provisional Land Surveyor. Now, he need hardly say that all the occupants and owners could not and did not vote. Such a thing was impossible and unprecedented. Even if they did vote, men, women, and children, it would be found that the number of votes that were recorded was three times greater than the number of the total population.

He thought he had shown, with reference to the township of Hagarty, by the census they had before them, and by the papers he had referred to, that there was very strong ground for believing that

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very gross frauds had been committed in the polling of that township.

The Madawaska Division composed a good deal more territory. Through this section of country ran the road called the Opeongo Line, which had been constructed for the purpose of inducing settlement. This had to a certain extent been achieved. The division consisted of the townships of Jones, Robinson, and several others. In the whole of the division, there were, according to census returns 96 families; total population 459; male adults 125; but there voted in Sherwood, three-quarters of which township were within the division, 124; in Jones, 17; the total, 141, being in excess of the total number of male adults of Madawaska. The official investigation made by the Crown Land Agent showed that the occupants in Sherwood were 41 and non-residents 4, making a total of 45 voters, whilst the vote was 124. The investigations of Mr. Allan produce a like result.

So far, he (Hon. Mr. Blake) had given evidence enough to show that gross frauds had been committed and inasmuch as the returning office acted as Census Commissioner, it appeared that a very strong case was made out against him. Some of the lands upon which votes had been given could not be found in the survey. He next pointed out the arithmetical progression noticeable in the record of voters, which led to the supposition that a fraud had been perpetrated.

There was, however, another indication of the concoction of polling booths, which he desired to refer to. He read the names on the poll books, which he observed were absurd. It appeared to him that upon the petition of those individuals who complained of such results as he had referred to, and which complaints he had supported by the facts which he had laid before the House, that there was reason to believe that the petition was founded on facts.

There was ample ground for believing there had been very gross and flagrant violation of the privileges of the House and the rights and freedom of electors. That there had been a taking of false votes at this poll to an enormous extent he did not ask the House to say, but he did ask the House to investigate the matters he had brought forward, as the interests of the people in the House required that such things should not occur without steps being taken for a full investigation in order that those guilty of the commission of the wrong might receive deserved punishment. If an investigation were not made, a premium would be held out to deputy-returning officers and poll clerks to neglect their duty and commit other irregularities. It was to the interest of the country that no such violation of duty should take place without an earnest investigation and summary punishment.

The summoning of the returning officer and deputy-returning officer to the bar of the House was a course that had certain advantages. In his motion he would not propose any course, but would be willing to adopt any mode that might be suggested as most convenient by the hon. gentleman opposite. In his opinion, more advantages were to be obtained by bringing the officers before

the House rather than the reference of the matter to an Election Committee, and that the former course would more than counterbalance any inconvenience possible by the stopping for the time of the public business.

He did not desire to infer that the hon. gentleman who was then sitting for the South Riding of Renfrew (Mr. O'Reilly) had been implicated in the frauds of which he had given evidence. He had not heard or seen any evidence which, up to that time, would justify him to come to the conclusion that the hon. gentleman was cognizant of the frauds. He did not, consequently, desire to insinuate a charge which he was not in a position openly to make. He dared say that the notoriety this case had assumed, and the interest it had awakened in Ontario, induced the hon. gentleman to take his seat under the peculiar circumstances; but he (Hon. Mr. Blake) desired to make this observation, that although that consideration might have justified the hon. gentleman in taking his seat, as soon as he became cognizant of the facts developed this afternoon if he endeavoured or assumed to retain his seat he proclaims himself a participator in the guilt (*Hear, hear*).

He begged to move the following motion:—"That the petition of the Hon. Sir John A. Macdonald, and others, complaining of the conduct of the returning officer and several deputy-returning officers concerned in the last election for Renfrew South be referred to the Committee on Privileges and Elections with instructions to report their opinions thereon, and the evidence taken by them".

Hon. Mr. CAMERON (Cardwell) said the terms of the petition made it such that it ought to be tried under the controverted elections law, and the returning officer was entitled under that law to be present at the striking of the Committee for the trying of such cases, and have his expenses paid. According to that petition there was not the slightest doubt in the world that the election was complained of as undue, and must be set aside.

He was glad the hon. gentleman had made the observations he had seen fit to make in connection with the hon. gentleman who was the sitting member for Renfrew South (Mr. O'Reilly). He (Hon. Mr. Cameron) was prepared to say on behalf of the hon. gentleman that he would not sit in this House for a single moment if he were not satisfied that he occupied it legally. The Controverted Election Act, he said, declares that no petition shall be received which complains of any misconduct on the part of the returning officer without having the recognizances attached and the nature of those recognizances declared. Hon. members must know that those recognizances provided not only for the payment of the expenses which any person called upon to defend anything complained of in the petition may cause, not merely the witnesses in the case, but any person whose conduct may be necessary to defend, and the returning officer had also to be present and offer any valid objection he might have in the striking of the Committee for examining the case.

Not merely was this the fact, but the recognizances had to be put in before the Select Committee, and certain protection had to be

given to the returning officer. The general Committee had no power to enter into an investigation. He contended that the petition was a petition against the returning officer, not affecting the privileges of the House, and could not therefore be sent before a Committee that was not sworn. In support of this, he quoted English precedent. If it were true that, as he held it was, the meaning which the hon. gentleman opposite had put upon the petition, the complaint was of an undue election. The returning officer, as he had already said, had a right to be present at the striking of the Committee.

He raised a question of order, and contended, there being an election petition, it should not be presented to the House before 14 days have expired subsequent to a notice being served on the returning officer to attend, as provided by the statute.

Hon. Mr. BLAKE said the hon. gentleman had been referring to the reception of the petition, but the petition had been received.

Hon. Mr. CAMERON (Cardwell): It cannot be by law.

Hon. Mr. BLAKE said that if it had been received improperly the proper course for the hon. gentleman to take would be to move that the proceedings be rescinded; but the course taken by the hon. gentleman was extremely peculiar. It was entirely indifferent to him (Hon. Mr. Blake) whether he moved that this petition be referred to a committee or that the poll books be referred. Had the gentleman taken exception to the reception of the petition the other day, that question would have been properly discussed upon the motion for its reception; and had the House been pleased to reject the petition it would not in the slightest degree have interfered with the motion which he could make according to the practice of the House. He referred to the proceedings in the Essex and Lotbinière case as an illustration of his remarks.

Hon. Mr. CAMERON (Cardwell) held that no election petition could, under the statute, be received by the House.

Mr. EDGAR referred to the case in England in 1831, in connection with the Derby election. In this case a petition had been presented complaining of an undue return, but it was thrown out. Another petition, complaining of frauds on the part of a returning officer, was received and referred to a special committee for investigation. In the debate, Lord John Russell and Mr. Walpole and others, took the ground that the jurisdiction of the House to act in such matters was not taken away by the Grenville Act. This petition was similar to the case now under consideration, as he showed by reading both and comparing them. He cited the opinions of Lord John Russell in favour of the reference to a Committee of such petition.

Hon. Mr. CAMERON (Cardwell) said the petition was referred in that case under a special statute, which did not exist here.

Hon. Mr. BLAKE: What of that?

Mr. EDGAR said that in the debate in reference to the petition, the ground taken was that the House had an inherent and inalienable right to order the investigation of questions of this kind.

Mr. BERGIN observed that in 1858 the government had the power to appoint returning officer, and, in every case complained of, these returning officers had returned the candidates favourable to the Ministry. He referred to several of these cases, and expressed the hope that a law would be passed this session which would prevent such frauds in future.

He had a strong regard for the sitting member for Renfrew South (Mr. O'Reilly) and he did not believe that he had any connection with the alleged frauds. He contended that it was not right to reject the motion on a mere technical point, especially as it could be brought up in another form.

Mr. JOLY said the question was, had the House the right to deal with the conduct of its returning officers, and if so was this a case in which it should exercise it? He held the affirmative in both cases. The list of orders itself was evidence enough for the House to demand an investigation. He read over the list of names, which were of Polish and Russian stamp, much to the amusement of the House.

Mr. BLAIN held that whether the petition was referred or not, the House had a right to order an investigation. There was evidence enough before the House to justify the investigation.

Hon. Sir JOHN A. MACDONALD said that gentlemen were wrong in discussing the merits of the question after the point of order was raised. That point alone should be discussed until it was decided by Mr. Speaker. He went on to argue that if the petition was received contrary to law, the House would at once rule that. It was of great importance that the practice of Parliament should be preserved, but it was of still greater importance that the law of the land should be infringed upon.

Under the law, as stated by the member of Cardwell (Hon. Mr. Cameron) the motion of the gentleman opposite would not only be in direct contravention of the practice of Parliament, but it would be in direct opposition to the statutory law of the land. No parliamentary practice could override the statute. He agreed with the opinion of the hon. member for Cardwell, and if the reception of the petition was contrary to practice, he thought the House must also coincide with that opinion.

On the other hand he had no personal objection, nor did he suppose there was any objection on the score of parliamentary practice, to the course which his hon. friend opposite had intimated he was to take. It would be a mere question of expenditure.

There was a great deal to be said on both sides. On one side his friend opposite could say that there was the precedent afforded the House by the Government in the Peterborough election case; and why, he might ask was not the same course to be taken in this also? On the other hand, it could be argued that the House was by the motion of the hon. gentleman opposite asked to pronounce judgment on the case of the returning officer, before he had been awarded an opportunity of stating his case.

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With regard to what had been said by an hon. gentleman to the effect that it was a clear case of fraud, he would like to point out the difficulty which would arise in the case if that same gentleman were appointed a member of the Committee for trying that case. How could the hon. gentleman try the merits of the case, when he had confessed himself already prejudiced concerning it? That was the very objection to bringing these matters before the House, whereby any injustice might be done to any of the parties interested.

Tuesday next was the fourteenth day of the meeting of this House, and before that date any election petition, at least as far as the provinces of Ontario and Quebec were concerned, could not be introduced. He could not say whether or not a petition was going to be presented concerning the Renfrew South case, but from what he had heard stated he supposed it at least likely. After the date referred to the enquiry into the conduct, not only of the returning officer, but of the deputies, poll clerks, and even the electors, could, if necessary, be fully enquired into, and it would be the duty of the Committee to bring these persons before them, reporting to this House their opinion of the conduct of the returning officer. The House would then be in a position to act judicially and not upon a mere *ex parte* statements.

He thought it would be the duty of the Speaker to rule the motion out of order, and then it would be for his hon. friend to follow up that decision with the motion he had intimated he would move in such an event. He had himself not the slightest doubt the hon. member for Renfrew South conscientiously considered himself duly elected, and he (Hon. Sir John A. Macdonald) was equally certain that if there were any error, irregularity, or fraud in the matter, that gentleman had no part in them. If the rules of the House would allow it, he had no doubt his hon. friend, the member for Renfrew South would give his personal assurance to that effect.

Hon. Mr. BLAKE said the rules of the House did allow the hon. gentleman to make such a statement.

Hon. Sir JOHN A. MACDONALD said he could make a personal explanation.

Hon. Mr. MACKENZIE: It would be much better to make the explanation personally than through deputy. (*Hear, hear, and laughter.*)

Hon. Sir JOHN A. MACDONALD: I am merely copying the hon. gentleman's bad example. He went on to say that the case before the House was whether the motion was in order or not. He did not think that the motive which induced the mover to introduce the motion was otherwise than good, but if the petition was illegal, and he held that it was, they must have a more pressing case before them or they could violate the established practice and take the matter into their own hands. (*Hear, hear.*)

Hon. Mr. HUNTINGTON said the question before the House was a simple one. He did not see how it was possible for the Speaker now to say that the petition could not be received after it had in reality already been. If it had been illegally received it was

for the House to say so, and not leave the responsibility of the action upon the Speaker's shoulders. It had been rendered perfectly clear by reference to the census that the total male population did not exceed forty, and he had not heard of any special immigration to the quarter from Russia or any other quarter that would be likely to supply a list of names similar to that they had just had the pleasure of listening to. (*Laughter.*)

He did not think that the hon. Premier was justified in saying there was anything unfair or unpatriotic in the hon. gentleman having expressed a doubt as to the correctness of the conduct of any particular returning officer. He dwelt on the extraordinary length of time which the matter would take in being adjusted when put into the hands of an Election Committee. The hon. member for Cardwell (Hon. Mr. Cameron) had said that the petition was an assertion of an undue return, and therefore must be referred to an Election Committee. On the other hand he contended that it was a petition of parties who desired to set certain facts before the House, and upon those facts they claimed an investigation, so that the return might be amended.

If this motion were ruled out of order because the petition upon which it was founded was a petition against frauds and undue return, by the same quibble every question of privilege brought before the House might be ruled out of order. The petition, he asserted, was not an election petition, and if it were its being received already made it necessary for the House to declare its illegality. He could not concur in the expression of regret that the conduct of the returning officer should be made the subject of comment, and proceeded to say the circumstances fully justified that this should be done.

The SPEAKER called the hon. gentleman to order.

Hon. Mr. HUNTINGTON said he was ready to submit to the ruling of the Hon. Speaker in this matter, but he merely wished to state his belief that the evidence before the House was sufficient to show that the suspicion was not altogether unfounded; and he thought this House should show the country that the strong arm of the law would be used to protect its privileges against the audacity of a returning officer, without reference at all to the interests of the party. (*Cheers.*)

The SPEAKER stated that it was not necessary for him to enter into the merits of the case, but he had to state his opinion upon the question raised as to whether the House had jurisdiction over the questions involved in this petition or not.

In his opinion the petition was an election petition. It complained of undue election. Hon. members had only to read it to see that the whole election, in regard to certain townships at all events, was complained of. That being the case, the reference of that petition to any committee other than the committee appointed by the statute, was an illegal course to pursue. In his opinion the law protected hon. members in their seats, and required as condition before the right to sit could be challenged that security should be given to answer for all the costs that might ensue during the trial of the

controverted election. That security had not been given in this case; and therefore, though the petition clearly complained of an undue election, it had not the condition required by the statute of recognizances to answer the costs that might be incurred by the sitting member if he obtained the seat after the investigation. It was not, therefore, a legal question. It was one in which the House could not act, and upon which in his judgment they could not found any motion whatever.

The case that was cited by the hon. member for Monck (Mr. Edgar) afforded, he thought, a precedent the other way. That case was summed up, and presented in a more readable shape in Warren who stated that the petition was ruled out by Mr. Speaker because it was an election petition. It prayed the House to institute a full and searching inquiry into the allegations contained therein in reference to the last election for the borough of Derby. The Speaker having pronounced that to be a petition containing allegations complaining of undue return, and consequently coming within the meaning of an election petition, and as it was not endorsed, as required by the statute, with security for costs, it could not be received, and no motion founded on it could be entertained.

It was true that in this case the petition had been received, but it had been improperly received. He deemed it his duty to have called the attention of the House yesterday to this petition, and had not his attention been called from it at the time, he should have done so, but surely an omission to notice a serious defect in the petition such as the absence of recognizances and affidavits of suretyship could not now place that petition upon the footing of a legal petition, upon which ground work the motion or other proceedings could be built.

In the case referred to by the hon. member for Monck (Mr. Edgar) there was another petition presented afterwards which was free from the objection of being an election petition—that part of it which complained against the election being struck off and consequently it was entertained by the House, but evidently with much doubt and hesitation; for Warren went so far as to say that in acting upon this second petition there was danger of a bad precedent being established.

It was not for him to say now how far the House had jurisdiction. He had only to say that on this petition, as it stood, he thought the House could not proceed in the case referred to by the member for Monck (Mr. Edgar). The House had jurisdiction, because the question was one of bribery, and jurisdiction in such cases was specially reserved by Act of Parliament. In his opinion the petition, being an election petition and not having been accompanied with the required security to answer for costs, was void and could not be made the ground work for a motion.

Hon. Mr. BLAKE said of course he bowed to the decision of the Chair. He then moved that the poll books and other papers transmitted by the returning officer connected with the polling in the townships of Hagarty and Sherwood be referred to the Select Standing committee on Privileges and Elections, with instructions to report their opinion as to the conduct of the returning officer and

deputy returning officers and poll clerks in those townships, and also the evidence taken by the Committee.

Hon. Sir JOHN A. MACDONALD assented to the motion, and it was carried.

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BRIGADE DRILL

Mr. HIGINBOTHAM asked whether it is the intention of the government to form camps of brigade drill during the present season.

Hon. Mr. LANGEVIN said the question was under consideration.

* * *

REMUNERATION OF POSTMASTERS

Mr. HIGINBOTHAM asked whether it is the intention of the government to introduce a measure during the present session for the better remuneration of postmasters in country places.

Hon. Sir JOHN A. MACDONALD: It is not the intention of the government to introduce such a measure.

* * *

BANKING ACT

Mr. CARTWRIGHT asked whether it is the intention of the government to introduce any amendment to the Banking Act during the current session.

Hon. Mr. TILLEY said a notice was on the paper for an amendment to that Act.

* * *

CAPE BRETON CANAL

Mr. MACKAY asked whether the government intends to take any steps to construct a canal connecting the waters of East Bay, in Cape Breton Island, with those of Sydney River, so as to make the navigation of the Bras d'Or Lake beneficial to the shipping and other interests of the Dominion; also whether the Government intended to widen St. Peter's Canal, connecting the Atlantic with the Bras d'Or Lake, so as to utilize it for the passage of vessels of larger size than it now admits.

Hon. Mr. LANGEVIN said that during the recess, the Government, as promised to Parliament, had caused surveys to be made and the reports of those surveys had been made to the Department during February. In connection with that work they had to consider the question as to the enlargement of St. Peter's Canal, which formed the subject of the question. The Department gave instructions last November to have surveys and estimates made

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upon that work. The reports of the survey had not yet reached the Department, and therefore, he could not say more than this at present.

* * *

INDIAN LETTERS PATENT

Mr. FLEMING moved for a return of the number of Indians in the different counties of the Dominion, to whom letters patent have been issued, granting a life estate in the lands allotted them, with the number of acres apportioned to each. He said his object in making this motion was to get information as to the working of the Act for the gradual enfranchisement of the Indians. In Brant the general impression was that the Act had been inoperative, and he wished to know how it had worked in other parts of the Dominion.

Hon. Mr. HOWE had no objection to the motion.

Mr. THOMPSON (Haldimand) thought the whole Indian Department needed remodelling.

The motion carried.

* * *

WELLAND CANAL

Hon. Mr. MACKENZIE moved for copies of tenders for the work on the Welland Canal showing the tenders, also, which were withdrawn with the consent of the Department, with the names of the sureties and all correspondence regarding such tenders.—Carried.

The House then adjourned at six o'clock.

* * *

NOTICES OF MOTION

Mr. COOK—On Wednesday—An enquiry whether the building heretofore used as a branch Lunatic Asylum in the village of Orillia is the property of the Local or Dominion Government. If the property of the Dominion, whether owned wholly or partially by the Government. If partially, what is the nature of the claim against it, and what is the ultimate intention of the Government in regard to the disposal of such building.

Mr. COOK—On Wednesday—An enquiry whether there is any scheme under the consideration of the Government for the purpose of connecting the waters of Lake Huron and Lake Ontario, as formerly entertained, under the designations of the Huron and Ontario Ship Canal.

Mr. GILLIES—On Monday—An enquiry whether the Government intends to make an appropriation during the present session for the purpose of repairing and improving the piers and harbours on the lake shore in the county of Bruce, north of Goderich.

Mr. EDGAR—On Monday—An enquiry whether the Government proposed to introduce during the session any measure to provide for the constitution and organization of a General Court of Appeal for Canada.

Mr. EDGAR—On Monday—An order of the House for a statement showing the occasions on which leave of absence has been granted to the Deputy Adjutant-General of Militia and other salaried staff officers of militia since the 1st October 1868, and showing also the duration of absence from duty on such occasions.

Mr. FINDLAY—On Monday—Enquiry whether the Government has caused a survey to be made of the location, and a report of probable cost, of a canal in the Culbute rapids, in the Ottawa River for which a grant was made at the last session of this House, and if so, what is the amount of the estimated cost, whether any contract has been entered into for the construction of the same; and whether the Government has caused a survey and report to be made of the channel on the south side of the Allumette Island, with the view of locating the said canal in the most advantageous position for the public interest and if so, what is the estimated relative cost of the two routes.

Mr. YOUNG (Waterloo South)—On Monday—An address for all Orders in Council, correspondence, or other documents relating to the suit recently brought against the Government with their consent by the Parliamentary and Departmental Printer, and also, all Orders in Council, correspondence, or other documents relating to the advance of public money made to the said contractor, prior to the late elections or since, with a statement of the security, if any, held by the Government, that such advance will be repaid.

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HOUSE OF COMMONS

Friday, March 14, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

PETITIONS

Several petitions were presented in favour of a prohibitory liquor law.

Among the various petitions received was one praying for the incorporation of the North Star Silver Mining Company.—By **Hon. Mr. CARLING**.

* * *

NAVIGATION OF STREAMS AND RIVERS

Mr. CARTWRIGHT moved, seconded by **Hon. Mr. CARLING**, for leave to introduce a bill for the better protection of navigable streams and rivers. —Carried.

The bill was read a first time.

* * *

THE BALLOT

Mr. TREMBLAY moved for leave to introduce a bill providing for taking the poll at elections by ballot.

The bill was read a first time.

* * *

THE RAILWAY ACT

Mr. MERCIER introduced a bill to amend the Railway Act providing a penalty in the case of agents who failed to announce each half-hour at their respective sections the time at which delayed trains should arrive.

The bill was read a first time.

* * *

THE FREE LIST

Hon. Mr. TILLEY presented a list of articles used in Canadian manufactures which had been placed on the free list by an Order-in-Council.

OCEAN POSTAL SERVICE

Hon. Mr. TUPPER presented the agreement made with Sir Hugh Allan for the carriage of ocean mails.

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STANDING COMMITTEES

Hon. Sir JOHN A. MACDONALD presented the second report of the Committee appointed to strike Standing Committees, naming members to serve on the Committee relating to public orders.

The report was concurred in.

* * *

MAIL CONTRACT

Hon. Mr. MACKENZIE enquired with reference to the return laid on the table by the Minister of Public Works if the Government intended to ask the sanction of the House in the matter he referred to, viz:—the Mail Contract.

Hon. Sir JOHN A. MACDONALD said that the return had been submitted and laid on the table.

Hon. Mr. MACKENZIE asked if the contract had already been concluded, or if the Government intended to bring in a Bill regarding it, as it was formerly the practice.

Hon. Sir JOHN A. MACDONALD said if the hon. gentleman would renew his question on Monday he would be able to answer him.

* * *

PORT WARDENS

Hon. Mr. MITCHELL moved that House go into Committee of the Whole to consider the following resolution: “That it is expedient to amend the Acts relating to the port wardens at Montreal and Quebec, by making better provisions for preventing vessels laden with grain from leaving either of the said ports without a proper certificate from the port wardens.” He informed the House that he had not moved the two previous resolutions, as they were intimately connected with the one before the House, and after this one had been considered he would submit the others.

The experience of the past few years showed the necessity of a more strict supervision of vessels before leaving the ports of Quebec and Montreal for Europe and other portions of the world. The Bill would not interfere with the lake or river navigation of Canada, only with the trading or grain vessels going to Europe or seaward from the St. Lawrence. The past season had proved the necessity of making a stricter supervision of vessels, in order that the occurrence of marine disasters now so frequent should be prevented. Within the last six or eight weeks a number of grain-laden steamers had been lost, it might be from the extra violence of the seas, but he believed from the want of the exercise of that supervision that the Bill would provide for.

The Bill was simple in its character, and contained but few provisions. The most important one was, that before any vessel proceeded to sea it would be surveyed by a port warden, whose duty it would be to examine and see that the vessel was properly laden, and that proper measures were taken for the prevention of the shifting of the cargo. A certificate of this would be given to a master of the vessel, who would have to show it to the Customs officer. The character of the clauses with regard to the two ports, Montreal and Quebec, was explained. It was proposed to increase the penalties; those enforced having been found insufficient to deter owners or masters of vessels from clearing without the cargoes being properly secured.

One of the principal difficulties which had been experienced had been the fact that the grain business of Montreal, with that of New York and the more Southern ports, had been carried on in bulk. At the ports of New York, Baltimore, and Philadelphia, it was required that all cargoes of grain should be shipped in bags.

The Bill under consideration was a measure which would recommend itself to all the members of the House, both from a commercial point of view and from the fact that it would decrease the number of casualties, at the present time too frequent. He would then move the adoption of the resolution. Should any objection be raised to any of its provisions he would be glad at all times to receive any suggestions for its amendment.

He would take the opportunity of saying, on this the first time he had the privilege of addressing the House in his capacity of Ministry of the Crown, sitting in this House, to state for the information of hon. gentlemen that he would be glad to receive suggestions at all times on questions of public interest in connection with the Department with which he was connected, which would receive the full consideration to which they were entitled.

Mr. COFFIN said the shipowner ought himself to be the best judge of the proper mode of loading his own ship. He did not think that the losses of vessels during the last year were any greater than the average for the last 20 years, and he was of opinion that there was nothing in connection with the custom calling for special legislation. Shipping was already sufficiently surrounded with difficulties thrown in its way by legislation regarding the matter of

loading and everything connected with it. He thought the whole matter should be left to the Insurance Companies to deal with, and if they choose to ensure bad risks let them do so. He therefore thought that any such legislation as that proposed was premature and uncalled for.

Hon. Mr. YOUNG (Montreal West) was very glad that this Bill had been introduced. There was only one opinion among the people of Montreal as to the necessity of such a measure. The unanimous voice of the Dominion Board of Trade was in favour of vesting the Port Wardens with the power of regulating the loading of vessels. He was of the opinion that the losses of last year were clearly attributable to the manner of loading ships.

There was not merely a matter of interest to the merchant and the shipowner, it was also a matter of vast importance to the farmer. There could be no doubt that to the increasing risk upon ships' cargoes was attributable the increase in the rate of business. He proclaimed himself entirely in support of this Bill, and would do everything he could to make it complete and practicable when its provisions were submitted to the House in detail. He believed it would be most advantageous to the whole Dominion.

The resolution was carried unanimously, and the Committee rose and reported progress. The report was received and adopted.

A bill was introduced and read a first time.

On motion of **Hon. Mr. MITCHELL**, the House then went into Committee of the Whole on the resolution declaring it expedient to make better provision for keeping good order on board passenger steamers registered in Canada.

He said the resolution before the House was founded upon the Imperial Statute regulating the carriage of passengers upon steamers. It was the experience in this country, with its very large and extending steam passenger traffic, that very great difficulty occurred in dealing with drunken and disorderly persons on board, and persons refusing to obey the orders of the Captain and officers. It was proposed that any person being drunk or disorderly, or refusing to obey orders or failing to produce a ticket or receipt when desired by the proper officers, or failing to pay their fare in case they do not present such ticket or receipt, should be put on shore at the first place suitable for so doing.

It also provided that any person having paid his fare and the vessel being unable from want of room to take or keep him on board, and he refuses to leave the ship when he has had his fare tendered to him shall be forcibly expelled at the first place suitable. These, in a few words, were the principal features of the Bill and he hoped the House would do their utmost to pass such a law, and would enable the officers of ships to maintain order on board their vessels. He begged to submit his resolution.

Hon. Mr. MACKENZIE said, of course he would not criticize the measure until the Bill was before the House.

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The Committee then rose and reported the resolution without amendment, and the report was received.

Hon. Mr. MITCHELL introduced a Bill founded on the resolution, which was read a first time.

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HALIFAX HARBOUR MASTER

Hon. Mr. MITCHELL moved the House into Committee of the Whole on a resolution declaring it expedient to amend the Act providing for the appointment of a Harbour Master at the port of Halifax. **Hon. Mr. CAMPBELL** in the chair. He explained that the object was to give power to the Governor-in-Council to authorize the Harbour Master to impose penalties for breaches of the provisions of the Act to be amended. It was merely to supply a defect in the original Act.

The resolution was adopted, and a bill founded thereon introduced and read a first time.

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DECK LOADS

Hon. Mr. MITCHELL moved the House into Committee of the Whole on a resolution declaring it expedient to provide by law for preventing accidents to vessels sailing from Canadian ports at certain seasons, from the carrying of deck loads, and to impose penalties therefore. **Hon. Mr. CAMPBELL** in the chair. He feared there might be much difference of opinion as to the bill, but personal or party consideration ought not to be allowed to interfere with the passage of a measure so necessary in the interests of humanity. There was the very greatest necessity for a measure such as that he was about to introduce. Very many accidents had occurred from the carrying of deck loads, and the practice had also largely increased the rates of marine insurance.

During the past season forty-nine vessels had been lost, sailing from Quebec, within a period of two months, which, with two exceptions, had carried deck loads. The measure he was about to propose would not be of the very sweeping character of the Deck Law existing in past years. At present, however, ships could carry any amount of deck loads, and the practice greatly increased the loss of life and property.

The provision of the bill was that the vessels sailing from Canada between the 1st of October and the 16th of March should not be allowed to carry above deck any square, round, or other timber. The measure had been framed with the view of causing as little inconvenience to the shipping interest as possible. The measure also provided that no spare spars should be carried except such as were dressed and ready for use. Between the dates of the 16th of March and the first of October the carrying of deck loads would not be interfered with.

With reference to the lumber trade between Canada and the West Indies, the great bulk of that trade was carried on between the first of October and the first of March, at the season when there was the greatest risk to life and property, and though the vessels used in this trade were, as a rule, much smaller than those used in the trade with Europe, it was well known that in very many cases they went to sea with deck loads to a height of seven or eight feet. This was necessarily the cause of an immense loss of life and property, and in the interests of humanity, therefore, he had felt it his duty to include in his proposed measures resolutions affecting the loading of vessels in the West Indies trade also.

The question, however, being a very important one he should ask the House to refer it to a Committee for the purpose of making it as complete as possible, and he need not therefore dwell upon the subject now.

Mr. PALMER thought that in such matters as this it was not expedient as a general rule to hesitate at all, by in the present case the hon. gentleman had made out a case for his bill in the cause of humanity. He thought, however, that they could not lay down rules on this subject by a mere Act of Parliament, and he advocated a proper system of inspection. He avowed that the carrying of deck loads had not necessarily been the cause of the accidents that had occurred, and though he was entirely in favour of there being proper protection of life and property, he thought practical men interested in such matters should not be unnecessarily interfered with.

He urged that these matters should be dealt with by an International Treaty rather than by local legislation. He urged the system of inspection as far preferable to rules laid down by an Act of parliament, and he would not approve of any legislation at all, were it not urged that it was necessary in the cause of humanity, and for the purpose of saving life and property. He would be renowned to his constituents did he not state his views, and unless the bill was amended he would feel it his duty to oppose it.

Mr. COFFIN said that, from his experience with an ordinary built ship, in all cases he would rather take his chance with a timber laden ship with a fair deck load than without one. If the bill was carried that no such loads should be taken, it was merely a question of time before deck loads would be carried under the deck, and then in bad weather there would be no possibility of getting rid of a ship's cargo. The bill seemed to be aimed at wood laden ships going to Europe, but there would be just as much propriety in enacting a law to prevent ships not properly laden with iron coming from the other side.

The time during which it was proposed to restrict the carrying of deck loads was between the 1st of October and the 16th of March. Now the ten days from the 16th to the 25th of March were usually the most dangerous of the whole season, and between the 18th and 25th of September was almost as dangerous, so that the bill to be effective should include these two periods. He considered vessels should not be laden with grain entirely in bulk. During last season in the storm on the Baltic of the 13th of November, more disasters

had occurred than in any storm for the previous century. He had a ship with a deck load in that and all survived, although 120 vessels were lost in the same locality, he thought it unnecessary to interfere in this matter as the vessels sailing from Europe were not usually laden above the rail.

Mr. DOMVILLE was strongly in favour of the resolutions, and thought the best evidence of the danger of carrying deck loads was to be found in the fact that underwriters charged four rates for deck loads. As a rule, vessels for Great Britain were willing to take any load so long as they were insured, and many companies had, in consequence, withdrawn from New Brunswick altogether. Another objection was that in many cases the vessels were insufficiently manned. He hoped that for humanity's sake the resolutions would be adopted.

Hon. Mr. YOUNG (Montreal West) observed that gentlemen of very large experience in such matters, stated at the meeting of the Dominion Board of Trade that fully three-fourths of all marine losses in the fall of the year could be traced directly or indirectly to the practice of carrying deck loads. These losses had increased the rate of insurance so high as to injure the general trade of the country. The St. Lawrence was, he was afraid, getting a bad name in consequence of there not being proper care taken in the way of loading ships. He was therefore entirely in favour of the resolution.

He would add that at the late meeting of the Dominion Board of Trade, gentleman representing St. John had taken a very different view from that taken by the member for St. John in this House. A resolution was unanimously passed against allowing deck loads.

Mr. PALMER: Did that resolution include vessels to the West Indies?

Hon. Mr. YOUNG (Montreal West) said it did not.

Hon. Mr. MITCHELL said the resolution adopted by the St. John Board of Trade was to the effect that until the United States and Canada adopted some common legislation on the subject it was not desirable to place our shipping at a disadvantage as compared with the United States shipping, but the view of the Board was that as soon as a measure of this kind could be passed without placing our shipping at a disadvantage it should be done. He replied to the various objections raised to the measure.

The Committee then rose and reported the resolution without amendment. The report was received.

Hon. Mr. MITCHELL introduced a Bill founded on the resolution, which was read a first time.

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SUPPLY

Hon. Mr. TILLEY gave notice that he would move the House into Committee of Supply on Tuesday next.

PERSONAL EXPLANATION

The orders of the day being called.

Mr. MILLS said he observed in the *Mail* newspaper, the organ of the gentleman opposite, a paragraph which pointed to him as the member referred to by the member for York North (Mr. Dodge) in his speech the other night, in the course of which he, with questionable taste, related a private conversation with a gentleman on this side of the House. He (Mr. Mills) begged to say that he had listened attentively to that hon. gentleman's speech, and he took this occasion to say that if it was intended to apply to him, the statement was untrue, not only as a whole, but in all its details. He had no such conversation with the hon. gentleman. The only conversation he ever had with the hon. member was in presence of the hon. member of Norfolk North (Mr. Charlton). That gentlemen heard the conversation and also the speech of the hon. gentleman, and he would ask him to say whether he had heard him say anything which by implication could be construed to convey any such meaning as that which the hon. member for York North sought to convey to the House.

Mr. CHARLTON said he was present when the conversation between the member for Bothwell (Mr. Mills) and the member for York North (Mr. Dodge) took place, and if the member for Bothwell (Mr. Mills) was the member referred to by the member for North York, that hon. member was labouring under a mistake, as the hon. member for Bothwell did not give utterance to the statement that the member for North York represented he had. He therefore corroborated the statement made by the hon. member for Bothwell.

The SPEAKER thought the subject should not be discussed any further. It was quite proper for the hon. member for Bothwell (Mr. Mills) to call attention to the matter and put himself right but he thought it was not consistent with the position of the House to make the matter a subject of discussion.

Hon. Sir JOHN A. MACDONALD would make one remark. Hon. gentlemen opposite had said that the conversation spoken of was applied to him (Mr. Mills) through his (Hon. Sir John A. Macdonald's) organ. He could only infer that the hon. gentleman referred to the *Mail* newspaper, but he would state once and for all that the *Mail* was not his organ. He was a shareholder to a very small extent, but he took no part in the management or conduct of that newspaper. It was got up by the party of which he was a member in order to some extent to meet the adverse advocacy of the *Globe*. It very ably represented the views of Union and Progress, at least quite as ably as the *Globe* represented the other party. In that and in no other was the *Mail* his newspaper.

Mr. DODGE said he would be the last one in the Chamber, whatever the general characteristics of his past life, (*laughter*) to hurt the feelings of any member of the House, or say anything that should not be said. The remarks to which he had referred were made to him publicly in this Chamber by two members of this

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House. He did not know these gentlemen, and had never spoken to them before, but they very plainly and very clearly stated to him their sentiments and ideas regarding public affairs in a manner which had placed him in a very embarrassing position. It was not to be wondered at that he was very much frightened at hearing such sentiments in a British House of Commons. (*Laughter.*) He would inform these gentlemen that he was not in the custom of having his word doubted. He had not stated any names in referring to the matter.

Mr. MILLS: Hear, hear.

Mr. DODGE continued, and said he could, if necessary, give the names, and would not shrink from an investigation were it demanded.

(*Cries of name, name, and Order.*)

The SPEAKER: I think the hon. gentleman should not continue. I think he has already said enough.

Hon. Mr. MACKENZIE said it was exceedingly desirable that conversations of a private nature should not be repeated in this House.

Mr. DODGE: It was no more private than if a stranger came up to me on the street, and, without any reason, stated to me his opinions upon public affairs. There was nothing confidential about it.

Mr. MILLS: If the hon. gentleman refers to me he states what is not true. (*Hear, hear. Cries of Name, and Order.*)

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PROGRESS OF BUSINESS

Hon. Sir JOHN A. MACDONALD move the adjournment of the House.

Hon. Mr. HOLTON said they ought to clear the order paper. The Session was now nearly two weeks old, and hardly any progress had been made with the public business. If the members of this House wish to attend to the affairs of the country, now, he thought, was the time they ought to proceed with it.

Hon. Mr. MACKENZIE said there was quite a number of notices on the paper which required to be disposed of as soon as possible. There were some of them which would require to be printed before coming under the notice of the Standing Committee and there were motions for the papers relating to important matters, which ought at once to be disposed of.

The papers ordered from the Departments in former years generally never got till a few days before the prorogation.

Hon. Sir JOHN A. MACDONALD said the business could be disposed of in half an hour, and he requests the Speaker not to notice that it was 6 o'clock.

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POSTAL TARIFF

Mr. MERCIER asked whether it was the intention of the Government to propose any change in the postal tariff, abolishing the postage on newspapers.

Hon. Mr. TUPPER: No.

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GODERICH HARBOUR

Mr. HORTON asked whether the Government intended to ask for an appropriation for deepening the harbour and completing the works at Goderich.

Hon. Mr. LANGEVIN said the matter was under the consideration of the Government.

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ELECTION PARTICULARS

Mr. YOUNG (Waterloo South) moved for return of all sums paid to defray the expenses of the late elections for this House in the different electoral divisions throughout the Dominion, showing the returning officers and deputy-returning officers to whom the same was paid, and distinguishing the different services for which allowance was made.

He also moved for a return showing the number of votes polled for each candidate in the different electoral districts during the late general election, and for the total number of votes on the voters lists of each such district, and the population in such constituency as shown by the last census.—Carried.

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SECRET SERVICE

Mr. YOUNG (Waterloo South) moved for a statement showing the amount taken by the Government each year since the Confederation for the purposes of secret service, with the portion thereof actually expended in each year.—Carried.

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INSOLVENCY ACT

Mr. OLIVER—Return of the number of petitions and petitioners up to this date from the various Provinces of this Dominion for and against the repeal of the Insolvency Act of 1864;

and also all the petitions and petitioners praying that the Act may be amended.—Carried.

* * *

ST. PETER'S CANAL

Hon. Mr. Le VESCONTE moved for copies of correspondence with the local engineers relative to the enlargement of the St. Peter's Canal; also for copies of the Order-in-Council relative to the levying of tolls on vessels and boats passing through St. Peter's Canal. He complained of the high rate of toll on the St. Peter's Canal.

Mr. ROSS (Victoria) seconded the motion and corroborated the justice of the complaint of high tolls.

The motion carried.

* * *

HON. WILLIAM McDUGALL

Mr. EDGAR moved for copies of all correspondence had between the Government of the Dominion and the Hon. W. McDougall since the 1st June, 1872, in any way relating to the appointment of the said Hon. W. McDougall to any office or employment under the Government, and copies of all Orders in Council or other documents on the same subject. Also copies of all instructions to the said Hon. Mr. William McDougall from the Government relating to any office, appointment or employment which he now holds or had held under the Government since the 1st June, 1872.—Carried.

Mr. EDGAR moved for a statement in detail, with dates of all sums paid to the Hon. Mr. William McDougall since 1st June 1872, in respect of any services performed or to be performed by him for the Government or in respect of expenses or allowances connected with any such services.

He observed it was generally understood that the gentleman named in the motion was employed in some very important Government commission in England, connected with emigration, with the Pacific Railway, or something else: and as that gentleman had taken a lively interest in the discussion of public affairs during the elections it was supposed there were some reason for his removal to England.

Hon. Sir JOHN A. MACDONALD said the Government will have great pleasure in gratifying the hon. gentleman's laudable object.—Motion carried.

* * *

EX PARTE RENAUD

Mr. MERCIER moved for copies of all documents produced, records, and judgments in a case ex parte Renaud, in which

judgment was rendered by the Supreme Court of New Brunswick on the 12th February last, respecting the constitutionality of the Act respecting the Common Schools Act in New Brunswick, passed by the Legislature of the Province in 1871.—Carried.

The House adjourned at 6.20 p.m.

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NOTICES OF MOTION

Mr. LANTIER—On Monday next—An Address to His Excellency the Governor-General for copies of all deeds, titles, and purchases of land by the Commissioner appointed in virtue of the Act passed in the Legislature of Lower Canada, in the 1st William IV Cap. 21; also of all deeds of convey and of the same lands by the Government to any party.

Mr. FISET—On Monday next—An enquiry whether the surveys in connection with the proposed pier or harbour at Rimouski have been completed, whether the place where this pier will be built has been finally selected; and when the Government intends to begin the work.

Mr. CHISHOLM—On Monday next—An enquiry of Ministry whether it is the intention of the Government in introducing a measure amending the laws relating to the representation of the people in Parliament, to recommend voting by ballot instead of the present mode.

Mr. CHISHOLM—On Monday next—An enquiry of Ministry whether it is the intention of the Government to introduce any measure during the present session for the purpose of diminishing or prohibiting the manufacture and sale of intoxicating liquors.

Mr. BROUSE—On Monday next—An enquiry whether it is the intention of the Government to construct a light house at the Windmill Point, near Prescott, on the River St. Lawrence, and if so what progress, if any, has been made in relation thereto.

Mr. DOULL—On Monday next—An enquiry whether it is the intention of the Government to introduce a Bill this session relating to harbours and harbour masters in the Dominion.

Hon. Mr. TUPPER—On Tuesday next—The House in Committee of the Whole to consider the following resolution:—“That it is expedient to amend and consolidate the laws of the Dominion respecting weights and measures, and to establish an uniform system therefore for all Canada, except only as to the special measures used for certain purposes in the Province of Quebec, and to provide for the inspection of weights and measures, with power to the Governor in Council to make a tariff of fees for such inspection sufficient for carrying the Act into effect.”

Mr. MERRITT—On Monday next—An address in His Excellency the Governor-General for a copy of a report of the late

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Commissioners appointed to consider the different routes for the Welland Canal enlargement; also, of the report of the Chief Engineer thereon.

Mr. CUNNINGHAM—On Monday next—The House in Committee of the Whole to consider the following resolutions:—
1. That by the 31st clause of the Manitoba Act of 1870 it is enacted that one million four hundred thousand acres of the ungranted lands of the Province of Manitoba is appropriated for the benefit of the families of the Half-breed residents, to be divided among the children of the Half-breed heads of the families residing in the said Province at the time of its transfer to Canada. 2. That by the said clause the children of the Half-breed heads of families alone have a right to a share in the distribution of the said one million four hundred thousand acres of land. 3. That in the opinion of this House the Government should strictly abide by the spirit and the letter of the law, and reserve all such lands to be divided among the said children of the Half-breeds, and that any lands that may be granted to such Half-breed heads of families, or to any other old settlers in the Province, to be so granted out of the ungranted Crown lands in the Province.

Mr. BERGIN—On Monday next—Enquiry whether it was not the arrangement at the time of Confederation that any vacancies which might occur in the Senate for Ontario and Quebec should first be filled by selecting gentlemen who were deprived of their seats in the Legislative Council of the late Province of Canada at the time of Confederation.

Mr. BEAUBIEN—On Monday—An address to His Excellency the Governor-General for copies of all reports of the Government engineers on the works which were to have been undertaken by the St. Louis Hydraulic Company between Heron Island in the River St. Lawrence at the foot of the St. Louis Rapids, and the north shore of said river.

Hon. Mr. TILLEY—On Tuesday next, that this House do on Friday next resolve itself into a Committee of the Whole to consider a certain resolution declaring it expedient to amend and consolidate, and to extend to whole Dominion of Canada, the law respecting the inspection of certain staple articles of Canadian produce.

Hon. Mr. HOLTON—On Monday next the address for copies of all correspondence and documents relative to the claims of Mr. G.H. Ryland, which may have passed between that gentleman and the Government since the 1st of September 1868, including the Duke of Buckingham's last despatch on the subject, and the report of the Minister of Justice on the case in full.

Mr. LANGLOIS—On Monday next, the House went into Committee of the Whole to consider the following resolution:—
“That it is expedient to abolish the present modes of proceedings for the nomination of candidates at the elections of members of this House, and to substitute therefore nominations in writing, signed by electors.”

Mr. BERGIN—An enquiry, whether it is the intention of the Government to submit in the estimates for the present year and appropriate a sum for the erection of a Custom-house in the town of Cornwall.

Mr. BERGIN—An enquiry, whether it is the intention of the Government to submit in the estimates for the present year and appropriate a sum for the erection of a post office in the town of Cornwall.

Mr. BERGIN—An enquiry, whether it is the intention of the Government to build a good and sufficient bridge over the north channel of the St. Lawrence at Moulinette, in lieu of the present unsafe and insufficient structure now connecting the main shore with Sheek's Island.

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HOUSE OF COMMONS

Monday, March 17, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

PETITIONS

Several petitions were presented in favour of a prohibitory liquor law.

Hon. Mr. TILLEY presented a petition for the amendment of the postage laws.

Mr. CHISHOLM presented a petition from the Hamilton Board of Trade for the continuance of the Insolvency laws.

Hon. Mr. CARLING presented a petition from the London Board of Trade to the same effect.

Mr. CRAWFORD presented a petition for the incorporation of the Dominion Express Company; also, the petition of the Canada Landed Credit Company, praying for an Act prohibiting the incorporation of any Company with a similar name.

Hon. Mr. CAMERON (Cardwell) presented a petition complaining of an undue election in the county of Peel; also a similar petition as to the North Riding of Wellington.

Mr. LEWIS presented a petition from the electors of Quebec Centre against the return of Hon. Mr. J.E. Cauchon; also, a petition of certain electors of Brockville and Elizabethtown against the return of Col. Buell, and praying that the election may be declared null and void, and Mr. Harry Abbott declared to be entitled to the seat, also, a petition from Mr. Harry Abbott to the same effect.

Hon. Mr. CAUCHON withdrew the petition of Col. Gagy against Chief Justice Duval.

Mr. DORMER presented a petition complaining of an undue election for the East Riding of Durham.

* * *

GENERAL COURT OF APPEAL

Mr. EDGAR asked whether the Government proposed to introduce during the session any measure to provide for the constitution and organization of a General Court of Appeal for Canada.

Hon. Sir JOHN A. MACDONALD said that the subject was now under consideration of the Government.

* * *

CULBUTE RAPIDS CANAL

Mr. FINDLAY asked whether the Government has caused a survey to be made of the location and a report of the probable cost of a canal at the Culbute rapids on the Ottawa River for which a grant was made at the last session of this House; and if so what is the amount of the estimated cost, whether any contract has been entered into for the construction of the same, and whether the Government has caused a survey and report to be made of the channel on the south side of the Allumette Island, with a view of locating the said canal on the most advantageous position for the public interest; and if so, what is the estimated relative cost of the two routes?

Hon. Mr. LANGEVIN said the Government had caused surveys to be made of the canal at Culbute Rapids, and estimated that the cost was \$140,000. No contract had been entered into for the construction of the work and no survey had been made of the channel on the southerly side of the Allumette Island.

* * *

RIMOUSKI HARBOUR

Mr. Fiset asked whether the survey in connection with the proposed pier or harbour at Rimouski has been completed, whether the place where the pier will be built has been finally selected, and at what point, and when the Government intends to begin the works.

Hon. Mr. LANGEVIN said the survey had been completed; the place selected was Father Point; the plans were now being prepared; and the work would be undertaken immediately after they were ready.

* * *

VOTING BY BALLOT

Mr. CHISHOLM asked whether it is the intention of the Government in introducing a measure amending the laws relating to the representation of the people in Parliament, to recommend that voting be by ballot instead of the present mode.

Hon. Sir JOHN A. MACDONALD said he proposed to bring his Bill down next Friday, and his hon. friend would find an answer to his question in it. (*Laughter.*)

* * *

PRESCOTT LIGHTHOUSE

Mr. BROUSE asked whether it is the intention of the Government to construct a lighthouse at Windmill Point, near Prescott, on the River St. Lawrence, and if so what progress, if any, has been made in relation thereto.

Hon. Mr. MITCHELL said the Government, in pursuance of the vote of last session for the purpose of purchasing a lighthouse at Windmill Point, had purchased a site on which was an old tower, upon which they were putting up a light.

* * *

HARBOURS AND HARBOUR-MASTERS

Mr. DOULL asked whether it is the intention of the Government to introduce a Bill this session relating to harbours and harbour-masters in the Dominion

Hon. Mr. MITCHELL said the Government had the subject under consideration and would very likely deal with the question.

* * *

MANITOBA RIOTS

Mr. CUNNINGHAM moved for copies of all correspondence which may have passed between the Dominion Government and the Government of the Province of Manitoba, touching the military riots in 1870, and the riotous and incendiary proceedings at the late elections, together with the murderous assault committed on Mr. Dubuc, barrister, for acting as prosecuting counsel against some of those charged with taking part in those riots; also copies of any communications which may have been received referring to the late outrage perpetrated on the Legislative Assembly of Manitoba and the Speaker thereof. He said he should not make any observations upon this occasion further than to hope that, when the papers were brought down, steps would be taken to do away with the Reign of Terror under which the people in Manitoba had been placed during the last few years. (*Hear, hear.*)—Carried.

* * *

DEEDS OF LANDS

Mr. LANTIER moved for copies of all deeds and titles of purchases of land by the Commissioners appointed in virtue of the Act passed in the Legislature of Lower Canada in the 1st of William

IV, Cap. 21; also of all deeds of convey and of the same lands by the Government to any party.—Carried.

* * *

RYLAND'S CLAIMS

Hon. Mr. HOLTON moved for copies of all correspondence and documents relative to the claims of Mr. G.H. Ryland, which may have passed between that gentleman and the Government since the 1st of September 1868, including the Duke of Buckingham's last despatch on the subject, and the report of the Minister of Justice on the case in full. He said these papers were asked for last session, but were not brought down. He this year had been requested to move for them again.

Hon. Sir JOHN A. MACDONALD said that all reports of Ministers to the Governor General were confidential, and the hon. member must know that he was altogether irregular in that part of his motion. With that exception the papers would be brought down.

Hon. Mr. HOLTON acknowledged that he was irregular and struck out that part of his motion asking for the report of the Minister of Justice.

The motion was carried.

* * *

MR. DODGE AND THE *GLOBE*

Mr. DODGE rose and said: Mr. Speaker, I rise to call the attention of yourself and the members of this House to a matter which is personal to myself and affecting my personal honour. I refer to an article which appeared in the *Toronto Globe*, as an editorial, in its issue of Friday last, and which was distinctly written and published against me in consequence of a vote given by me in this House, and with a view to influence and intimidate me in my course as a member of Parliament.

He then referred to the article itself, which he had before him, holding a strip out of a newspaper aloft, and said he need not read it at length, but would simply mention the charges it contained of his having been guilty of a cool, audacious and premeditated forgery. He then proceeded; I distinctly declare that the statements made in the said article affecting me are untrue (*cheers*); that I have in my possession the letter of Rev. Dr. Clark, of which the letter in the *Globe* is a copy; that I had unlimited authority from Dr. Clark to use his name in furtherance of my election as to my antecedents while within his parish in the United States, and although I do not know that the Rev. Canon Ramsay signed the letter which purports to be written by him, as set out by the *Globe*, I do know that his son, Dr. Ramsay, of Orillia, took the responsibility of obtaining his father's consent to the publication; that Canon Ramsay knew of its publication; that during the progress of the election he never objected to or repudiated its authority or his responsibility for it, and after I had been returned he sent me the following telegram:—"Happiest day of my life. Dodge for ever." (*Laughter and cheers.*)

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That two days after my election, young Ramsay, with a Mr. Morgan, called on me at the Queen's Hotel, Toronto, with a note from his father, Canon Ramsay, demanding from me \$2,500 for Dr. Ramsay's services during the canvass and election; that I refused to comply with this demand; that I was afterwards threatened with some exposure if I refused, and was subsequently served with a writ demanding \$2,000, to which I had an appearance returned by my attorney, and the suit has since been discontinued or abandoned; that after I came to Ottawa, since the opening of the House and before any vote was given by me in the House, or just after my first vote, I was informed by a member of this House that Mr. George Brown, of the *Globe*, had letters and affidavits in his possession which he could use against me and which would seriously affect my reputation (*cheers from the Government benches*), implying that they would not be used if I voted with the Opposition (*loud cheers*), and that I have reason to believe that the Ramsays, father and son, had furnished the *Globe* with the material for this attack upon me, before the opening of Parliament, which was held over me in intimidation, as I have said, to be used or not to be used, according as my vote was given against or for the Opposition. (*Loud cheers.*)

Mr. EDGAR asked the hon. gentleman whether he alluded to him. (*Laughter.*)

Mr. DODGE replied that he had, in one part of his statement, alluded to the member for Monck (Mr. Edgar) whose remarks had certainly conveyed to his mind the impression he had stated. (*Loud cheers.*)

Mr. EDGAR [excitedly] said this was a very distinct charge (*laughter*), and with the permission of Mr. Speaker, he would allude to it. On the occasion in question, the member for York North (Mr. Dodge), in his hearing, was making a speech in the House, which was not sitting at the time, and in the course of his remarks he made a violent and fierce attack on the *Globe* and its proprietor. When we had finished, he (Mr. Edgar) took him aside and said, "Now, Mr. Dodge, I don't like to hear you talking about the *Globe* in that way, when I don't think they have behaved so badly to you, for I am satisfied the proprietors of the *Globe* have not published documents which have been sent to them relating to you." (*Hear, hear, and great laughter.*) Mr. Dodge then asked him to write to Mr. George Brown and tell him that the documents that Canon Ramsay had sent him were for the purpose of blackmailing him. He (Mr. Edgar) did so write, and apologized at the same time to Mr. Brown for having mentioned the matter to Mr. Dodge at all, and asked to be excused, as he had only done so when he heard Mr. Dodge attacking the *Globe*. He was sure the member for York North would not stand up and say that he (Mr. Edgar) had used a single word as an attempt to intimidate him in voting. He asked and begged at me to write to Mr. Brown.

Mr. DODGE: I can only say that the whole tendency of the conversation was to leave that impression on my mind, and after the hon. gentleman's letter to Mr. George Brown, and on his knowing

of my first vote, he published the papers in his possession. That is all I need say.

Mr. EDGAR [with great excitement]: Will the hon. gentleman say whether I ever intimidated him or said one word about his vote?

The SPEAKER here interposed, and said that the discussion should not be allowed to proceed further.

Hon. Mr. HOLTON said the whole matter was irregular and a gross breach of the propriety of the House. The member for York North (Mr. Dodge) ought never to have been allowed to speak, but having done so, the question of the member for Monck (Mr. Edgar) being most pertinent, he hoped he would be allowed to insist on an answer, especially as it concerned the veracity of members.

The SPEAKER said the question had been answered, and he entirely differed from the hon. member for Châteauguay (Hon. Mr. Holton) who was no doubt a great authority on Parliamentary practice. He, however, considered that the member for York North (Mr. Dodge) had a right to rise and make just the kind of explanation he had made. An hon. gentleman on the other side of the House had made a similar explanation a few days ago in order to set himself right with his colleagues and with the House, and this was always permitted. It was unfortunate that in making this explanation today the subject had touched another hon. gentleman. That member had, however, given his version of the affair, and there the matter ought to rest, and he must ask the House to support him in this—there was no question of veracity raised. In the heat of the moment a slight misunderstanding had arisen as to the words made use of, but the House would at once see that there was no question of the veracity of either gentleman. He hoped the discussion would not go further.

Hon. Mr. ANGLIN said the language used by the member for York North (Mr. Dodge) conveyed to his mind the impression that he charged some hon. member of this House with having endeavoured to intimidate him as to his course in Parliament—that some member intimated to him that certain persons outside of the House held papers of a damaging character, which papers would be published if he did not join the Opposition. That was the charge he thought the hon. gentleman made, and he should have the opportunity of doing it distinctly, in order that a distinct answer might be given to it. The hon. member for York North should be allowed to say whether he intended or not to make such a charge against the member for Monck (Mr. Edgar) and if he did so, then the member for Monck should be allowed to contradict it if he so pleased, as distinctly and positively as it was made; then probably it would be right to stop the matter.

Hon. Mr. MACKENZIE rose to speak amid calls of order.

The SPEAKER said he had given his opinion in the matter, but he had not given it as a decision. If the House desired they might permit it to go on.

Hon. Mr. MACKENZIE observed that the Speaker had drawn a parallel between this case and the case of the member for Bothwell the other day, while there was no parallel between them. The member for Bothwell made an explanation, not because of what appeared in a newspaper alone, but because of a reference made by the member for York North (Mr. Dodge) and the newspaper article merely intimated the person to whom the hon. gentleman alluded. The present matter was entirely different. There had nothing occurred in the House that had the remotest connection with the matter referred to by the member for York North. He understood, however, that the Speaker had withdrawn his ruling and the matter could now be proceeded with.

The SPEAKER said he understood that the hon. member for Monck (Mr. Edgar) had stated that the words used by the member for York North had no application to him. He then asked another question which might be answered by the member for York North, and there the matter should stop.

Hon. Mr. MACKENZIE: He asked that question necessarily, for his own justification.

Mr. EDGAR thought he had a right to vindicate himself against a personal charge made in this House. He wished to insist upon an answer from the member for York North (Mr. Dodge). Did he (Mr. Edgar) say a word about his voting with the Government or against them, or of going with the Opposition or against them, or in any way referring to that matter? (*Hear, hear.*)

Mr. DODGE said the hon. member had been a personal friend of his, and he took pleasure in replying to him. He had already stated that he drew an inference from his remarks that an intimidation was intended, but he was glad to hear that a gentleman for whom he had so much esteem had no intention of this kind.

The matter then dropped. The orders of the day being called, and there being no business ready, the House adjourned at four p.m.

March 18, 1873

HOUSE OF COMMONS

Tuesday, March 18, 1873

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

Prayers

PETITIONS

Petitions were presented by Messrs. Bourassa and Tourangeau in favour of the continuation of the insolvency laws of 1869.

Petitions were also presented against the return of the following members:—Laflamme; De St-Georges; Ross (Middlesex West); Cameron (Cardwell); Delorme; Beaty; O'Reilly; Daly; Blanchet; Price; Tremblay; Boyer; Ross (Prince Edward); Bergin; Wright (Pontiac); Glass; Casey; Gibson; Edgar; Ross (Wellington Centre); Robinson; Dodge; Farrow; Trow; Cook; Cameron (Huron South); Paterson; Blain; Horton; Cockburn (Muskoka); Richards (Leeds South); Morrison and Carling.

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REPORT OF COMMITTEE

Mr. RYMAL Chairman of the Committee on Standing Orders, presented their first report, asking that their quorum be reduced to seven members.

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ADDRESS

The **SPEAKER** read the following message from His Excellency:—

Gentlemen of the House of Commons,—I acknowledge with thanks the address you have loyally voted in answer to the speech with which I opened the session, and I entertain no doubt the important subjects submitted to you will receive your full and careful consideration.

* * *

BANKS AND BANKING

On motion of **Hon. Mr. TILLEY**, the House went into Committee on the resolution, declaring it expedient to amend the Act relating to banks and banking, as regards the form of the

declaration attesting the correctness of the monthly returns made by the banks of the Government; **Hon. Mr. BLANCHET** in the chair.

Hon. Mr. TILLEY explained that his resolution would amend the present declaration, which merely stated that the assets of the bank invested each month in the Dominion notes amounted to one-third its cash reserves, by adding an affirmation that the bank never at any time held less than one-third of its cash reserves in Dominion notes. The returns were made at the end of the month, and it was necessary simply to show that one-third was invested in Dominion notes at the time. It was not desirable that temptation should be held out to banks to remit gold to the United States or elsewhere which was intended to be held as a reserve.

Hon. Mr. HOLTON suggested that the bill to be founded on the resolution should be referred to the Standing Committee on Banking and Commerce which could deal with the question much more efficiently than it was possible for him to do. If this suggestion was acceded to he should desire to reserve the discussion for a subsequent day.

Hon. Mr. TILLEY said he proposed to refer his next proposition with reference to savings banks to that Committee, because that resolution involved the question of the securities given to depositors, and therefore, following in the footsteps of his eminent predecessor, he thought that it should be referred to the Committee. The present, however, was a simple proposition which it was quite competent for any hon. member to decide upon.

Hon. Mr. HOLTON said he saw no objection to the proposition, but thought all important amendments should be sent to the Committee.

Hon. Sir FRANCIS HINCKS remarked that the proposal was not to materially alter the law, but merely to carry it out as it was. He did not believe a bank in the Dominion would make any objection to it and he could not see any necessity for sending it to a Standing Committee.

Hon. Mr. CAMERON (Cardwell) said some questions were being discussed in banking circles which might render other amendments desirable. He, therefore, hoped the suggestion to refer the matter to the Standing Committee would be entertained.

Hon. Mr. TILLEY had no objection, considering that other amendments might be brought forward, to adopt the suggestion and refer the bill to the Standing Committee.

The resolution was then adopted, reported, concurred in, and read a second time.

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THE PETERBOROUGH WEST ELECTION CASE

Hon. Mr. CAMERON (Cardwell) brought up and read the report of the Committee on Privileges and Elections with reference to the West Peterborough case.

The Committee reported the following resolution:

Whereas, the Returning Officer has returned that William Cluxton was the proper person elected, and it does not appear that he is either disqualified from taking his seat, or ineligible to be elected, resolved that in the opinion of this Committee, this House ought not to declare that the said William Cluxton is not entitled to sit in the said House, but ought to leave the case to be disposed of under the Controverted Elections Act, provided a petition is presented against the election of the said William Cluxton.

Hon. Mr. MACKENZIE said this was a matter of privilege in which it was intended to move at the present session of the House. He, therefore, wished to have the proceedings read.

The proceedings of the Committee were then read.

Hon. Mr. HUNTINGTON said a distinguished gentleman from that side of the House, who made the original motion in the Peterborough case, had, with the foresight of a prophet, foretold the result of the passing of the amendment, which had been opposed by the Opposition. His prediction was thorough and completely fulfilled and today those who still believed that the purity of elections and the privileges of this House could only be sustained by the course which he at the time advocated, were obliged again to rise their voices to assert what they believed to be the rights and privileges of the House. (*Hear.*)

The case was now immensely strengthened even from the point of view of the right hon. gentleman who led the Government, because on the next occasion of the kind which arose, when the House was dealing with the Muskoka case, that right hon. gentleman actually abandoned the position which he had taken and the motion was carried by acclamation. He was unwilling to believe that those who led the House could have been actuated in the Muskoka case by any other considerations than a desire to maintain the privileges of the House, and he should learn with interest how they could now hark back from their original position, taking the decision of all these cases from the House.

He did not propose to go over all the ground which had been taken in the former discussion on this very remarkable case, but he thought it would be admitted on both sides of the House that it was a case involving principles of the utmost importance, not to individual members of the House, not to the claim for the seat, nor to the sitting member, but to every constituency in the Dominion of

Canada. When it was admitted that the privileges of the House might be trifled with by a Government, whether strong or weak, even for the purpose of maintaining themselves in power, or for any other purposes, the very constitution of the House and the country was in danger, for the liberties of the people could only be asserted by dealing with these matters fairly, justly and without partisanship.

He proposed to make a few observations as to the jurisdiction of the House, as to the duty of the returning officer, and as to the duty of the House. The motion of his hon. friend (Hon. Mr. Blake) on a former occasion was resisted on the ground that our practice was based upon English principles and precedents. He knew the wisdom of the Imperial Parliament was generally looked upon as an example. The Government, however, was just now about to deal with the election law in a manner which would no doubt make cases of this kind impossible hereafter, and he should like to know how it was that they were now anxious to maintain British precedent when the universal precedent of the Canadian Parliament had tended in another direction. This was a case arising solely under the Canadian law, and it ought to be decided in accordance with Canadian precedents.

With regard to the duty of the returning officer in this case, it had been universally admitted, on both sides of the House, that the practice of old Canada was, that where the facts appeared on the face of the record, showing that a wrong return had been made the House had the right, and was accustomed to exercise it, to amend the return. He knew nothing of the motives upon which the returning officer in this case, who had returned the minority candidate as elected, had acted, though he had heard with regret that the returning officer, after being refused advice by the Minister of Justice, had acted upon advice obtained by the minority candidate from a certain distinguished lawyer. He thought that gave a colouring to the course taken by the returning officer.

He contended that if a returning officer was at liberty to decide as to the property and qualification of candidates, it would be impossible to draw a line at where he would stop in his judicial functions. In support of this view he cited copious extracts from Warren's election law. Suppose the House were to act upon the report just submitted to them, and after that no petition were to be presented against the sitting member, the consequence would be that the impropriety could not be rectified. According to hon. gentleman no matter what abuse of privileges of the House took place there was no regulating them in any way except by the presentation of a petition by certain persons in the country, who would then take upon themselves great responsibility, or by the sitting member. He was not aware that any election petition had been presented in this case, and this very matter might lapse if the House acted upon the opinion given by the Committee, so that the wrong complained of might go without redress, and the wrongdoer remain unwhipt of justice. What the House was asked to do was simply what the returning officer should have done.

After reading the clauses of the statute applicable to this case he proceeded to allude to the action of the government in the Muskoka

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case, which would go down to posterity as one of the magnanimous acts of the right hon. gentleman who guided the Ministry. It would be much better to follow in the same beaten course in regard to the present question. The duty of a returning officer was to have added up the votes, and to have returned to the House the candidate having the majority, leaving the House to deal fairly and justly with its own privileges. Some of the proceedings in Election Committee had been a scandal to the country, and it was difficult to see how they would get rid of the evils of partisanship by sending these cases before such committees. The House might investigate this case without any difficulty on the evidence which appeared on the face of the record. He alluded to the Oxford and Three Rivers case in order to show that Election Committees were partisan in character.

After a brief recapitulation of his argument he concluded by moving, "That the report of the Committee on Privileges and Elections, concerning the return of a member to this House for the electoral district of Peterborough West, be not concurred in, but that it be resolved that this House deems it necessary to protect the interests of the electors generally, and particularly those of Peterborough West, by securing to the candidate who has received the majority of votes his seat in this House, and therefore deems it proper to act in accordance with the proceedings of this House on the 10th of March last in regard to the return from the electoral district of Muskoka, ordering the said return to be amended by inserting therein the name of A.P. Cockburn, the said A.P. Cockburn having had a majority of votes cast in his favour as shown by the return made to this House; and in conformity to this precedent and to the precedents of the Parliament of the Province of Canada in the Oxford case, the Kent case, the Beauharnois case, the Bagot case, and the Lennox and Addington case, to assert its jurisdiction to redress grievance in violation of the laws and duty apparent on the paper, which has been commuted, in declaring the candidate who received the minority of votes to be duly elected, this House declares that John Bertram having, according to a return made to this House, received 745 votes, while William Cluxton, the other candidate, received only 705 votes, should have been returned as member for Peterborough West and should have the right to take his seat, saving the rights of all persons to contest the election return." (*Cheers.*)

Hon. Mr. McDONALD (Pictou) said it had been more than insinuated that it was wrong, if not impertinent for gentlemen like himself from the Lower Provinces to interpose their opinions in the matter under discussion, as it was a matter of a sectional character. He claimed that so long as he had a seat in the House, he had the right to express his sentiments on the public matters of the Dominion. The question was whether the House should consider and review the great constitutional questions which govern the people, or whether they should go back and succumb to the decisions of the Legislature of the Province of Canada, which did not affect the Dominion. For his part he declined to be governed by such decisions, especially when they were contrary to those of England and of their colonies.

He would like to ask those gentlemen what they would think if he were to ask them to ignore their own principles because the little Province of Nova Scotia had taken a different view of the law. He was inclined to think that his suggestions would not be very well received. The House by a majority had decided to refer the matter to a committee composed of constitutional lawyers and laymen of Parliamentary experience. That committee, by a vote of thirteen to six, had advised the House that, upon the full consideration and after having heard all that the learned counsel on behalf of either candidate could adduce, they were of opinion that the proper constitutional course would be to refer the case to an election committee under the statutes. The House should pause before ignoring the opinion of those they entrusted with the duty of studying a matter of so great importance.

The hon. member for Shefford (Hon. Mr. Huntington) had quoted as precedents four or five cases decided by the Legislature of the late Province of Canada, and had told the House what they might expect from a partisan committee. But did that hon. gentleman forget that the members of that committee were sworn before their God and their country to be free from party or personal feeling in the matter. Four or five precedents in old Canada might sanction the view of the law taken by the Opposition, but decisions in Nova Scotia, and he thought he might say in New Brunswick, had been entirely the other way.

In a recent case in Nova Scotia there was a solemn declaration of the House that in no case was an undue or improper return investigated in any other manner than that prescribed by the statute. If such were not the case here, he would ask gentlemen opposite what was the object of the Controverted Elections Law. Was it not to withdraw from the jurisdiction of the House and had given it to the only tribunal which, in his opinion, ought to try such cases—the highest court in the land which was above sectional or partisan feeling. He hoped Canada would shortly follow the example of England.

Having been appointed to the Committee he thought it his duty, in the short time he had, to consult the statutes and see whether there was any essential difference in principle between them and the statutes with which he was familiar. It was admitted that the ground of complaint was, that the returning officer had no right to adjudicate. He could give a case in England where a candidate having declined, in fact positively refused, to give in his qualification, the House held that it was not a case for the House of Commons to decide, but for an election Committee appointed under the statute.

He then quoted from several authorities including *Hansard's* debates, Vol. 131, third series, page 346; a debate in the House of Commons in England, and the opinion of Sir Roundel Palmer thereon. The course taken by the leader of the Government in the matter under discussion was exactly in accordance with the opinion of so great an authority as Sir Roundel Palmer. He would undertake to say that, viewing the matter from a legal point of view, no lawyer valuing his reputation would, after reading the statute, impugn the

return of the returning officer for Peterborough West. He felt very strongly and very deeply the importance of this matter. The decision might not practically affect the character of standing of the people, but it would most seriously affect the standing of the House.

Mr. JONES had not much confidence in lawyers upon either side of the House, as they could not agree among themselves. He had been on election Committees, and in one case unseated one of his own party. He had been of opinion from the first that this was a case which should be referred to an election committee.

It being six o'clock the House adjourned for recess.

AFTER RECESS

Hon. Mr. MACKENZIE replied to the hon. member for Pictou (Hon. Mr. McDonald). He contended that that hon. gentleman had misconstrued the powers of the Committee on Privileges and Elections, if the hon. gentleman meant the House to understand that it was to be bound to submit to the opinion of that Committee. He was arguing against Parliamentary practice and experience. That Committee had been appointed to report to this House, and if the hon. gentleman had read the order of reference, he would not have made the remarks he had and would have known that it was merely their duty to report on the proper legal course to be adopted, in order that the rights of all parties might be respected and protected.

It was quite competent for this House, and besides this it was their right, to review the report of that Committee if it was adverse to justice. The subject came before the House in a perfectly legitimate manner, and it was as competent for the House to pass judgment on the action of the Committee as it was to pass judgment on the acts of any individual member of the House. (*Hear, hear.*)

He drew attention to the partisan character of that Committee upon which the Government, as was usual, had a large majority of their own supporters.

Hon. Mr. BLAKE had called attention to this fact in the House when he had occasion to bring the matter before the House in the first instance. Let the vote given by the hon. gentlemen forming that Committee be compared with that given by them in this case on the question being brought up in its original form, and it would be found that they would perfectly accord. No doubt the hon. gentlemen had heard the counsel for both parties, but it was no discredit to the learned gentleman who had acted in that capacity on behalf of Messrs. Bertram and Cluxton to say that it was not at all likely they had been able to throw any light upon it after the able and exhaustive arguments that had been heard in this House from hon. gentlemen occupying a first position in this House and the profession. The Opposition had allowed the matter to go before that Committee simply because they were outvoted in the House, and they knew beforehand it would be voted upon in a partisan spirit. That the Committee was biased in its judgment could be proved by

simply referring to the vote they gave in this House, and the House was not bound in the slightest degree by any vote given by any fraction anywhere. The hon. member for Pictou carried the matter very far in saying every man of honest mind would agree with him. He would not notice the declamation of the hon. gentleman concerning what the House would think of them if they rejected his view. He was tolerably well satisfied that the country would decide that no legal quibble should prevent the gentleman who had the majority of votes from taking his seat. (*Hear.*) That was the position taken by the gentlemen on his side, while the opponents to that position rested their view upon a mere legal quibble.

The law in Nova Scotia might be better than the Canadian law, but it did not apply to this case, which must be judged solely by the law of Ontario, and Nova Scotia law could not be pleaded in this matter. The hon. gentleman objected to the House acting as judges in the election cases, but that hon. gentleman himself in the Muskoka case, acted as judge, and voted to allow the candidate who had the majority of votes to take his seat. Had the hon. gentleman seen a new light since that? Was it because party influences had been brought to bear upon members that the House was asked to reverse its decision of the other night for the purpose of getting another vote for the Government? All he asked was justice.

Hon. Sir JOHN A. MACDONALD rose to a point of order. No member had a right under the guise of a question to throw discredit on a member. (*Hear, hear.*)

Hon. Mr. MACKENZIE resumed his remarks. Even if the letter of the law could be strained—though he believed it could not—so as to favour the position of gentlemen opposite, still there was a sense in which popular rights should be consulted by the House that hon. gentlemen had entirely overlooked. They had without any thought of the rights of the people sought to prevent Mr. Bertram taking his seat, although he was entitled by law to the seat.

He went on to reply to the statement of the member for Pictou (Hon. Mr. McDonald) that there was no evidence before the House that Mr. Bertram's qualification was not put in before the return was made, and showed that the statement was based on a mere quibble. The House had the statement of the returning officer that the qualification was put in before the return was made, and the objection was that this statement was not legal evidence, though it was among the papers brought down to the House as authentic documents.

With regard to the conduct of the returning officer he took counsel, not with legal authorities, but with one of the candidates, and he got that candidate to get the opinion, it was said, from Mr. R.A. Harrison; but Mr. Harrison's opinion had never been produced, and they had no evidence that the returning officer had taken any opinion of Mr. Harrison. He asked the House to notice the extreme indecency of the returning officer asking the opinion of one of the candidates for whom he was known to be partial in making the return he did. He referred in passing to the Act of last

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session which enabled the Government to appoint a partisan returning officer.

He asked every member of the House to act upon Canadian precedent, and he appealed to them without hesitation to cast aside the considerations which the hon. gentleman had argued so plausibly, and decide simply on the one point, whether Mr. Bertram or Mr. Cluxton had the majority of votes. If Mr. Bertram had a majority of votes, they should give him his seat, and every honest man was bound to give his vote in favour of Mr. Bertram. If such were the case, he was surprised and perfectly amazed that the hon. gentleman who led the Government, when he had two or three days previously adjudicated upon the Muskoka case in accordance with justice and in accordance with the principle they were then advocating, should have asked the House to reverse its judgment, and was prepared himself to reverse his own judgment. (*Hear, hear.*)

Mr. MACKAY said that the Muskoka election, which had been referred to by the preceding speaker, was not a parallel case. The objection was that Mr. Bertram was not qualified from the fact of the qualification not having been put in in time. Why was this fact so studiously avoided? It was, even to refer to the Statute of Ontario, a disputed fact of question and law, and the House was not the place to discuss it.

It was undisputed that Mr. Bertram had a majority of votes, but the real question was whether he was a candidate at all. (*Hear, hear.*) The point being one of fact and of law, should not be argued here, but by committee.

Mr. MILLS held that this was a matter in which we should do justice to the constituency affected as speedily as possible. He argued that if the views of the gentleman opposite prevailed it would be impossible for the House to deal with a case in which the member returned had a majority of votes, unless a petition was presented within fourteen days after the opening of the House.

He cited several cases in the English parliament in which members had been excluded by the House on various grounds, but if the view of the gentleman opposite was correct, the English Parliament could not have done so. A returning officer might make a due return of a person who had no right to a seat in the House on the ground of certain disqualification but the law recognized that the confidence of the electors was the main requisite of a member, and the duty of the returning officer was to return the candidate who received the majority of votes. The law laid down that the returning officer was to ascertain the number of votes for the qualified candidates. He was not to judge of that, he was only to add up the votes and ascertain which candidate received the majority of votes.

While the gentlemen opposite pretended to stand up for the law, they were really protecting parties who had violated the law and infringed upon the privileges of the House and the liberties of the people. He proceeded to contend that the true meaning of the law was that the making of the return corresponded to the day of declaration under the old law, and he argued from that view of the

law that Mr. Bertram had put in his declaration of qualification in time. The Act under which this election took place was not a new Act, and in determining its meaning they should be guided by the construction put on it by preceding Parliaments. That was the course which any court would follow, and why should the High court of Parliament attempt at this day to put a new construction on the law?

He held that Mr. Cluxton had no right to his seat here. By no decision of law or of Parliament could a minority candidate be seated. There was no principle more clearly settled than that the votes given for one candidate were given against the other candidate, if there had been no notice of the disqualification given to the electors. He cited the case of Hawkins, in England, decided by Lord Ellenborough, in support of his view. He also cited the opinion of Lord Chief Justice Campbell in the case of the Queen against Cooks. It could not be said the electors of Peterborough West had knowledge that Mr. Bertram was disqualified, and, that being so, under no circumstance could the minority candidate be seated. Judge Blackburn's opinion, he showed, supported this view.

All these facts and opinions went to show in no case could Mr. Cluxton be returned. Even admitting that Mr. Bertram was not qualified, there were many things to disqualify a man from sitting in Parliament, but the only one for a returning officer to consider was the main one, that the candidate did not receive a majority of votes; all other disqualifications were to be considered elsewhere; therefore, he held it was the duty of the House to rectify the wrongdoing of the returning officer, and that at the earliest moment. Mr. Cluxton had no right here, not having been properly returned, and there was no reason why Mr. Bertram should not take his seat and Mr. Cluxton's name be struck off the roll of members.

Mr. PALMER spoke in opposition to Hon. Mr. Huntington's motion.

Mr. JOLY spoke in favour of the motion.

Hon. Mr. ANGLIN said that an attempt had been made to array the Province of Ontario against the Maritime Provinces, and apparently to some extent the attempt had been successful. Some of the members from the Maritime Provinces had, to all appearance, been rendered morbidly sensitive, and in consequence impressed with the idea that Ontario, with all its interests in the House, had determined to trample on them. He could not sufficiently deprecate this.

As one coming from the Maritime Provinces, he could conscientiously say that he had ever found a disposition on the part of the representatives of Ontario or Quebec to accord to him the fullest, freest, and most hearty exercise of his rights as a representative in this House of one of the constituencies of the Dominion. Besides, any question affecting these Provinces which had come before the House, and particularly from Nova Scotia, was heard with that respect and attention which was seldom accorded to any question.

He was sorry that this feeling should exist, and still more pained that it should be expressed on the floor of the House of Commons for it was perfectly clear, if the Maritime Provinces should array themselves against Ontario, and though Ontario might feel mortified for a time, there was no question that Ontario, if she arrayed herself on the other side, must finally conquer, and both the Maritime Provinces and Ontario would suffer and repent their action. This was a question which while it affected the whole of the Dominion was unquestionably somewhat an Ontario question. Yet it was found that nearly three-quarters of the time the House had been occupied by speeches of members from the Maritime provinces, and he was sure that they would not complain of the attention with which these remarks had been listened to. After reverting to the facts that a person had been declared by the returning officer as elected to the House, who had only a minority of the votes, he said it was asserted that the person seated by such return had certain rights which ought to be respected, but in his opinion there were those who had superior rights, namely, the majority of the electors of Peterborough West and the constituencies of the whole Dominion from the Atlantic to the Pacific. (*Hear, hear.*) Comparisons had been instituted between this and the Muskoka case, and a difference was said to exist between them. He granted there was, and he held, that the Peterborough case was the stronger of the two, because in the one case no person was seated, and in the other one of the candidates was seated illegally, (*Hear, hear*) and an insult had been offered to the House and country, and their privileges grossly abused. He did not grant that it was a case which came under the Controverted Elections Act at all; a wrong had been perpetrated for which, if this House refused to act in the matter, it was well known that the trouble and expenses attending a contested election besides the time it took to drag its slow length along, were such that no ordinary person would attempt to enter into the suit. He hoped the assumption of such extraordinary and unconstitutional powers by a returning officer would not be countenanced by this House. In the case upon which the opinion of Sir Roundel Palmer had been quoted, the House was not asked to act upon a similar kind of information. After a long speech Hon. Mr. Anglin finished by hoping the House would assert its rights and not allow these rights to be trampled upon by the returning officer or any other person.

At half-past eleven, **Hon. Mr. MACKENZIE** presented the petition of John Bertram, complaining of an undue election for Peterborough West. (*Laughter.*)

Hon. Mr. McDONALD (Antigonish) thought the castigation which the members from Nova Scotia had received from the member for Lambton (Hon. Mr. Mackenzie) was most uncalled for and unwarrantable. He was of opinion that the returning officer was justified in the return he had made. The protest of Mr. Bertram could not be received as evidence, as there was no statute under which it could be considered as part of the return. To accept Hon. Mr. Huntington's motion would be to turn Mr. Cluxton out of the House and afterwards give him a trial.

Mr. WILKES as a layman, spoke warmly in favour of the amendment. He said he would not cite precedents, but would suppose a case—that 50 partisan returning officers had returned minority candidates; in that case, according to the views of the Government, for a session or two the House would be controlled by men who had not the confidence of the majority of the people. He supposed a case, that the returning officer for Kingston had been induced by a heavy bribe to return the minority candidate, in which case the leader of the Government would have been kept out of the House for a session or two if the views of the Government, as to the course to be adopted, were correct. These very suppositions showed the absurdity of the position taken by the gentlemen opposite.

Great honour had been paid in the debate to Election Committees, but the country had undoubtedly pronounced against such committees, and the result had been that the leader of the Government had been obliged to introduce a Bill to abolish them.

Mr. DALY followed in a humorous speech. He alluded to the self-sacrifice shown by Mr. Cluxton in remaining out of the House when he had no legal right to take his seat. He thought hon. gentlemen opposite would not be quite so delicate if it were their case. (*Laughter.*) They would get in over the door or under the door, so that they got in any way. (*Laughter.*) The Canadian Statutes provided clearly enough for this case, and he stated fearlessly, that he believed Mr. Bertram had no property qualification on the day or night of nomination; but that he obtained the qualification after he was aware of the result of the election.

Mr. YOUNG (Waterloo South) pointed out that the position of the Government in this case was almost identical with the position taken by the Government in the famous Quebec and Russell election frauds of 1857, when men were allowed to sit in the House for one or two sessions who had not the slightest right to do so.

He argued that the returning officer had acted wrongly in returning the minority candidate, and it rested with the House to remedy that wrong.

Hon. Sir JOHN A. MACDONALD had listened attentively to the speeches of the hon. gentleman who had just taken his seat, but had not heard a single new argument or a single new sentiment. It appeared to him that the course taken by the hon. member for Lambton (Hon. Mr. Mackenzie) in laying before the House the petition of Mr. Bertram was something like trifling with the House.

The Committee on Privileges and Elections, carefully selected by the House, came to the conclusion that the proper constitutional mode by which Mr. Bertram could obtain his seat would be by the action of an Election Committee, and Mr. Bertram who had come before the House and through the medium of the Controverted Elections Act asks permission to try his case, and still the motion was pressed to set aside the appeal of Mr. Bertram, and to adopt lynch law contrary to the Statute. He would venture to say that this was the first case in which after a petition of a similar nature had been presented, the House had been invoked to set aside the prayer of that petition.

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The hon. member for Lambton had taken a line which would considerably embarrass the member for Bruce South, Hon. Mr. Blake, had that gentleman been in his place. They had heard the member for Bruce South when the Muskoka case was up make a most passionate appeal, and draw a line between the Peterborough West and Muskoka cases. He (Hon. Mr. Blake) appealed for a change of the votes, arguing that there was a sufficient distinction between the two cases, but the member for Lambton appeared to take quite a different view. The hon. member for Lambton had also stated that the returning officers during the recent elections had been forced upon the people, and that they had been chosen by the Government, and that the sheriffs of the various counties should have been appointed returning officers.

Hon. Mr. MACKENZIE asked if the hon. gentleman had appointed any sheriffs returning officers.

Hon. Sir JOHN A. MACDONALD said he had, because he thought some of them would do their duty. He went on to say that the Ontario Government had objected to the Sheriff of Halton becoming a candidate for the Commons, but they allowed the Registrar for Lanark South to take part in politics. He proceeded to refer briefly to the English cases which had been cited, and remarked that it was inconceivable that the House should disregard the recommendation to refer this question to the committee, as the petition of Mr. Bertram itself requested it. He held that the House should not disregard the report of the Committee on Privileges and Elections.

Hon. Mr. MACKENZIE said it was not fair to hold that the presentation of a petition on behalf of Mr. Bertram should operate against him in this matter. The hon. gentleman knew that the petition was not presented till the last moment, and that if it had not been presented, and his motion were lost, Mr. Bertram would be entirely shut out of all redress. It seemed that they were to have a repetition of the tactics of last session in referring to the conduct of the Ontario Government.

He went on to say that it would be quite impossible to allow the sheriff, exercising the functions of a *quasi* judicial character, to appear as a political leader in a county with his pocket full of executions giving him an undue influence over the electors. The registrar had no such duties to discharge, and could exert no such power over electors. He replied briefly to the legal arguments of the leader of the Government.

Mr. THOMPSON (Cariboo) supported the Government view of the matter.

Mr. CUNNINGHAM opposed the motion.

Mr. BLAIN rose amid cries of question and noises on the Government side of the House, and supported the amendment in a brief speech, being frequently interrupted by unseemly noises from the Government benches.

Hon. Mr. HUNTINGTON replied to the arguments against his amendment, and severely rebuked the leader of the Government for having instigated a spirit of sectionalism against old Canada which pervaded the speeches of the gentlemen from the Lower Provinces, Manitoba, and British Columbia.

The House then divided at 2.30 on **Hon. Mr. HUNTINGTON'S** amendment, which was lost, yeas 68, nays 93.

The House then adjourned till 3 p.m.

[*Editor's Note: List of members voting in division from Journals, pp.37-38.*]

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NOTICES OF MOTION

Mr. TASCHEREAU—On Thursday—Address for plans and report of G.J. Baillaige, civil engineer, having reference to the following properties of the Board of Ordinance, in the country of Soulanges, namely—the Fort of Coteau, the old military canal passing through it, and the ground adjoining the burying ground not included in the piece of land on the bank of the St. Lawrence, in the village of Cedars. The split lock, lock and land adjoining the old military canal of Cascades, with report of the sale of any part of the same; also copies of all document explanatory of the cause why the sale of the aforesaid public property was expanded.

Hon. Mr. TUPPER—On Friday next—That the House do, on Tuesday next, resolve itself into Committee of the Whole to consider the following resolution:—That it is expedient that the provision of contract entered into between Sir Hugh Allan and the Postmaster-General of Canada, under the authority of an Order in Council, dated the 8th day of January, 1873, for a weekly service of ocean mail steamers on the terms and conditions set forth in the said contract, a copy whereof and of the said Order in Council have been laid before Parliament, should be sanctioned and authorized by parliament as required by the terms thereof, in order that it may become valid and binding.

Mr. DUGUAY—On Thursday next—House into Committee to consider certain resolutions for the purpose of making provision against usury, and fixing the rate of interest in the Province of Quebec.

Mr. COSTIGAN—On Wednesday next—Address for copies of all correspondence between Indian branch of the Department of the Secretary of State and the Crown Land Department of New Brunswick, and of all other documents in the possession of the said Department regarding that part of the Tobique Indian Reserve in Victoria, New Brunswick, upon which settlers are residing.

Hon. Mr. MACKENZIE—On Wednesday next—Addresses for copies of all reports of the Land Commissioner, Manitoba, regarding the sale or location of land in that Province; all reports from or correspondence with the Commissioner or any other parties regarding the sale or location of land in the Province; also for copies of the letter of resignation of Mr. Canavan, and also the correspondence between Mr. Canavan and the government; also all correspondence with the Government of Manitoba on the subject of the complaints against the management of the land Office in that Province.

Hon. Mr. MACKENZIE—On Wednesday next—Order of the House for a statement showing the number of applications filed with the Government for lands in the territory claimed by the Province of Ontario, lying west and north of Lake Superior, the names and residences of the applicants, the quantity of land applied for by each person or company, the amount of money deposited by each person or company; the cases in which such applications have been accompanied by plans and surveys; and an abridged description of the locations so applied for.

Mr. CASEY—On Wednesday next—Inquiry whether the Government have taken any steps towards the erection of a lighthouse at Port Stanley, for which an appropriation was voted last session, and whether they intend to ask for a revote this year, and proceed with the erection of said lighthouse.

Mr. FLEMING—On Wednesday next—Address for copies of all correspondence, Orders-in-Council, and other papers not previously sent down touching the claims of the Government against John Lovejoy, Esq., the Hamilton and Brantford Road Company.

Mr. STIRTON—On Wednesday next—Enquiry of the Ministry whether it is the intention of the Government to submit in the estimates for the present year an appropriation for the erection of a suitable building in the town of Guelph for a post office, custom house and officer for the collection of inland revenue.

Mr. WILKES—On Wednesday next—Enquiry of the Ministry whether the Government has ordered a survey to be made of the harbour at the city of Toronto, and whether they are aware of the rapid filling up of the channel thereto, and whether they propose appointing a competent representative of the public commercial interests on the Harbour Trust of that city.

Mr. WILKES—On Wednesday next—Enquiry of the Ministry whether the Government intend proceeding at once with the erection of the custom house and examining warehouse in the city of Toronto, and if so what is the cause of the past delay in the prosecution of these undertakings.

Mr. GLASS—On Wednesday next—Bill to amend Act 32, 33 Vic., Cap. 35, regarding the speedy trials in certain cases of persons

charged with felonies and misdemeanours in the Provinces of Ontario and Quebec.

Mr. JOLY—On Wednesday next—Committee of the Whole to consider the following resolution:—“That in consideration the superannuation fund is raised entirely out of compulsory contributions taken from the salaries of public officers, it is just that the whole of that fund should be consecrated to the use and benefit of the said officers, by applying it first to their personal relief, according to law, and if any surplus be left after payment of their superannuation allowances, to the relief of their widows and orphans.”

Hon. Mr. LANGEVIN—On Thursday next—A bill entitled, An Act to amend the Railway Act of 1868.

Mr. De ST-GEORGES—On Friday next—An enquiry of the Ministry whether the Government intend in the present session to abolish excise duties on Canadian tobacco.

Hon. Mr. MITCHELL—On Friday next—That the House on Friday next do then resolve itself into a Committee of the Whole, to consider the following resolution:—“That it is expedient to amend the laws respecting wreck and salvage, and to make one law common to the whole Dominion, and in harmony, as far as circumstances will permit, with the laws in force on the same subject in the United Kingdom.”

Hon. Mr. MITCHELL—On Friday next—That the House, on Friday next, do then resolve itself into a Committee of the Whole to consider the following resolution:—“That it is expedient after the first day of July next to abolish the Corporation of the Trinity House of Montreal, and to transfer the powers and property, with certain exceptions, to the corporation of the Montreal Harbour Commissioners; that it is expedient to increase the number of members of the Corporation last mentioned, and to make further provision for the representation of the Trade and Shipping interest in the same and also to extend the limits of the said harbour downwards as far as Longue Pointe Church, and to give the said corporation power to bestow a further sum of money for the purpose of improving the said harbour; and also to provide by the Act to be passed for the purposes aforesaid a new tariff of duty, to be collected by the said corporation, on all vessels and goods using or being landed upon or shipped from the wharves and ports of the said corporation.”

Mr. FINDLAY—On Thursday next—An Address to His Excellency the Governor General for copies of the survey, estimate and report of the Engineer sent by the Government to ascertain and report as to the feasibility and cost of constructing the canal at the Chapeau Rapids, on the Ottawa River.

Mr. BROUSE—On Thursday next—An enquiry of the Ministry whether the Government have taken any steps towards the issuing

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of a proclamation by His Excellency the Governor General placing in effect the Act relating to the Treaty of Washington of 1871, and, if not, when they propose so doing.

Mr. STAPLES—On Thursday—An enquiry whether it is the intention of the Government to grant better terms to the Provinces of New Brunswick and Manitoba, and if so, whether it is also the intention of the Government to grant better terms to the Province of Ontario.

Mr. CHARLTON—On Thursday—An address for all correspondence which may have passed between the Government and the Common Council of the City of Buffalo, relating to the obstruction of the navigation of Niagara River by the erection of a crib in mid channel of the said stream for the Buffalo City waterworks.

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HOUSE OF COMMONS

Wednesday, March 19, 1873

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

Prayers

On the reading and receiving of petitions, **Mr. MATHIEU** objected to the reception of the petition against his return for the electoral district of Richelieu, on the ground that it was necessary to the reception of any report that the Speaker should certify that the required recognizance and affidavit had been received by him while in this case Mr. Speaker had merely certified that he had received a recognizance purporting to be that required, and also, on the ground of other informalities in the Speaker's certificate.

The **SPEAKER** said he could not understand how any rights could be prejudiced by any mere informality on the part of an officer of the House. If the securities were valid he had no doubt a way would be found to set the matter right. He asked the House to allow the petition to stand over for his consideration.

Hon. Mr. CAMERON (Cardwell) presented a petition against the return of Robert Wilkes for Toronto Centre.

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STANDING COMMITTEES

Hon. Mr. TILLEY presented a report of the Select Committee appointed to strike the Standing Committees and giving a list of names for the various Standing Committees. The report was adopted.

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NEW BILLS

Mr. SAVARY introduced a bill to repeal the Acts imposing duties on promissory notes and bills of exchange.

Mr. CURRIER introduced a bill to incorporate the Ottawa Citizen Printing and Publishing Company.

Mr. YOUNG (Waterloo South) introduced a bill providing for taking votes for the election of members of the House of Commons by ballot.

RECOGNIZANCE FILED

The **SPEAKER** reported that recognizance had been filed in connection with the Kent, New Brunswick, election petition.

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EXCHANGE SOLD

Mr. CARTWRIGHT asked first, what amount of exchange was sold on the public account between the 15th of January and the 1st of March last past; second, for what purpose the said exchange was sold, or whether the said sale was required to be then made to provide for any immediate engagements; third, what has been done with the proceeds thereof, or whether any portion of the same was deposited among the various banks of the Dominion, and, if so, at what rates, upon what terms and on what conditions; fourth, whether the said exchange was drawn against funds actually in the hands of the London agents of the Dominion, or whether the credit possessed by the Dominion was used for this purpose.

Hon. Mr. TILLEY said that at the close of the last fiscal year, on the 30th June, it was found that the money loaned for the construction of the Intercolonial Railway had been expended, or nearly so. It thus became a question with the Government whether they would at that time place the balance of the loan upon the market or not. There were grave objections, in the opinion of the Government, against placing it on the market at that time, because there was then a stringency in the money market, and also because if it were then placed on the market the Government was not quite sure whether they would be able to place out the proceeds not immediately required for the construction of the railway on advantageous terms.

Under these circumstances his predecessor opened communication with the agents of the Dominion Government in London, asking them upon what terms they would make an advance on account of the construction of the Intercolonial Railway, and also on account of the purchases made in the Northwest Territory, for which 300,000 pounds of guaranteed bonds were lying with the agents. This was the purpose of making satisfactory arrangements to place the loan on the market at the most favourable time.

The answer to this communication was, that the agents would advance on account of the guaranteed loan for the Intercolonial, and the guaranteed loan for the purchase of the Northwest, any sums of money the Government might require, until the bonds were sold at 4 per cent, or at the Bank of England rate of interest, if it were higher than 4 per cent.

Hon. Mr. MACKENZIE: Had you the option of taking either rate?

Hon. Mr. TILLEY: No, the rate was 4 per cent or the bank rate of interest if it should be above that. Then it was found that between the 1st of July last and the middle of February, the Government had paid on account of the construction of the Intercolonial, \$350,000 out of surplus revenue, and some time previously had paid 300,000 pounds of \$1,500,000 out of surplus revenue for the purchase of the Northwest territory.

In the middle of February the question came up whether it was desirable, having advanced these sums, to at that time recoup the Government by putting exchange upon the market on account of these advances. Various reasons influenced the Government in inducing them to offer a portion of the amount to the public at that time. There was a scarcity of exchange at that period when large remittances were being made for imports, and if there was a scarcity of exchange, the result would be a demand for gold on the Dominion, and a consequent reduction of the circulation that was not considered desirable at that particular time.

Again it was considered desirable to offer at that time a portion of the exchange because not only was there a great demand and necessity for it, but it was then commanding a very high rate. The result was that his predecessor asked for tenders for exchange on condition that the proceeds should remain in the banks, making the exchange at 8 per cent interest. Three hundred thousand pounds of that exchange was sold, some at 9 1/4 and some at 10 1/8, and the remainder between the two figures, to eight different banks, and the proceeds were offered to those banks at 5 per cent interest.

The effect of that, at the time, was to relieve the money market, and from a Dominion point of view the effect had been that the Government had since been receiving 5 per cent for the money so deposited while they only paid 4 per cent, and they had also received for that exchange beyond what it would realize today, in the market \$15,000 or \$20,000. (*Hear, hear.*)

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LAKE SHORE IMPROVEMENTS

Mr. GILLIES asked whether the Government intended to make an appropriation, during the present session, for the purpose of repairing and improving the piers and harbours of the lake shore of the County of Bruce, north of Goderich.

Hon. Mr. LANGEVIN replied in the negative.

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CORNWALL CUSTOMS HOUSE AND POST OFFICE

Mr. BERGIN asked whether it was the intention of the Government to submit in the estimates for the present year, and appropriate a sum for the erection of a custom house in the Town of Cornwall.

Hon. Mr. LANGEVIN answers no.

Mr. BERGIN asked whether it was the intention of Government to submit in the estimates for the present year, and appropriate a sum for the erection of a post office in the Town of Cornwall.

Hon. Mr. LANGEVIN replied that the Government had no such intention.

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MOULINETTE BRIDGE

Mr. BERGIN asked whether it was the intention of the Government to build a good and sufficient bridge over the north channel of the St. Lawrence at Moulinette, in lieu of the present unsafe and insufficient structure now connecting the main shore with Sheek's Island.

Hon. Mr. LANGEVIN said the matter had been settled years ago by the payment of \$1,000 and the bridge was not now a Government bridge.

* * *

VACANCIES IN THE SENATE

Mr. BERGIN asked whether it was not the arrangement at the time of Confederation that any vacancies which might occur in the Senate for Ontario and Quebec, should first be filled by selecting gentlemen who were deprived of their seats in the Legislative Council of the late Province of Canada at the time of the union.

Hon. Sir JOHN A. MACDONALD said there was no specific arrangement, nor could there be, but there was a general understanding that so far as the existent Government could control the matter, the first Senators should be selected out of the old Legislative Councillors, and that the claims of such councillors as could not be included at first, were to be favourably considered afterwards. He might add that there had been a further arrangement affecting Ontario, so that of the first twenty-four Senators appointed for that Province twelve should be chosen from what was usually considered the Conservative party and twelve from the Liberal party.

* * *

ORILLIA LUNATIC ASYLUM

Mr. COOK asked whether the building heretofore used as a Branch Lunatic Asylum in the Village of Orillia, is the property of Local or Dominion Governments; if the property of the Dominion, whether it is owned wholly or partially by the Government; if party, what is the nature of the claims against it, and what is the ultimate intention of the Government in regard to the disposal of such buildings.

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Hon. Mr. LANGEVIN replied that the buildings were purchased about the year 1859 for the purposes of a Lunatic Asylum, and that they were therefore of the same character as other public buildings of Ontario; they were the property of Ontario, and the Canadian Government had no interest in or control over them.

* * *

HURON AND ONTARIO SHIP CANAL

Mr. COOK asked whether there is any scheme under the consideration of the Government for the purpose of connecting the waters of Lake Huron and Lake Ontario, as formerly entertained under the designation of the Huron and Ontario Ship Canal.

Hon. Mr. LANGEVIN said there was no such scheme under the consideration of the Government.

* * *

PORT STANLEY LIGHTHOUSE

Mr. CASEY asked whether the Government have taken any steps towards the erection of a lighthouse and pier at Port Stanley, for which an appropriation was voted last session, and whether they intend to ask for a revote this year and proceed with the erection of the said lighthouse and pier.

Hon. Mr. LANGEVIN replied in the affirmative, and said a revote would be asked and the erection of the lighthouse proceeded with.

* * *

PUBLIC BUILDINGS AT GUELPH

Mr. STIRTON asked whether it was the intention of the Government to submit in the estimates for the present year an appropriation for the erection of a suitable building in the town of Guelph for a post office, custom house, and office for collection of Inland revenue.

Hon. Mr. LANGEVIN replied in the negative.

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TORONTO HARBOUR

Mr. WILKES asked whether the Government have ordered surveys to be made of this harbour of the City of Toronto, and whether they are aware of the rapid filling up of the channel hereto, and whether they propose appointing a competent representative of the public commercial interests on the Harbour Trust of that city.

Hon. Mr. LANGEVIN said that the attention of the Government had not been drawn to any filling up of the channel as mentioned, but it was their intention to ask a vote of money for the purpose of a survey of the harbour. The Government would present the information thus obtained to the House. With regard to the latter portion of the question, he begged to say the attention of the government had not been called to the subject.

* * *

TORONTO CUSTOM HOUSE

Mr. WILKES asked whether the Government intends proceeding at once with the erection of a custom house and examining warehouse in the City of Toronto, and if so, what is the cause of the past delay in the prosecution of these undertakings.

Hon. Mr. LANGEVIN said the Government intended to proceed with the erection of the Custom House at Toronto, and he was under the impression that tenders had been called for that work. With regard to the examining warehouse, negotiations had been carried on between the Government and the railway companies in Toronto, in order to obtain from the railway companies facilities for reaching the warehouse the Government intended building. The reason of the delay was due to the fact that the Government had a difficulty in obtaining a proper title to the property.

* * *

THE GOVERNOR GENERAL'S INSTRUCTIONS

Hon. Mr. MACKENZIE asked if the Royal Instructions to the Governor General would be submitted to the House.

Hon. Sir JOHN A. MACDONALD presumed there would be no objection.

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RECEIPTS AND EXPENDITURE

Hon. Mr. HOLTON asked when the statement of receipts and expenditure, for the six months ending 31st December last, would be brought down.

Hon. Mr. TILLEY replied that he hoped to bring it down tomorrow, but not later than the day following.

Hon. Mr. HOLTON asked if he could not bring down a supplementary sheet down to the 1st of this month. The annual statements always referred to a late date, while really the late sheets were far more interesting. He thought it was desirable that a fuller statement than the meagre one submitted last year should be presented to the House.

Hon. Mr. TILLEY said the ordinary statement would be printed. He hoped to be able to lay before the House the expenditure up to the end of December.

Hon. Mr. MACKENZIE: Will there be no items?

Hon. Mr. TILLEY said he should present the statement in the same form as they had given it before, under the head of expenditure and income.

* * *

PUBLICATION OF PUBLIC PAPERS

Mr. MILLS said a sum of money had been voted last year for the publication of Orders in Council and Departmental Regulations, having the force of law. He understood these were to be published with the last volume of the statutes at the close of the First Parliament of Canada, and he would like to know whether these departments, regulations, et cetera were being published or not, and in what position the matter then stood.

Hon. Sir JOHN A. MACDONALD would answer the question tomorrow if the hon. gentleman would kindly repeat it then.

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PRINTING COMMITTEE

Hon. Sir JOHN A. MACDONALD moved that a message be sent to the Senate inviting them to join the House of Commons in the formation of a Joint Committee on Printing.

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MAIL ROUTE TO EUROPE

Mr. CARTWRIGHT moved for a select committee to enquire into the best and most direct route for mails and passengers between this Dominion and Europe, to consist of the Hon. Mr. Campbell, the Hon. Mr. Anglin, Mr. Fortin, Hon. Mr. Young (Montreal West), Mr. MacKay, Mr. Young (Waterloo South), and the mover.

He said he had already on former occasions expressed his opinion on the subject, and though the projected route to which he was about to call the attention of the House had been characterised as Utopian and rather far fetched, he believed it to be one worthy of all consideration. He admitted that the engagements of the country were already very serious, and he would be the last to counsel the incurring of any increase to the burdens till it was clear that the present ones could be fully discharged.

He then referred to the Intercolonial, saying that unless some sources of traffic could be found for it, apart from the local traffic of the country through which it passed, it was likely to be a burden upon the hands of the country for some time at least. He hoped to be able to establish the fact that were a case made out in favour of the scheme he would bring under the notice of the House, it would

not merely diminish this burden, but would yield a small revenue. He did not think it necessary to say much with regard to the attention which the question deserved at the hands of the House.

The route to which he would direct the attention of the House was that commonly known as the Newfoundland route, upon which a most compete and elaborate report had been made by Mr. Sandford Fleming. He did not intend to go into the details of the scheme, but would briefly describe some of the advantages which would arise from its adoption. The House was aware that the city of St. John's Newfoundland, was the most easterly point of the Continent and the Island of Valentia, near Ireland, the most westerly point of the Continent of Europe, and the distance between these two points was little more than half that between New York and the nearest sea port to that city in Europe. This alone was *prima facie* evidence of the advantages of the route so far as shortening the journey between this and the Mother Country was concerned, because in that was also involved the important principle of speed in the rate of transit. If the adoption of this route were found possible and practicable, it would reduce the ocean voyage between London and Canada from 250 to 300 hours down to 100, and the double journey between Montreal and London to a period of 12 or 13 days.

Not only, however, would there be a saving in time, but there would be a vast additional comfort, which had a great influence, not merely upon the number but also upon the character of the people who used the route; and lastly there would be a very material advantage, in point of safety, by reducing to a minimum the danger to which vessels are exposed in the course of their journey across the Atlantic. As many as 13 or 14 steamships had, in the course of the last 10 years, been lost between New York and Cape Race, but it was to be remembered that the actual loss was not all that had to be considered. There were risks and hair-breadth escapes in great numbers of which the country had heard nothing, but which had caused the journey between these points to be a source of anxiety, trouble, and expense to the proprietors of the vessels.

As he understood the matter all the vessels from New York for Europe found it necessary to make Cape Race before they stood out to sea. If he were correct in this the importance of the additional safety which would be afforded by the proposed route would be greatly magnified, because the neighbourhood of Cape Race was a most dangerous one.

With respect to the correctness of his estimate of the possible time it would take to make the journey between the two points he had indicated, he said his calculations were based on the speed of one of Her Majesty's man of war ships, which made an average of 14 knots an hour; and he was of opinion that if ships were built especially for the trade of the proposed route, carrying passengers alone, the rate of speed could be greatly accelerated. That such an arrangement would have the effect specified had been well illustrated by Mr. Fleming, and proof was found of the correctness of the principle and the difference between the rates of speed of purely passenger and mixed trains.

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He would venture to assert to the House that the route was practicable. There was one missing link, however, in this route, namely the railway that would require to be constructed across the Island of Newfoundland, which would be from 200 to 250 miles in length. The expense would probably be of rather serious importance, but he did not propose that the country should pay it directly. What he proposed to do was to give the mail contracts now made with the Cunard, Allan, and other companies to the line of steamers that would be placed upon this new route, and to expend the subsidies at present granted to the steamship companies in the construction and maintenance of the railway across Newfoundland, until such time as it would pay off from its own profits all such expenses. That he was too sanguine in expecting that it would do so in a very short time he was not at all disposed to think.

The passenger traffic between Europe and America was steadily on the increase—no less, he was safe to say, than 100,000 first-class passengers yearly going backwards and forwards between the two continents—and with increased facilities the number would not fail to increase in a vast ratio. A great number of emigrants yearly crossed the Atlantic to the American continent, sometimes as many as 500,000 or 600,000, and although many of them would, doubtless, not come by the proposed line, yet they would from no inconsiderable proportion of the traffic. The united population of Canada and the United States was at present between seventy and eighty millions, and in the course of a few years could not fail to reach ninety or one hundred millions.

A vast proportion of that increase must be the result of immigration, and the passenger accommodation rendered necessary to meet the exigencies of the traffic would be large enough to warrant the expenditure rendered necessary in this case even if no other source of traffic were likely to be found, but he believed that, over and above this, it would be found that the route would create a special passenger traffic of its own. It was customary, to a great extent, with mercantile men, even at present, to send their agents over to the British and European markets once, twice, and sometime more frequently during the course of the year; and it was obvious that if within a distance of four days from London, and able to make the journey to and from it, besides transacting business, in three weeks, the number of these would be immensely increased; besides, it would be a double traffic, as the passengers who went the one way would of necessity also return in almost every case.

The mail contract, too, would be an immense advantage to the route as well as the route to the expedition of business. Through the post one million of letters and as great a number of newspapers went yearly from this country to Europe, and the facility for forwarding them would almost certainly increase the number forwarded very largely. It might be inquired, if the advantages were as great as represented, why there had been no effort up till now to realize them, but he had to reply that until the construction of the Intercolonial Railway was completed, these advantages could not be of themselves apparent.

The construction of the Atlantic Cable had also distracted public attention from the subject, although previous to that a good deal of interest had in reality been felt in it. It might also be argued that it was essentially a summer route, which he granted was partially true, but he also had to reply that the trade which it was intended to accommodate was also essentially a summer trade.

The difficulty of transshipment at Valencia and St. George's would also likely be taken as an objection to the proposed route, but he did not propose that it should be available for goods traffic, except of the very lightest description, and should be confined as much as possible to the conveyance of passengers and mails. He, however, had no objection to making Milford Haven, instead of Valencia, the terminus of the English and Cape Breton the terminus for the Canadian goods traffic, which would entirely obviate this objection and yet greatly shorten the passage.

He could not give any appropriate estimate of the cost of the railway across Newfoundland, or the entire cost of the equipment of the route, and that also might be used as an argument against him, but a great deal was known of its probable cost, and English capitalists could invest in its stock with far less risk than in the Canadian Pacific Railway. (*Hear, hear.*)

In a few years the country would be benefited very greatly both directly and indirectly; a higher class of emigrants would be induced to come to the country on account of the short sea passage, and the inconveniences and hardships which were thereby obviated. He pointed out the good that would unquestionably arise from a systematizing of the emigration policy of the Government, and bringing out emigrants in batches or colonies instead of allowing them to land at haphazard, unheeded, as at present, upon a strange shore, with little information as to where they were most wanted, and no definite idea to where they should go. (*Hear, hear.*)

But the mere question of the shortest route between this country and Britain could in itself be a matter of no slight importance to the House, to this country, and to Britain. If the difficulties which now stood in the way of that grand scheme of an Imperial federation were ever to be overcome, everyone knew that it was out perpetual boast that the Dominion of Canada must be the keystone of any possible confederation of the British Empire. (*Hear, hear.*)

With the Pacific and Intercolonial Railways expanding across the Dominion from British Columbia to the Atlantic Ocean it was unquestionable that a great step had been gained towards this end; but this would not be in itself complete without the joint action of some such transatlantic route as he had just proposed. Granted that this scheme and the Pacific Railway were complete, we would then have brought the Pacific Ocean within ten days' travel of London, China and Japan within twenty-five days, and the Australian colonies within fifty days of the same centre. Thus, too, through one great highway of communication passing through British territory, we could unite not only the territories of the British Crown already mentioned, but our great Indian Empire, and consummate a

magnificent and complete confederation of all the British possessions. (*Hear, hear.*)

For these reasons any route which placed us within the smallest possible distance from Great Britain should receive the serious consideration of the House; and he moved that a Select Committee be appointed for the purpose of enquiring into the matter, to consist of Messrs. Campbell, Anglin, Fortin, Young (Montreal West), Young (Waterloo South), MacKay, and the mover.

Hon. Mr. ANGLIN said the importance of this subject could not well be over-estimated, but it could not have been dealt with sooner. He wished to point out a few of the facts, as laid down in Fleming's report, which had not been noticed by the mover of the resolution. The proposed route was not only the shortest to Europe from this country, but it was also the shortest from New York to Europe, and, therefore, in the summer season a very large passenger traffic might reasonably be expected over this route, which would diminish the risks and inconvenience and sufferings of a sea voyage.

From his own personal knowledge he could say that the expenditure on the continent would be a mere trifle. A branch railway from the Intercolonial Railway, down to Shippegan would, according to Mr. Fleming, be about 22 miles in length. He knew the country, and knew that except on the prairies there was no country where a railway could be more cheaply constructed. There would be no bridges nor cuttings required of any importance. With regard to the harbour, it was one of the finest in America. There was magnificent entrance to the Bay of Chaleur. The entrance to Miramichi Bay would need some improvement, but some expenditure would be required anyway. He considered the time had now come when this subject should receive the serious consideration of the Government and Parliament.

There was an impression that the interior of Newfoundland was waste and uninhabited; but explorations had of late been made which showed that the country was well watered and timbered, and a railway could be built through it without any great expense.

It might be said that Newfoundland was not within the Dominion, and therefore the Dominion could not be expected to seriously entertain any project which would involve an expenditure of public money to a very large extent upon the island. That was, no doubt, true, but he believed the Government hoped at no distant day to induce Newfoundland to join the Union. It was scarcely probable that Prince Edward Island and Newfoundland would remain outside of the Union for any very great length of time, and one of the means of inducing Newfoundland to come into the Union probably would be to hold out the expectation that, in addition to other advantages, the Island would be opened up by a railway running across it, bringing a stream of travel to and from Europe, which would be of great advantage to the country.

The importance of the subject having been so fully stated by the mover of the resolution, it was not necessary for him to dwell upon

it. He might say that the harbour of Shippegan was very conveniently situated on a point of land which ran down from the mainland, having the Bay of Chaleur on one side and Miramichi on the other, and it was stated by Mr. Fleming that this port was the nearest point, on the mainland to Europe, excepting a point on Gaspé, which was out of the question as a shipping point.

Hon. Sir JOHN A. MACDONALD regretted that Hon. Mr. Tupper was not present, as he had always taken a special interest in the subject. He agreed that this matter was one of very great importance, and the House was very much indebted to the mover of the resolution for having brought the matter before them so ably. The Committee, he had no doubt, would be able to report some valuable suggestions, and after that, perhaps, the question might be again discussed by the House this session. The motion was agreed to.

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COLLECTING DEBTS FROM VESSELS

Mr. KIRKPATRICK moved that the House go into Committee on the following resolution,—“That it is expedient to make further provision for the collection of demands against vessels navigating certain lakes and inland waters of Canada for seamen's wages and debts contracted, for necessary provisions supplied, repairs made and for towage and other services rendered to such vessels, and for damages arising out of collisions by vessels, by making the same a preferential lien on them.”

He proceeded to say that the principle of this resolution had long been acted upon in other countries, and the Act of the Ontario Legislature giving a lien to mechanics was an additional reason for the passage of the proposed measure. He referred to cases of loss of wages and damages, for which there was at present no remedy. If this measure was passed, it would improve the whole shipping interest, because it would have a tendency to reduce the rate of wages, as employees, having a security against loss, could afford to accept lower wages.

He argued that as a matter relating to trade and commerce, and shipping, it came within the jurisdiction of this House, the question of civil rights being merely incidental to it. No local Government could deal with it, as they could not seize a foreign vessel—at any rate trouble would be very apt to arise if they did do so. His measure was confined to the inland waters, as he believed that Admiralty Court of the Maritime Provinces had jurisdiction to deal with the questions involved. Since he had introduced the measure last session, he had received many assurances from gentlemen interested in shipping that it was a much needed motion.

It was agreed to, and the House went into Committee, **Mr. DOMVILLE** in the chair.

Mr. KIRKPATRICK moved the adoption of the resolution.

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Hon. Mr. HOLTON said as this was merely a preliminary step he would not oppose it. He would wait till he saw the Bill and saw how many of the objections he had always held to a measure of this kind were observed by the terms of the Bill of the hon. gentleman. He regarded the whole proposition as a very unsound one, and calculated to embarrass ship owners. He reserved discussion on the merits of the measure until the Bill was brought down.

The Committee rose and reported the resolution adopted without amendment.

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TARIFF OF RAILWAY TOLLS

Mr. OLIVER moved for a return of the last tariff of tolls sanctioned by the Governor in Council with respect to the transportation of freight and passengers on the Great Western and Grand Trunk Railways.

In making this motion he wished to call attention to grievances that were complained of in connection with those railways. The first was that they imposed differential rates upon different parties in the same town—some parties got lower rates than others. Then the rates were lower for freight from one place than from another nearer the point of destination; for instance, grain and flour were carried from London to Montreal for \$50 a car, while \$65 was charged for a car from Stratford, which was 30 miles east of London. A bushel of grain could be carried from London to Montreal for 17 cents, while from Stratford it cost 20 cents. He believed that these differential charges were contrary to the spirit if not the letter of the Railway Act.

He went on to say that large sum of public money had been given to both these roads, and the people had some claims upon them. Another complaint was that at certain seasons of the year, particularly when it was most necessary to have accommodation for the removal of the produce of the country, it was almost impossible to ship it, and at the same time cars of both those roads were being used for the transportation of the produce of the Western States.

He brought this matter before the House for the purpose of ascertaining from the Government if there was no remedy that could be applied to this state of affairs. Having subsidized these roads with public money, the people ought to have accommodation from them.

At the request of other members, the motion was amended so as to include all railways in the country, and it was then carried.

* * *

LEAVE OF ABSENCE TO MILITIA OFFICERS

Mr. EDGAR moved for a statement showing the occasions on which leave of absence had been granted to the Deputy Adjutant Generals of Militia and other salaried staff officers of the militia since the first day of October, 1868 and showing also the duration of the absence from duty on such occasions.

He observed that his object in making the motion was to obtain some information which might perhaps give the House an opportunity of better judging as to the necessity and usefulness of some of the very numerous staff officers in connection with the militia departments.

Hon. Sir JOHN A. MACDONALD suggested that this motion should be for an address to His Excellency. The hon. gentleman could make the alteration.

The motion as amended was carried.

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PARLIAMENTARY PRINTER

Mr. YOUNG (Waterloo South) moved for all Orders in Council, correspondence, or other documents relating to the suit recently brought against the Government with their consent, by the Parliamentary and Departmental printer, and all Orders in Council, correspondence, or other documents relating to advances of public money made to the said contractor prior to the late elections or since, with a statement of the security, if any, held by the Government that such advances will be repaid.

He said he made this motion in order that the facts connected with the matter might be brought before the House. It was well known that ever since the contract was let they had difficulties connected with printing. Every session since that time efforts had been made to induce the Printing Committee and the House to grant the larger amount of money than the Printing Committee believed to be just and right. It appeared that during the recess the Government had commented that the point in dispute should be brought before the Courts, where it was decided that the position taken by the Printing Committee was entirely correct. The House should be in possession of all papers connected with this matter, so that they might come to a proper conclusion thereon.

It was reported that during recess very considerable advances of public money had been made by the Government to the contractor, and that, he had reason to believe, at the time when his account with the Queen's Printer had been overdrawn to a considerable amount. The report had it to the amount of \$10,000 and another twice that sum.—Motion carried.

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MOVING FOR REPORTS: HERON ISLAND WORKS

Mr. BEAUBIEN moved for reports of the Government engineers on the works which were to have been undertaken by the St. Louis Hydraulic Company, between Heron Island in the River St. Lawrence, at the foot of St. Louis rapids, and the north shore of said river.—Motion carried.

MARINE AND FISHERIES DEPARTMENT

Hon. Mr. MITCHELL brought down five statements of the receipts and expenditure in various branches of his Department.

* * *

MANITOBA LANDS

Hon. Mr. MACKENZIE moved for copies of all reports from the Land Commissioner in Manitoba regarding the sale or location of lands in that Province, all reports from, or correspondence with the Commissioner or any other parties regarding the sale or location of lands in the Province; also for copies of letter of resignation of Mr. Canavan and all correspondence between Mr. Canavan and the Government; also all correspondence with the Government of Manitoba on the subject of the complaints against the management of the Land office in that Province.

He observed that he had seen some very extraordinary statements in the public press with regard to certain transactions there, and he thought it a subject of inquiry and consequently moved for papers to be brought down.

* * *

DISPUTED TERRITORY

Hon. Mr. MACKENZIE moved for a statement showing the number of applications filed with the Government for lands in the territory claimed by the Province of Ontario, lying west and north of Lake Superior, the names and residences of applicants, the quantity of land applied for by each person or company, the amount of money deposited by each person or company, the cases in which applications have been accompanied by plans and surveys, and an abridgement description of locations so applied for.—Carried.

Mr. FLEMING moved for copies of correspondence, Orders in Council, and other papers not previously sent down, touching the claims of the Government against John Lovejoy, or the Hamilton and Brantford Road Company.—Carried.

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THE CENSUS EXPENDITURE

Hon. Mr. POPE (Compton) brought down a return of the expenditure in connection with the Census.

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MOTION OF ADJOURNMENT

Hon. Sir JOHN A. MACDONALD moved the adjournment of the House.

Hon. Mr. MACKENZIE asked if the Minister of Public Works would be able to bring down tomorrow the returns asked for with reference to one of the sections of the Intercolonial Railway.

Hon. Mr. LANGEVIN said he had enquired about the matter and had received a note from the Commissioners stating that, after the enquiry of Mr. Sandford Fleming, that the return could not be ready before the end of the week.

In answer to the Hon. Mr. Dorion (Napierville),

The SPEAKER said he was clearly of opinion that the certificate regarding Mr. Mathieu in the Richelieu election case was sufficient.

The motion was then agreed to and the House adjourned at six p.m.

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NOTICES OF MOTIONS

Hon. Sir JOHN A. MACDONALD—On Friday next, a Bill relating to the representation of the people in Parliament and to Parliamentary election.

Hon. Sir JOHN A. MACDONALD—On Friday next, a Bill relating to the trial of controverted elections.

Mr. BODWELL—On Wednesday next, address to His Excellency the Governor General for copies of all correspondence between the Government of the Dominion and the Government of the United States on the subject of a reciprocal treaty between the two countries.

Mr. FORBES—On Friday next, an address to His Excellency the Governor General for a return of all work done during the year 1872 by the Dominion steam dredge Canada, also a statement of the cost of the Canada, the amount of repairs during 1872, and the daily expenses of the said dredge Canada, while working and while idle.

Mr. FORBES—On Friday next, an address to His Excellency the Governor General for copies of all correspondence between the Dominion Government and the different Governments of the British and foreign West Indies relating to the mail service between those countries; also for all tenders or offers for the performance of such service.

Mr. DUGAS—On Friday next, a Bill to change the limits of the counties of Montcalm and Joliette for electoral purposes.

Mr. SAVARY—On Monday next, the House in Committee, to consider the following resolution, viz:—"That it is expedient to repeal the Act or Acts imposing duties on promissory notes and bills of exchange."

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Mr. WALLACE (Albert)—On Friday next, an enquiry of the Ministry whether it is the intention of the Government to submit in the estimates for the present year an appropriation for the erection of a steam fog whistle at Cape Enrage on the coast of the Bay of Fundy.

Mr. WILKES—On Friday next, an enquiry of the Ministry whether the Government have been asked for a transfer to the

corporation of the city of Toronto of the property known as the Garrison Common, for the purposes of a public park, and whether in the event of such application being made the Government would accede to such a request.

Mr. WILKES—On Friday next, an enquiry of the Ministry whether it is the intention of the Government to recommend the establishment of free postal delivery in towns and cities.

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HOUSE OF COMMONS

Thursday, March 20, 1873

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

Prayers

PETITIONS

A petition was presented from the Mayor of Beauharnois, praying that the canal on the north shore of the St. Lawrence be not made, but that the canal on the south shore thereof be improved.

Mr. RYAN presented a petition asking that power might be given to the Montreal Telegraph Company to extend their operations over the whole Dominion.

The **SPEAKER** stated his opinion that in the Richelieu case the mis-citation of the statute in his certificate relating to the petition against Mr. Mathieu, was immaterial, and the petition should be received.

On question of the reception of the election petitions presented on Tuesday,

Hon. Mr. MACKENZIE said he believed that with regard to a number of these petitions the \$800 required had been paid in, while with regard to others there was simply a certificate that proper recognizance had been filed. He asked that all petitions that were merely accompanied with a certificate of deposit should lie over till they had a statement from the clerk as to what shape these deposits were made in. They had no information upon the election petitions as to what way these deposits were made, still that could be laid before the House. It was quite improper that any of such petitions would be received.

Hon. Sir JOHN A. MACDONALD objected to such a course entirely. The Clerk made the certificate to the Speaker, and was responsible only to him; the Speaker made the certificate to the House and was responsible to the House.

The **SPEAKER** said the law provided but one way for proving the fact of deposit, and that was the certificate of the clerk. The certificate was the only information that could be given to the House.

Hon. Mr. MACKENZIE took exception to that view. He thought the House had a right to know the mode in which the payment had been made. He had no intention of casting any imputation upon the officers of the House, but it was quite possible that the clerk might accept payment in a way that was not according

to law; and what he desired to know was the mode of payment, in order that they might be able to decide whether it was according to law. This request he made, that this class of petitions should remain on the table for another day, till they had this information, was a very reasonable one.

The **SPEAKER** said if there was any doubt as to the fact of the deposit, that question could be argued before him in Chambers, the same as any other question.

Hon. Mr. MACKENZIE said, in that case, he would not press his request.

The **SPEAKER** observed that he did not at all give any opinion in advance of what might take place when the matter came before him judicially. His impression was that then would be the proper time to discuss questions of this kind. He gave now no adjudication whatever.

Hon. Mr. MACKENZIE: I do not ask that.

The **SPEAKER** said that for the purpose of receiving these petitions the only evidence the law required had been laid before the House.

Hon. Mr. DORION (Napierville) remarked that supposing no deposit had been made or bogus bank bills had been paid, and a certificate given, the question was, would there be any means of trying that point after the reception of the petition.

The **SPEAKER** said that any objection to the recognizance could be taken when the matter came before him.

Hon. Mr. HOLTON said the law required a deposit of money, and the certificate of the clerk was a presumption that the money had been deposited, but he took it that the House could go behind the clerk's certificate and ascertain whether the money was really deposited or whether something that purported to be the equivalent of money or a promise to pay money, had been deposited. What they wished was to have it clearly understood that the question could be discussed before the Speaker judicially in Chambers, as they could discuss the validity or regularity of the recognizance. They did not ask the Speaker to adjudicate or express any opinion as to the point itself, but only to say whether they would be permitted to discuss, as in the case of recognizance, the validity or regularity of these deposits. If he determined that he had no power to consider any argument upon that point, then unquestionably the only course left open to them was to raise the question on the reception of the petitions. If, on the contrary, it could be considered,

as with the recognizance, in Chambers, then of course no hon. gentleman would desire to postpone the reception of the petitions.

The SPEAKER said he declined to prejudge matters. Any case brought before him that was fairly open to argument would receive a hearing from him; but to say that a particular line would be adopted in advance of any case being made was asking too much.

Hon. Mr. HOLTON said he would be the last man to ask the Speaker in his judicial capacity to express any opinion in advance of any case being submitted to him, but he thought they were not asking too much when they asked whether the Speaker conceived that he had judicially the same right to pass upon questions respecting the regularity or sufficiency of the deposit as he had to pass upon the regularity or sufficiency of recognizance.

The SPEAKER said he had.

Hon. Mr. HOLTON: Then that is the whole case.

After some further discussing, the petitions received on Tuesday were read by the Assistant Clerk at the table.

The SPEAKER said it appeared to him that there were certain petitions, all relating to one election, that in South Renfrew, which ought not to be received by the House, as they were not endorsed with the certificate of the Speaker. He put the question that the petitions numbered from eighteen twenty-three be received, which was accordingly negatived.

The remaining petitions were then received, in accordance with the provisions of the Act.

The SPEAKER submitted, in accordance with the statute, an alphabetical list of the members of the House, naming those whose seats were contested.

The list was read by the Clerk.

* * *

CONTROVERTED ELECTION COMMITTEE

The SPEAKER announced that he had appointed the following members as a General Committee on elections under the Controverted Election Act:—Messrs: Campbell, Smith (Westmorland), Geoffrion, Crawford, Stephenson, and Bowman.

* * *

ELECTION WRIT

The SPEAKER read a letter from the Hon. Mr. Blake to the effect that he had elected to sit for Bruce South and therefore resigned his seat for Durham West.

Hon. Mr. MACKENZIE moved that a writ be issued for a new election for Durham West.—Carried.

REPORTS

Hon. Mr. GIBBS presented the report of the Select Committee on Public Accounts, recommending a reduction of the quorum to nine. The report was adopted.

* * *

RECEIPTS AND EXPENDITURE

Hon. Mr. TILLEY presented the statement of Receipts and Expenditure from 1st July to 31st December last, also a statement of unforeseen expenses, and moved its reference to the Committee on Public Accounts.—Carried. He also moved the printing of the statements.—Carried.

* * *

TREATY OF WASHINGTON

Mr. BROUSE asked whether the Government had taken any steps towards issuing a proclamation by His Excellency placing in effect the Act relating to the Treaty of Washington of 1871, and if not, when they intend so doing.

Hon. Sir JOHN A. MACDONALD said so soon as the Government received official information of the passing of the Act of the United States Congress respecting the Treaty the attention of the Governor General would be directed to the subject.

* * *

BETTER TERMS

Mr. STAPLES asked whether it was the intention of the Government to grant better terms to the Province of New Brunswick and Manitoba, and if so, whether it is also the intention of the Government to grant better terms to the Province of Ontario.

Hon. Sir JOHN A. MACDONALD said this subject was under the anxious consideration of the Government, and they intended to submit their conclusions upon this subject to the House during the present Session. In that measure he thought the hon. gentleman would find the interests of Ontario would be attended to. (*Laughter.*)

* * *

REVENUE LAWS AND THE GREAT WESTERN RAILWAY

Mr. OLIVER moved for a copy of all correspondence to and from the Government relative to the alleged infraction of the revenue laws by the Great Western Railway Company, and also all evidence taken at any investigation which may have taken place

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with reference to the same, with a statement of all claims against the said company for the said duties.

He said reports had been in circulation for some time past which alleged that some time ago, a number of cars introduced into this country from the United States were introduced without the payment of any duty. This was the effect of the statements which had been in circulation. For his own part, he was loath to believe they were correct and that a corporation of such high standing as the Great Western Railway Company had been guilty of anything of the sort. As, however, the statement had been published—the letter which appeared in the press contradicting the statement not, in his opinion, meeting the case properly—he made this motion to ascertain if there were any facts collected; if so, that the papers should be laid before this country.

Hon. Mr. TILLEY said these papers would be brought down without delay, and it would then be seen there was very little ground for the charge made against the officials of the Company.

Mr. CHISHOLM said reference was made to his name in the letter alluded to, and he wished to take the opportunity of saying that any statement made with regard to himself was entirely untrue, and had no foundation whatever.

* * *

THE SUPERANNUATION FUND

Mr. JOLY moved the House into Committee of the whole on the resolution respecting the Superannuation Fund.

Hon. Mr. TILLEY asked the hon. member to postpone the question for a few days, as the subject was not engaging the consideration of the Government.

Mr. JOLY assented, hoping, however, that the matter was engaging its favourable consideration.

* * *

ORDNANCE LANDS

Mr. LANTIER moved for the plans and reports of G.F. Baillaige, Civil Engineer, having reference to the following properties of the Board of Ordnance in the county of Soulanges, namely; Fort of Coteau, old military canal passing through it, and the ground adjoining, the burying ground not included; the piece of land on the bank of the St. Lawrence, in the village of Cedars, Split Rock Lock, and the land adjoining the old military canal of Cascades, with a report of the sale of any part of the same; also copies of all documents explanatory of the cause why the sale of the aforesaid public property was suspended.—Carried.

* * *

CHAPEAU RAPIDS CANAL

Mr. FINDLAY moved for copies of the survey, estimate, and report of the engineer sent by the Government to ascertain and

report as to the feasibility and cost of constructing the canal at the Chapeau Rapids, on the Ottawa River.

In doing so he remarks that the Government had gone into a scheme the feasibility of which they had not been at the trouble to examine before proceeding to ask the House for an appropriation in its behalf. At this time, when petitions were being presented from the leading commercial men of the country with regard to the Beauharnois Canal, it behoved the House to consider well when any appropriations were going to be made in the matter of improving the navigation of rivers. At least the resources of the country should be laid out in the best places; whereas experience showed that the wrong side of the channel had been taken.

He was personally cognizant of the fact that such was the case in the choosing of the channel of the canal referred to in his motion, as also of the advantage and superior claim of the route which could have been constructed on the opposite side of the Ottawa river; and he made this motion in order to draw the attention of the House to the fact that the Government without due information on the subject asked and received an appropriation last year for the purpose of locating a canal in the most disadvantageous position, while the most advantageous route was still unemployed and still unknown to them. So far he had only addressed himself to the fact that the Government had proceeded without reliable information.

With regard, however, to the south channel, he had to inform the House that it contains more than double the quantity of water contained by the channel chosen. Great difficulty would be experienced in navigating the north channel at low water, whereas the south channel would be navigable at all times. He pointed out the importance of the town of Pembroke, which was ten miles distant from the north channel, and thought its interests ought to be consulted, over and above the valuable character of the channel itself.

Mr. WRIGHT (Pontiac) contended the Government had not acted without having full information of the proposed work. He cited from Mr. Shanly's report, to the effect that the north side of the river presented the best facilities for improving the navigation of the river. He also cited the opinion of D.F. Clark to the same effect. He had no doubt the route advocated by the hon. mover of the motion would benefit his county, but it was not in the public interest.

Mr. FINDLAY said he had not advocated the Muskrat route. What he contended for was that in following the Ottawa River the Government ought to take the best channel.

Mr. WRIGHT (Pontiac) said in taking the course they did they had selected the best channel, and had been supported in their cause by two distinguished engineers.

Mr. FINDLAY pointed out that the report of Mr. Shanly and Mr. Clark related to the proposed project of the Ottawa Ship Canal, and did not apply to the work he had referred to.

Hon. Mr. LANGEVIN said the Government had acted upon previous information. Certainly, of the two routes, that they had selected was best for a ship canal. It was best, also, for a smaller canal. There would be no objection whatever in furnishing the papers now asked for.

The motion was carried.

* * *

OBSTRUCTION OF NIAGARA RIVER

Mr. CHARLTON moved for any correspondence which may have taken place between the Government and the Common Council of the city of Buffalo, relating to the obstruction of the navigation of Niagara River by the erection of a crib in the mid-channel of the said stream for the Buffalo city waterworks.

He observed that his object in making the motion was to bring the attention of the Government to the fact that the navigation of Niagara River was likely to be seriously obstructed by the erection of this crib. The river at this point was narrow, and a short distance below it the International bridge was being erected, and it and the crib would form a very serious obstacle to navigation, especially as far as lumber rafts were concerned. The timber trade passing down the river was of great and growing importance. A large amount of square timber was now being shipped in rafts from Michigan, and the trade was likely to extend to the Canadian shores of the Georgian Bay.

If this crib were allowed to be constructed it would entail great expense upon owners of rafts, compelling them to take the rafts apart and float the lumber down in small tugs. It would be a serious obstruction to navigation, and ought not to be allowed to be placed there without a protest.

The motion was carried.

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REPORT FROM THE SENATE

The SPEAKER read a message from the Senate announcing the names of the Senate portion of the joint Committee on Printing.

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PRINCE EDWARD'S ISLAND

The orders of the day being called,

Hon. Mr. MACKENZIE asked the leader of the Government if it was his intention to lay before the House any information concerning the recent negotiations with Prince Edward's Island. He was astonished to find in newspapers of that Province as well as in other eastern newspapers a statement showing that negotiations had taken place between the two Governments. These statements also represented that certain offers had been made to the Government of

Prince Edward's Island, on condition of their entering Confederation.

It did seem to him very extraordinary that while the Parliament was sitting such important documents should be withheld from the House and communicated to the public newspapers. He desired to ask if the published statements were authentic and why the information had not been communicated to this House.

Hon. Sir JOHN A. MACDONALD said the inquiry was a very natural one. The Government of the Island of Prince Edward has sent two of their members to Ottawa, and they have had negotiations with the Government here on the Union of Prince Edward's Island with the Dominion.

Certain conditional arrangements were entered into and these gentlemen went home for the purpose of submitting them to their colleagues, and they in turn had made up their minds to submit them to the people before they would be laid before the Legislature. These terms would therefore be laid before that body after the elections, and it was obviously a matter of importance to that Government that they should choose their own time and their own mode of submitting the propositions of the Dominion Government to their people; therefore he did not deem it advisable to place these provisional returns before the Parliament here until the Government had ascertained that they had been presented to the public of Prince Edward's Island.

Of course the Government of Prince Edward's Island had the great task of submitting the question to the people and going to the country upon it, and he thought it might be thwarting greatly the object they all had in view if there were a premature publication. It was a matter of little consequence whether one or the other party published these terms first. He expected information from the Government of Prince Edward's Island in a short time, and after his Government had received that, they would be in a position, without injury to the great cause of union, to submit the papers to this House.

Mr. MILLS said it would be contrary to law for the Government to initiate such a measure. That motion belongs to Parliament and not to the Government.

Hon. Mr. ANGLIN said the people of Prince Edward's Island might receive a very improper impression from the report of the speech of the leader of the Government. The newspapers of Prince Edward's Island published the proposed terms, and the Government had gone to the country upon these terms. If the people of Prince Edward's Island heard that the Minister of Justice thought it might possibly damage the cause of Confederation in that Province by announcing to the House whether their public statement were correct or incorrect, they might suppose there was some doubt as to their correctness.

Hon. Sir JOHN A. MACDONALD said he had not even seen the statements in the newspapers. All he knew was that provisional arrangement had been entered into by the gentlemen from Prince

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Edward's Island, who had left here for the purpose of submitting it to their colleagues and afterwards, if they thought proper, to the people. Of course it would be open to Parliament afterwards to decide whether or not these terms should be accepted.

Hon. Mr. MACKENZIE said the hon. gentleman could see statements in the newspapers, and he could compare them with the actual facts, and if they were correct, or nearly correct, it would be quite evident they had been communicated and published in Prince Edward's Island by Government.

The moment it was made manifest that there was any official communication, the papers should be laid before the House, accompanied with any documents necessary to enable the House to understand the position taken by the Government. Of course it was quite true, as the member for Bothwell (Mr. Mills) had said, the Government had no right to make any arrangements, but he did not object to the Government endeavouring to enter upon such negotiations as might result in the Union of the remaining provinces still outside the Dominion; and anything that might promote that object would receive the assistance on his side of the House; but he did think it was not treating Parliament with respect due to it, to have such documents as that reach them from such address during the session, and then, when the attention of the Government had been called to it to tell them that as soon as official communications were made with Prince Edward's Island, the Government would place the information before the House. He did not think it was the way to carry on business in relation to such matters.

The terms, of course, would have to receive the consent of the House, and in order that that might be done, the papers should be laid before them on the earliest possible occasion, so that they might judge as to the propriety or impropriety of the course of action proposed.

Hon. Sir JOHN A. MACDONALD said he differed from the hon. gentleman. In his view they ought to act upon the newspaper. The statements appeared in the newspapers where members could see them.

Mr. MILLS: These statements may be incorrect.

Hon. Sir JOHN A. MACDONALD differed from the hon. gentleman's idea that they should act upon newspaper items. The statement might not be correct, and, if incorrect, it would be very improper of the Government to lay the papers before the House until they had received official communication from Prince Edward Island. No unauthenticated documents should be acted upon. The Government of the Island desired that they should have an opportunity of submitting their provisional case in their own way to their own people, before it was brought up in the Dominion Parliament. The House would have every opportunity of considering the resolutions, should there be a necessity to concur in or reject them.

Mr. MILLS said the Government had no right by law to take the initiative in this matter. They did not stand in the same position with regard to the question of the union of the outlying Provinces as they did with regard to a matter of administrative policy.

There was nothing in the Act to justify the Government in taking the initiative any more than any other member of the House, and there was this very strong objection to the course pursued by the Government, and it was the objection made against their course with regard to British Columbia, namely: that while the people and Legislature of Prince Edward's Island were free to discuss the matter and make amendments to the terms, the members of this House would be obliged by the policy of the Government to either accept or reject the terms as a whole. As this House was one of the primary parties to any negotiations relating to Union, it was only proper that they should decide upon the terms before proposing to Prince Edward's Island.

There were only two parties in the matter, namely, the Legislature of Prince Edward Island and the Parliament of the Dominion. There was no third party. The Executive have not any authority in the Confederation Act for bringing about the union of outlying Provinces. Any proposition from the Government could only be from them as the agents and servants of Parliament, and should have received the sanction of Parliament before the Government took any action in the matter at all.

He cited the 116th section of the Confederation Act in support of this view. He held that under this section the Government should have consulted Parliament, and obtained its approval to the proposal they wished, as agents of Parliament, to submit to the Legislature of Prince Edward's Island.

Hon. Sir JOHN A. MACDONALD said that the hon. gentleman must not have understood the British constitution properly, else he would have seen that the responsibility of initiating negotiations rested upon the Government of the day.

The matter then dropped.

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COLLECTING DEBTS FROM VESSELS

On motion of **Mr. KIRKPATRICK** the House received the report of the Committee of the Whole on the resolution declaring it expedient to make further provision for the collection of demands against vessels navigating certain lakes and inland waters of Canada. He then introduced a Bill founded on the resolution.

Hon. Mr. HOLTON called attention to the fact that the Bill was old. The printed copy of the last Session was merely waste paper, and, therefore, entirely irregular.

After some conversation, the Bill was read a first time.

The House then adjourned at 5.30 p.m.

March 21, 1873

HOUSE OF COMMONS

Friday, March 21, 1873

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

Prayers

ELECTION PETITIONS

On the question of the reception of the petition against the return of Mr. Wilkes for Toronto Centre,

Mr. EDGAR took objection to its reception on the ground that it was not presented within the proper time. He was of opinion, that under the Act it would be entirely impossible to take objection before the Select Committee on Elections, and there was no decision that he was aware of that an election petition could be regularly presented upon the fifteenth day of the session. He was aware that an expression of doubt had been thrown by the decision of the present Speaker upon the question, but he submitted that now was the time to settle the question by a decision from the Chair as to whether the petition could be received or not that was presented on the fifteenth day.

He cited May, page 512. He also cited section 52 of the Controverted Election Act, to the effect that election petitions once received by the House should be referred to the Election Committee; so that if this petition was at once received the sitting member would be debarred from taking an objection before the Select Committee.

He went on to argue that the day on which the Speaker was elected was the first day of the session. All our statutes and journals speak of the session beginning on the day upon which the Speaker was elected, and that, too, was the day on which the Royal proclamation called Parliament together for the despatch of business. If there was still any doubt on the subject, that doubt would be removed by reference to the provisions of the Controverted Elections Act. It was provided in section 30 that the Speaker should issue his warrant on or after the fifteenth day of the session for the appointment of a General Committee on Elections. Before that warrant could be issued it must be ascertained that the members of the Committee could not possibly be petitioned against, and therefore the fact that the fifteenth day of the session was the day on which the Speaker might lay his warrant upon the table clearly fixed the fifteenth day as one on which no election petition could be presented, because if it were possible to do so, it would not be possible to ascertain that the members of the Committee to be appointed on the fifteenth day could not be petitioned against. Then the 45th section provided that the Clerk of the House should on or

after the fifteenth day make out a list of the members who were disqualified, by being petitioned against, from serving on Election Committees.

The same argument applied in this case as in the case of the Speaker's warrant. The Act also contained within itself a very clear explanation of the fact that the first day of the session should be counted as one of the fourteen days. The 6th sec. provided that no session of Parliament which should not have lasted fifteen days at least, including the day of meeting and the day of prorogation, should be deemed a session within meaning of the 2nd sec., which was the section that provided that petitions should be presented within the first fourteen days of the session. The fact that no election petitions could be presented on the first day could not possibly be any damage to any one fearing to present petitions, because there would still be thirteen days for the presentation of these petitions; but this argument could not apply to the fourteenth day, because no petition could be presented after that, and consequently the law specifically provided that if the fourteenth day was not a day in which the regular business of the House was carried on, then petitions might be presented on the next day; but the law did not exclude the two Saturdays and Sundays within the fourteen days.

The intention of the Act was not to give fourteen clear Parliamentary days to present petitions but it merely limited the time for the presentation of petitions. If election petitions could be presented on the fifteenth day, then surely, the Speaker's warrant could not be issued till the eighteenth day. He had taken the trouble to look into precedents, and he found that the Speaker's warrant and the Clerk's list of members were laid before Parliament on the fifteenth day of every session from 1852.

He submitted that under the circumstances it was essential to the rights of the sitting member that this matter should be disposed of now, upon the reception of the petition, and he also submitted that the petition could not be received, as it was presented too late.

Hon. Mr. CAMERON (Cardwell) continued that the point was one which ought to be decided by the Committee. The 52nd section of the Act provided for the reference of all petitions, to a Committee, which was to try such petitions and the effect of the 154th section of the Act was that these petitions should be tried by the Committee and not by the House. He next contended that the first day of a new Parliament was not the first of the fourteen days upon which petitions could be presented and in support of this contention he quoted sections 44 and 186 of the British North America Act. He maintained that the Committee, and the Committee only, had the right of deciding a question which depended upon the construction placed on the Act of Parliament.

Hon. Mr. RICHARDS (Leeds South) apprehended that there could be no doubt that the day upon which Parliament was opened was one of the fourteen days. He thought a petition might be presented on that day and if that were so, it would of necessity be the first of the fourteen days. In proof of his conviction he quoted a passage from the Institutes of Coke, relative to the first day of Parliament.

Mr. EDGAR said his hon. friend from Cardwell relied apparently upon the rights conferred upon the Committee by section 154 and section 152. The latter section said that all petitions received by the House should be referred to the Committee and afterwards tried. This, together with the 54th section, showed that the reference to the Committee was one thing and the trial another. With regard to his argument respecting the first day of Parliament, he wondered if the name argument would be brought up by hon. members if the question was raised in reference to the 30 days which entitled them to indemnity. (*Hear, hear, and laughter.*)

Hon. Mr. DORION (Napierville) said he could refer to a precedent as far back as 1762, in which year, in case before the English Parliament, when a petition was received within the fourteen days, but when the House was not sitting, and when presented next day was declared out of order. This, he thought, was a case much more favourable to the reception of the petition than the present. He thought the only question which seemed to be disputed was whether or not the day upon which the Speaker was elected was to be counted. He argued that the present session began on the 5th of March, therefore, the first fourteen days of the session expired on the 19th, and after that date no petition against the election of any member could be received. On referring to the votes and proceedings of the House from the year 1858, he found that the Speaker's warrant was laid on the table on the fifteenth day after the meeting of Parliament, and he quoted the first number of votes and proceedings of the present session in support of his position. The meeting of Parliament must of necessity be counted from the day to which it was prorogued, whether the House was in session or not.

Hon. Sir JOHN A. MACDONALD said that only referred to a prorogued Parliament.

Hon. Mr. DORION (Napierville) contended this was a prorogued Parliament, else the House would have met on the day mentioned in the writ. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD said the meeting of Parliament was one thing, the meeting of the House of Commons was another. (*Laughter.*)

Hon. Mr. DORION (Napierville) thought the argument rather slim. (*Hear, hear.*) He thought there could not be any doubt that the legal period for receiving petitions of this nature had expired before the presentation of the one in question. This had been the acceptance of the law ever since the Union, and there was no reason for changing it now.

After some remarks from Hon. Mr. Cameron (Cardwell),

Mr. PALMER expressed his concurrence in the views of the member for Monck. The fourteen days did not, he thought, mean fourteen clear days, on any one of which an election petition might be presented, but it merely fixed a limit of time beyond which no election petition could be presented. At any rate, that was his opinion upon the common sense reading of the statute, and he would prefer to have the reception of the petition postponed till tomorrow, so that members could have an opportunity of forming an intelligent opinion on the matter.

After some remarks from Hon. Mr. Dorion (Napierville),

Hon. Sir JOHN A. MACDONALD said he was free to admit that there was great doubt on the point, and thought it would be best to take time for consideration. He argued that before the Speaker was elected to serve in the Commons, and were not really a House till the Speaker was elected and presented to the Governor General. Suppose the election of the Speaker was discussed fourteen days, then there would be no time for presentation of petitions.

There was a case in England, in the reign of George III, in which when Parliament met it was announced to them that owing to the illness of the Sovereign he would not then decide his reasons for calling Parliament and the Parliament adjourned for several weeks. A similar case might arise in this country, and if fourteen days were to count from the meeting of Parliament then no petitions could be presented at all. However, he admitted there was great force in the arguments of the member for Monck (Mr. Edgar), and he thought it would be well therefore to take time for consideration.

The SPEAKER said that of course any decision of the Chair was not binding upon the House. The House might accept it or not, although his own view had not changed at all since 1867 and he was prepared now to sustain it; yet hon. members might desire to inform themselves upon this important question; and perhaps therefore it would be better, with the consent of the House, to defer the question till Monday.—This was agreed to.

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BILLS INTRODUCED

The following Bills were introduced:—

Hon. Mr. HOLTON—To amend the Act incorporating the Canada Guarantee Company.

Hon. Mr. MACKENZIE—To amend the Act incorporating the Isolated Risk Insurance Company.

Hon. Mr. CAMERON (Cardwell)—To amend the provisions of the Grand Trunk Arrangement Act of 1862, so far as to extend the preferential bonds a further period.

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Hon. Mr. HOLTON raised the objection that the Standing Orders Committee had reported that sufficient notice of this Bill had not been given in the newspapers.

Hon. Mr. CAUCHON observed that the Bill affected the rights of the Crown, and the assent of the Crown should be given before it was introduced.

Hon. Mr. CAMERON said that the assent could be got at a later stage, and he moved that the rules be suspended so as to allow the introduction of a Bill.

After some observations the rule was suspended and the Bill introduced.

Mr. SCHULTZ—To incorporate the North Western Trading Company.

Mr. DUGAS—To change the limits of the counties of Montcalm and Joliette, for electoral purposes.

Mr. LEWIS—To increase the capital stock of the Union Forwarding and Railway Company.

* * *

EXEMPTION FROM COMMITTEE

Mr. FERRIS claimed that he should be exempted from serving on an Election Committee, as he was above the prescribed age, 60 years.

The SPEAKER said the objection would appear in the journals and would be considered subsequently.

Mr. PICKARD said that if his stalwart friend was to be exempted from serving on an election committee he thought the whole House should be exempt. He would therefore move that the House declare all the election petitions to be frivolous and vexatious, and resolve that all the said petitions be returned to the place whence they came, unwept, unhonoured, and unsung, and further that the money deposited be divided privately amongst the members voting for this resolution. (*Laughter.*)

* * *

SAVINGS BANK

Hon. Mr. TILLEY moved the House into Committee on the resolution respecting Savings Banks in Ontario and Quebec. In introducing the motion he said it was intended to give these banks the power of acquiring Dominion securities. In deference to the opinion of Hon. Mr. Holton, however, he was willing to refer it to the Committee on Banking and Commerce.

Hon. Mr. HOLTON had very serious misgivings as to the propriety of the sweeping change which the hon. gentleman meant to make. The proposition was to do away with the restrictions on

the powers of these institutions to invest in the ordinary stock of the country, and thus diminish the amount they must always hold in deposits in the chartered Banks of Ontario, in order to meet any sudden demand on them on the part of their depositors. The measure of the hon. gentleman's predecessor was intended to serve the two-fold purpose of inviting depositors and encouraging the investment of a portion of the country's savings on the public securities, and with these objects in view he (Hon. Mr. Holton) had given his cordial consent to the measure as it passed. He objected to the proposition of his hon. friend opposite, because it was such a sweeping change, and a change which, to his mind, was anything but an improvement. However as the hon. gentleman had expressed his willingness to refer the Bill to the Committee on Banking and Commerce, he had no desire to discuss this preliminary resolution, and felt it incumbent upon himself to say what was his opinion of the proposed change.

Hon. Mr. TILLEY said he was perfectly willing to refer the matter to the Committee mentioned, and would not resist any change in the measure which might be thought necessary on behalf of the interests of the Dominion. He moved the adoption of the resolution.—Carried.

The Committee rose, reported the resolution as adopted, and Hon. Mr. Tilley introduced a Bill founded upon the same.

It being six o'clock the House rose.

AFTER RECESS

CARRIAGE OF DANGEROUS GOODS

Hon. Mr. MITCHELL moved the House into Committee on the resolution declaring it expedient to make another provision and to amend the law respecting the carriage of dangerous goods on ships. He explained that he desired to introduce the English law upon the subject. One of the features of the Bill was that parties shipping dangerous goods should mark on the outside the nature of the material, and it would also provide for the punishment of parties neglecting to carry out this provision.

The Committee rose and reported the Bill without amendment.

Hon. Mr. MITCHELL introduced a Bill and founded upon the resolution.

Hon. Mr. MACKENZIE said he had no objection to the measure, but surely the hon. gentleman did not intend to class petroleum oil in the same category as nitro-glycerine. Petroleum could not now be carried without the mark of the Government being placed upon it.

Hon. Mr. MITCHELL explained that the measure simply required that all dangerous packages should have the names of the contents marked outside.

Hon. Mr. MACKENZIE said it would be found impossible to carry out the provisions of the Bill with regard to the transportation of petroleum.

* * *

WRECK AND SALVAGE LAWS

Hon. Mr. MITCHELL moved the House into Committee of the Whole to consider the following resolution: "That it is expedient to amend the laws respecting wreck and salvage, and to make one law common to the whole Dominion and in harmony, as far as the circumstances will permit, with the laws in force on the same subject in the United Kingdom". He explained that the law in Great Britain provided for the protection of property cast ashore, and it was desirable to have a similar provision here. The Bill would also provide for the protection of life under certain circumstances.

The Committee rose and reported the resolution adopted without amendment, and a Bill founded upon the resolution was introduced.

* * *

TRINITY HOUSE

Hon. Mr. MITCHELL moved that the House go into Committee of the Whole to consider the following resolutions:—"That it is expedient to increase the number of members of the Corporation last mentioned, and to make further provision for the representation of the trading and shipping interests in the same, and also to extend the limits of the said harbour downwards as far as Longue Point Church, and to give the said Corporation power to borrow a further sum of money for the purpose of improving the said harbour, and also to provide by the Act to be passed for the purposes aforesaid, a new tariff of dues to be collected by the said Corporation on vessels and goods using on being landed upon or shipped from the wharves and works of the said corporation."

Hon. Mr. HOLTON wanted to know why some measure was not applied to the Trinity House of Quebec. Both those Trinity Houses were relics of medieval barbarism, and the hon. gentleman should certainly have his assistance in abolishing them.

Hon. Mr. MITCHELL thought it premature to answer that question just now. The circumstances were not the same, and he declined to explain why he could not now deal with Quebec. In the future it might be worth while to consider the suggestion of the hon. gentleman.

Hon. Mr. HOLTON said he had advocated this measure years ago, and he could not see any reason for not extending it to Quebec. He was of opinion that the reasons for the hon. gentleman, not dealing with Quebec were unsound and altogether unworthy of the hon. gentleman's boldness. They rather indicated cowardice on his part.

Hon. Mr. YOUNG (Montreal West) said he was only surprised that this reform had not been accomplished years ago. In 1861 a

petition was presented from the Montreal Board of Trade in favour of such a reform, and, late though it came it would be welcomed by the mercantile community of Montreal. It showed what persistent energy would accomplish by keeping a matter of this kind before the Government for ten or twelve years.

Mr. RYAN was not aware that the citizens of Quebec had asked for the passing of such a measure, while the attention of the Montreal mercantile community had been directed to it for years past. He did not therefore see why the Government should force a measure upon the people of Quebec that they had not asked for. He gave the measure his cordial support.

The House then went into Committee on the resolution.

Hon. Mr. MITCHELL explained the necessity for giving the Montreal corporation power to borrow more money for improvement of the harbour, and for increasing dues on vessels and goods.

Hon. Mr. HOLTON thought this measure should go to the Committee on Banking and Commerce, as it was obvious that the Bill would contain provisions not indicated in the resolution; provisions which affected the commerce of the country. He trusted the hon. gentleman would accept any suggestions made to him by those who were personally acquainted with the matter.

Hon. Mr. MITCHELL said the suggestion would be considered before the second reading.

The Committee then rose and reported.

Hon. Mr. MITCHELL introduced a Bill founded on the same.

* * *

THE ELECTION LAW

Hon. Sir JOHN A. MACDONALD moved for leave to introduce a Bill to amend the Election Law. The hon. gentleman, in describing the details of the Bill, said in many respects it was similar to the one presented last session. With regard to the franchise, it assimilated with the several Provinces, it adopted some features from one Province; some from another. On the whole it was a very considerable extension of the franchise.

With regard to the registration there was in the Bill under consideration that which avoided the objection raised last session. The matter would be left to a revising barrister, with the right of appeal to the law courts in the various Provinces.

With regard to the machinery and conduct of election, the hon. gentlemen opposite would be glad to know that the Bill provided that in future at a general election the elections should all be held on one day. (*Applause.*) It would be remembered that, last Parliament, objection was taken by himself to that system, because it would

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practically prevent persons from voting in more than one place. By a great exertion one might vote in a contiguous constituency.

A simultaneous general election would have prevented a man from exercising the franchise which might have been conferred upon him. In order to obviate this and to meet the views of the House, and he believed it would receive the acceptance of the country and at the same time to avoid inconvenience and injustice—the Bill provided a system in force to some parts of England, by which any elector having the franchise in more than one constituency, must vote personally in the constituency in which he resides, and he could be a properly authenticated voting paper give his vote wherever the law declared he had one.

The nomination of candidates was still observed. He did not propose to discuss that point then, but he thought he could show to the House that there were substantial reasons for having a nomination day. With respect to bribery and corruption provisions had been made and he thought the Bill would be found to be satisfactory in this respect.

He did not in the Bill propose to deal with the question of the ballot. (*Laughter.*) The Bill was drawn up upon the supposition that there would be open voting. The question of voting by ballot would, he presumed, come up in a substantive form, and if it should be the will of Parliament that a system of secret voting should be adopted, that system could be applied to the Bill. (*Cheers.*)

Hon. Mr. MACKENZIE: Did I understand the hon. gentleman to say he retains the machinery for registration provided in his former Bill?

Hon. Sir JOHN A. MACDONALD: No; I have altered and simplified that.

Hon. Mr. MACKENZIE: Does the system of registration in the several Provinces have any connection with it?

Hon. Sir JOHN A. MACDONALD: No.

Hon. Mr. MACKENZIE: What about returning officers?

Hon. Sir JOHN A. MACDONALD: The Government still retain the power to appoint returning officers.

Hon. Mr. MACKENZIE said he was glad that the hon. gentleman had become a convert to the opinion expressed from the Opposition side that the elections should all be held on one and the same day, and that undoubtedly was a very great improvement, and probably like some other concessions of the hon. gentleman's, it was granted for reasons that were very obvious. In all likelihood the system would obtain in any case.

With regard to the other provisions of the Bill, he did not care to enter into any discussion until the Bill was printed, but he would say that it would be very objectionable to leave it in the hands of the Government to constitute an arbitrary court for the purpose of the registration of voters. Speaking for himself, and on the spur of the moment, he would rather see the system of registration in force in

the respective Provinces maintained, and the electoral body drawn from these lists. It would be much more simple and would prevent the interference of the Government here in the way proposed in the Bill. Because if the Government had it in their power to establish these Courts in an arbitrary way, a mere appeal to the Courts was not within the reach of a very large body of electors. The system was liable to be abused. They had seen what had taken place during the late election, when the Government, for reasons of their own, chose to abandon the system that had obtained in the old Province of Canada, and, he believed, in the other Provinces as well, of having *ex officio* returning officers.

The hon. gentleman last session insisted on the right to nominate the returning officers, because the sheriffs were not the officers of this Government; but it could not be forgotten that the hon. gentleman did make the sheriffs' officers of this Government. They had functions to discharge imposed on them by the legislation of the House, at the instance of the hon. gentleman, and it would be no more difficult to make them officers of this Government in respect of this measure than it was in respect of other measures; but that did not suit the purposes of the hon. gentleman.

While speaking on this point, he might refer to an attack the hon. gentleman made the other night upon the Ontario Government. He endeavoured to excuse himself for passing over the sheriffs of the Province of Ontario because he deemed the Government of that Province hostile to his Government, and supposed that it would exercise pressure upon these officers to compel them to do something wrong. That was not a creditable statement for hon. gentlemen to make, and it was without the shadow of foundation in truth. The hon. gentleman had produced a letter written by the Government of which he (Hon. Mr. Mackenzie) was a member, to a sheriff warning him that the Government would not look with complacency upon one of its judicial officers assuming political functions.

He understood that the Government of another Province that was in harmony with the Dominion Government had taken precisely a similar course. That Government warned the gentleman now in this House, that directly because a candidate for this House, he would cease to be sheriff. Why did not the hon. gentleman read that letter? It was much stronger than the letter addressed by the Ontario Government to the officer in question. The Ontario Government simply made that officer aware that if he became a candidate for political honours and should be elected to Parliament it would be likely that Government would consider his political duties were not consistent with his judicial functions; but in the other case, the Government warned the official that the instant he became a candidate he must send in his resignation.

He did not blame that Government for taking that ground. But the hon. gentleman now endeavoured to make out an excuse for not allowing such officials to act as *ex officio* returning officers, that they would be subject to the control of the local Government.

That he did not believe. There was enough public justice and a sense of the inviolability of public law to prevent any such interference by local Government with officers of this kind, for the moment this House made them *ex officio* returning officers, they became officers of our own, subject to our control, and entitled to our protection. He did not care what Government was in power: the electoral body should be kept as free as possible from Government influence, and so should the returning officers.

He had heard some extraordinary statements concerning the conduct of some returning officers at the last election, and concerning some official instructions given to these officers that made it almost impossible for them to perform their duties properly without fear of Governmental vengeance. He did not care what Government were in power, they were liable to abuse the power if they had too much of it placed in their hands; and he regretted that the hon. gentleman had not announced his conversion to more than one of the principal doctrines of the Opposition. It would come in time, no doubt.

The hon. gentleman had been driven during his whole political life. When he came into political life he advocated many principles never heard of now. He had been driven from one to another, and would, no doubt, continue to be driven till he would be forced to desert all the errors of his early youth, and there was no saying but that he might become a Reformer in the end. (*Laughter.*) If they in Opposition were not strong enough to do some things it was pleasant that they were at all events able to become political school masters to the hon. gentleman, and his Cabinet and he hoped he would receive the lessons they were daily giving him with becoming humility, and learn that liberality of view that characterized the party which occupied the benches on this side of the House.

Regarding the ballot the hon. gentleman had stated it was not the intention of the Government to introduce that measure in this Bill. He might say that he had had a good deal of sympathy with the view of hon. gentlemen in favour of open voting, but he had seen enough in the elections during the last few years to induce him to change his opinion and to approve of the ballot. He believed that on the whole was the best system. It was the best, he believed, to remove the whole electoral body from that control which was undoubtedly exercised over them, especially in popular places, where large manufactures existed; and when we had a Government like the present on, that exercised its power very unscrupulously, there seemed to be no other way of doing that except by secret voting.

There was another influence in this country that was becoming very powerful. He alluded to the influence of the great railway corporations, which were now to be increased, by another most powerful corporation. These corporations were constantly using their power to force a large number of their employees to vote in a particular way. No matter what Government these corporations might favour, or whether the managing directors had personal reasons for their conduct, it was exceedingly desirable that they

should be limited as much as possible in the exercise of this power and he knew of no means of counteracting the enormous influence of these corporations so effective as the ballot. It was quite evident that we were going to have another gigantic railway corporation in the country and now influences would arise as our cities were built up and labouring classes were brought more immediately under the influence of the great manufacturing companies, so that the necessity was growing upon us daily for the system of the ballot. He would heartily support the system, whether proposed as an amendment to this Bill or brought up as a separate measure.

With regard to the nomination day, it was a matter upon which he spoke with some reserve. There was some force in the reason given by the hon. gentleman, that if there was no nomination day it would create a difficulty in many cases; and he did not then see, although he would not give any decided opinion at that time, that there was any great harm in maintaining the nomination day. It would be of considerable advantage in allowing a gentleman to be elected by acclamation who might otherwise very needlessly be put to the expense and trouble of canvassing an election. That occurred to him at the moment to be a reasonable suggestion. But one to which he did not entirely commit himself till they had more fully discussed the matter.

He thought that perhaps it would be better, in this country, to extend the suffrage at least as far as it was extended in England. He thought Canada should have household if not manhood suffrage, and that an endeavour should be made to bring all classes into the electoral body.

He was democratic enough to believe we might extend the suffrage much more than it is at present, however they would be prepared to discuss that and other matters when the Bill was printed, but he did hope the hon. gentleman would reconsider his scheme of registration and his mode of appointing returning officers. That it had worked scandalously and he hoped they would not have under the new law a repetition of those disgraceful occurrences that had already taken place in that Chamber, where the people of one great Province of the Confederacy were overborne and their voices drowned by those who knew little of the system discussed, and who had no sympathy with that system. (*Hear, hear.*)

The hon. gentleman said hear, hear, but he felt keenly that while the people of Ontario knew their own law and knew what they were subjected to during the late election, and had by a large majority decided to redress the wrongs committed, they had been overborne by others, who had not the law of Ontario and never acted under it. This was the case beyond dispute, and he hoped that in the new Bill there would be such a clause as would make it impossible to have these abuses repeated in the country and sustained in that House. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD said it was the province of the Opposition to find fault, and his hon. friend opposite had shown that he was both able and willing to do so. He defended the plan of

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the Government for the appointment of returning officers, and said that making the officers of any Provincial Government possibly hostile to the Dominion Government was something that he could not consent to. With regard to the appointments made by his Government in the past, he would say, let every case be judged upon its own merits. Let any candid man take a list of the gentlemen appointed in Ontario and Quebec, and let an enquiry be made into the antecedents, character, and standing of the men, and he ventured to say that any of them would be found equal in all these respects to the hon. member for Lambton. (*Hear, hear, and ironical cheers.*)

His hon. friend opposite had contended the sheriffs of Ontario were *quasi* judicial officers, and this had been used as an argument for the appointment of those gentlemen as returning officers. He denied that their office was in any way judicial, any more than registrars. While the hon. gentleman opposite had defended the Ontario Government for their action in notifying one of the former class of officers that he could not run as a candidate for the Dominion Parliament, he had used this same argument to prove that they were justified in allowing a registrar to do so. He would challenge the hon. gentlemen opposite to point out the difference between the character of the office or sheriff and registrar.

The hon. gentleman had taunted him with having become a convert and pupil of the Opposition, but the hon. gentleman had just confessed that he was himself both a convert and a pupil. (*Hear, hear.*) By-and-by the hon. gentleman would be a good Reformer too. (*Laughter.*) The truth was that any man who entered public life with the idea that he would not become wiser had better stay out of it, and any man who from a stupid pride of consistency refused to acquiesce in the demand of the public voice was not fit to be a statesman, and was unworthy of the confidence of the people.

With regard to the franchise, he might say in reply to his hon. friend that the Bill proposed to introduce a custom, not universal suffrage, which he fancied the hon. gentleman did not favour, but would in effect be household suffrage. The rental was placed at such a low rate that any man living in anything above the degree of the veriest hovel would have a vote, as it was his opinion they should.

Again referring to the hon. gentleman's remarks with regard to returning officers, he agreed that there was a great deal in what he had said of the necessity of having a check on the Government in the election of persons to act in this capacity. The selection ought to be very carefully made, and they ought to be appointed during good behaviour only, but he held the principle as firmly as ever that they ought to be the officers of the Dominion Government, and as such the officers of this Parliament and the country. The hon. gentleman might say what he pleased, but he was convinced that no principle of appointment was under the influence or control of any Provincial Government or other foreign or subordinate power whatever.

The hon. gentleman had referred to what he (Hon. Sir John A. Macdonald) had said of the conduct of the Government of Ontario

in regard to one of their sheriffs who had proposed to run for Parliament, and had said a similar case had occurred in a neighbouring Province. This province he believed to be the Province of Quebec, the Government of which was certainly in accord with the Government of which he (Hon. Sir John A. Macdonald) was a member. His reply was that, what was applicable to the Province of Ontario was also applicable to Quebec, and was additional proof of the necessity of relieving returning offices from the control of these bodies.

With regard to the system of registration, he would say that that proposed by the Bill which he meant to introduce was just as economical, would be conducted according to a judicial process, and would prevent all possibility of the Government interfering in any case. Although this Bill was in some degree a political measure, and although the Government was responsible for it — and they were quite willing to be so—yet, seeing that his object was a proper system of electing the members of the next Parliament, it was a measure which every member of this House, whether he was in Opposition, should do his utmost to make complete. He would therefore be prepared to receive any suggestion, from any side of the House, that might tend to that laudable conclusion. He moved the first reading of the Bill.—Carried.

Hon. Mr. HOLTON thought the hon. gentlemen who had introduced the Bill should fix definitely a day for its second reading, as was the uniform practice in Britain.

Hon. Sir JOHN A. MACDONALD moved that the second reading be taken on Tuesday and he also gave notice that he would ask leave to introduce, on Monday next, his Bill upon Controverted Elections.

* * *

SECOND READINGS

The following Bills were read a second time:—

To provide for keeping order on board passenger steamers.

To amend the Act to provide for the appointment of a harbour master for the port of Halifax.

An Act respecting deck loads.

An Act further to amend the Act relating to Banks and Banking.

* * *

WASHINGTON TREATY

Hon. Sir JOHN A. MACDONALD wished to explain that when he gave his answer yesterday to the member for Grenville respecting the Washington Treaty, he was not aware that as a matter of fact the Government had received a communication from the

British Minister at Washington, in reference to the matter. It was a communication of a *quasi* official character, but he supposed they would soon have an official notification that Congress had passed the necessary legislation.

Hon. Mr. HOLTON: Then in that case the hon. gentleman has not answered the question of my hon. friend.

Hon. Sir JOHN A. MACDONALD said that of course as soon as the Government received the official notification that the necessary legislation had been passed by the Congress, they would issue a proclamation to carry the Treaty into effect. There would be plenty of time, as the Act of Congress did not take effect till the 1st of July.

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SUPPLY

A formal step towards granting supply was taken, and the House adjourned at 9.30 p.m.

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NOTICES OF MOTION

Mr. ROSS (Durham East)—On Monday—An enquiry whether it is the intention of the Government to propose a duty upon grain imported from the United States.

Mr. LANTIER—On Monday—An address for the petitions with names of petitioners on the last petition, addressed to His Excellency the Governor General, from the 15th February last, praying for the construction of a canal from the Cascades to Coteau Landing, on the north shore of the St. Lawrence.

Mr. RYAN—On Monday—An enquiry whether the Government intends to ask for tenders immediately for the construction of the proposed outlet lock from the Lachine Canal to the harbour of Montreal, and for the deepening of the canal basin as proposed.

Mr. RYAN—On Monday—An enquiry whether the Government intend to deepen and improve the channel of the St. Lawrence between Montreal and Quebec; if not, to confer the necessary powers on the Harbour Commissioners of Montreal to enable them to do it.

Mr. FOURNIER—On Tuesday—An address for correspondence between the Dominion Government and the Government of Quebec since 10th June, 1872, and between the said Government and the Hon. Joseph Noel Bossé, judge of the Superior Court of the Province of Quebec for the districts of Montmagny and Beauce, in relation to the residence assigned to the said Judge in one of the

said districts; also copies of all orders in Council of both the said Governments on that subject.

Mr. TREMBLAY—On Monday—An enquiry whether the Government has made a choice of the sites of the light houses at Port Neuf in the county of Saguenay, and at Baie Saint-Paul, in the county of Charlevoix, for which lighthouses a sum of money was voted last year. And whether the Baie Saint-Paul lighthouse is to be placed on the mainland or on a pier at the mouth of Rivière du Goudre; whether tenders have been called for and received for the construction of the said lighthouses; if contracts have been awarded, what are the names of the contractors, and the prices agreed upon.

Mr. YOUNG (Waterloo South)—On Monday—An address for the return of all claims made by the contractors having unfinished contracts on the Intercolonial Railway against the Government, with copies of any Orders in Council which have been passed in regard to the same, together with other papers, if any, appertaining to the same.

Mr. WILKES—On Monday next—Enquiry of Ministry, whether the Government have effected arrangements with the Postmaster General of the United States, by which a Canadian mail can be sent to England by the Cunard steamers sailing on Wednesday from the City of New York.

Mr. WILKES—On Monday next—Enquiry of the Ministry whether the Government have taken any steps towards effecting an arrangement with the Government of the United States for the interchange of weather reports, and for the establishment of signals on our coasts.

Mr. FARROW—On Monday next—Enquiry of the Ministry, whether it is the intention of the Government to introduce a measure during this session to make the prepayment on all letters at the time of posting compulsory.

Mr. SCHULTZ—On Monday next—An enquiry of the Ministry, whether it is the intention to ask an appropriation for bridging and improving the navigation of Red River.

Mr. SCHULTZ—On Monday next—Enquiry of the Ministry whether it is their intention to ask an appropriation for the building of a Provincial Penitentiary in Manitoba.

Mr. SCHULTZ—On Monday next—Address for copies of the following documents, vis:—The draft surrender from the Hudson Bay Company to Her Majesty, approved by the Governor-General of Canada on the 5th of July, 1860; the report of the Committee of the Privy Council on the said draft of the said Order in Council; the Order in Council approving of the said draft; all correspondence between the Hudson Bay Company and the Government of Canada in reference to any claim or application by said Company for 5,000 acres of land near Upper Fort Garry; all Order in Council relative to the said land; all patents granting the whole or any portion of the said lands to the Hudson Bay Company.

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Mr. SCHULTZ—On Monday next—Address for copies of all communications from the Indians or others in Manitoba with the Government of the subject of the dissatisfaction among the chiefs, headmen, and Indians treated within Manitoba and adjacent territory in the year 1871.

Mr. COLBY—On Monday next—Special Committee to consider the Insolvency Law.

Hon. Mr. ANGLIN—On Monday next—Address to His Excellency the Governor General for a copy of all instructions to the Collector of the port of St. John, New Brunswick; issued by the Minister of Customs or by the Governor General in Council, since the 1st of July, 1807, by any Inspector or other officer of Customs; also, a return showing the description, amount, and value of the goods in bond, said to have been illegally removed during the year 1872, or previously, from the bonded warehouse in the city of St. John, belonging to John C. Brown, and the amount of duties payable on the goods so removed, the amount, if any, paid or collected after such removal was known, and the amount of duties on such goods still due and not paid; also, a copy of any report made respecting such illegal removal of goods in bond from the bonded warehouse in the city of St. John, belonging to John C. Brown, and *re* the conduct of the Collector and other officers of the Customs since dismissed, made by the Hon. S.L. Tilley, then Minister of Customs, after the visit he made to St. John, for the purpose, as was reported, of enquiring into the facts of this case; also, a copy of the statements of James R. Roul, Collector; J.S. Clerk; S.E. Geron, Landing Surveyor; and T. Bustin. Locker officers belonging to the Customs Department in the city of St. John, New Brunswick, and such illegal removal of bonded goods taken in writing by J. Johnson, Esq., Assistant-Commissioner of Customs, and of any report or reports made by the said Mr. Johnson containing such illegal removal of bonded goods, the conduct of the officers since dismissed, and the proceeding subsequently taken.

A copy of all correspondence with W.H. Tuck, Esq., *re* the proceedings taken by J.T. Kennedy, grocer, by way of replevin, to recover possession of a quantity of liquor and molasses, said to be part of the goods in bond so illegally removed and seized on behalf of the Dominion Government, *re* the criminal prosecution of J.C. Brown, also of all correspondence with the said W.H. Tuck, or with any other person or persons. *Re* any arrangement for the payment by note of hand or otherwise of the amount of Customs duties payable on all the bonded goods so illegally removed.

Also, a copy of the petition of J.T. Kennedy, grocer, of the city of St. John, New Brunswick, to the Governor General in Council, praying that the amount which he was compelled to pay as customs

duties on a portion the goods said to have been illegally removed from the bonded warehouse, belonging to the said J. C. Brown, be refunded to him, and copies of any affidavits, certificates, or other papers attached to the said petition.

Also, copies of all correspondence, reports, and memoranda addressed to the Governor General in Council, by the Minister of Custom, and of all minutes and Orders in Council and of all other papers whatever, relating to the alleged illegal removal of goods in bond from the bonded warehouse belonging to the said J.C. Brown, the payment of the duties on all or any portion of the goods so illegally removed, the proceedings in the suit of replevin instituted by J.T. Kennedy, the criminal proceedings taken against J.C. Brown, the petition of J.T. Kennedy, and the dismissal or suspension of J.R. Buel, collector, J. Sandall, clerk, C. Geron, landing surveyor, and T. Bustin, locker, of the Port of Saint John; and also copies of any memorandum from the Minister of Customs, and of any minute or Order in Council to the appointment of a collector of the Port of Saint John, New Brunswick, to succeed J.R. Ruel, and of a clerk, landing surveyor or locker to succeed J. Sandall, S.E. Geron, or T. Bustin, and of all correspondence *re* such appointments.

Hon. Mr. LANGEVIN—On Monday next—That on a future day the House do go into Committee of the Whole to consider the following resolution:—“That each and every Railway Company heretofore incorporated or which may hereafter be incorporated, as well as the Government of Canada with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right on and after the first day of November, each and every year, to enter into and upon any bonds of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, upon payment of such land damages as may be established to have been actually suffered, provided always that any snow fences as erected shall be removed on or before the first day of April then next following.”

Mr. CASEY—Address for copy of Order in Council relating to the transfer of Port Stanley harbour to a Board of Trustees for the London and Port Stanley, Railway Company in 1859; copy of bond entered into by said trustees; statement of vacancies that have occurred in said Board of Trustees, and how filled; statement of all grants made by the Government to aid harbour since 1859; copies of all account and statements in the possession of the Government, with the rates of tolls charged, the amounts collected and the sums expended by the said Trustees in each year since 1859; representations made by any inhabitants of the County of Elgin in reference to the said harbour.

March 24, 1873

HOUSE OF COMMONS

Monday, March 24, 1873

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

Prayers

PETITIONS

Among the petitions presented were several for the prohibitory liquor law, and one presented by **Mr. YOUNG (Waterloo South)** from the Executive of the Canadian Press Association, praying for the abolition of the postage on newspapers sent from the office of publication.

* * *

TORONTO CENTRE ELECTION PETITION

On the question of the reception of the petition against the return of Mr. Wilkes for Centre Toronto,

Mr. MERCIER (in French) said he had looked up the law and precedents in this case, and they all favoured the ground that the 5th of March should be regarded as the first day of the session; and consequently this petition, being presented fifteen days after that day, was too late.

Mr. McDONNELL said the whole question rested upon one or two points. That the first day of the Session was the day upon which the House was opened there could be no doubt, and he did not think it was a question as to which partisan feeling should be introduced. After reading the law upon the subject, he asked what was the meaning of "The first fourteen days of the Session". He held that the day of opening was one of those fourteen days. They then met to transact business—the Session, for all purposes, was initiated. The common sense view of the question was that the day of opening was to be considered one of the days of Session. (*Hear, hear.*)

He contended that the Speaker had considered the opening day as the first day of the Session, when he could issue his warrant for the formation of the Election Committee on the sixteenth day of the session, and if the committee was a legal one, they could not receive the petition in question.

Mr. MATHIEU contended that the Speech from the Throne was the commencement of the Session, and the petition must therefore be received, as it was presented within fourteen days of that date. He cited May to the effect that the day on which the Sovereign

declared the reasons for calling Parliament was the first day of the session.

Mr. CASGRAIN said that it was at one time a custom in England to file petitions before the election of the Speaker, and all statutes counted from the first day of the meeting of Parliament; and he thought that the day ought to be counted in common sense, and even according to law, although the law was, perhaps, somewhat ambiguous.

Mr. PALMER contended that the petition must be presented within the first fourteen days. There was no constitutional objection to the presentation of petitions before the election of the Speaker, but the question in this case was when did the session begin? In his opinion the session began, according to the legal interpretation of the statute, on the day upon which Parliament met together, although he could not quite make up his mind to that view, and thought there was a possibility of looking at the question in another light with a show of fairness.

Hon. Mr. BLANCHET, in view of the recent opinion given by the Speaker on a similar case, thought the petition ought to be received.

Hon. Mr. CAMPBELL maintained that, practically, the first day of the meeting of Parliament ought not to be counted, for the purposes of the statute under consideration, as one of the fourteen upon which petitions could be presented. The right to petition was a most sacred and valuable one, and every statute touching it ought to receive the most liberal construction. He thought it would be narrowing that right if the first day of the meeting of Parliament were counted, and he advised the Speaker to rule accordingly.

The SPEAKER said the question had been looked upon as a question of law, but he believed it was strictly a question of order. It was a question affecting the practice and procedure of Parliament, and ought to be a question of order. However, he did not desire to give any undue weight to what he was about to say. He only gave it as an opinion. He felt that what doubt he had when he expressed an opinion upon the Beauharnois case had been entirely removed by the researches he had made within the last two days in seeking authorities upon constitutional law. It was clear to him that the first day of the Parliament was that day on which the Sovereign opened Parliament with a speech giving the causes for summoning Parliament.

Parliament was composed of three branches, the Queen, the Senate, and the House of Commons. It was true that upon the members assembling in that House on the 5th of March they individually went to the Senate Chamber, and were there informed

by his Excellency that it was their duty to elect a Speaker. That was not the assembled Parliament. The three branches of the Legislature were not there. The House of Commons was not there as the House of Commons. The Mace was not there, nor was the Speaker. The House of Commons without a Speaker had neither ears, eyes, nor mouth. He thought these ancient privileges should be retained. He considered that the members of the House merely attended the Senate on the 5th of March as a collection of individuals. After returning to that Chamber and electing a Speaker, it was clear they had no power to do anything else, because their power was derived from His Excellency the Governor General. It was not open to the House to transact any other business than immediately afterwards adjourn, consequently they 5th of March was not the first day of Parliament.

It was not till March 6th that the House was opened, and then by the Speech from the Throne. He then referred to Warren, which had been quoted by an hon. member to show the Parliament began on the day to which it was prorogued. Now, it would appear from that authority that Parliament did begin from the day to which it was prorogued, but a footnote referred back to another page, which showed that this authority had been wrongly interpreted. By this authority, Parliament was not opened till the Speech from the Throne was delivered.

This was more clearly set forth by May from page 44, which he proceeded to quote. He also cited Todd, which was to the same effect. He had been unable to discover anything that would clash with those authorities, all of which went to show that Parliament was only opened when the three estates of the realm met together, the House of Commons not being complete in a legal sense.

He thought that the argument that Parliament began on the day on which the Speaker was elected was unsound in a legal sense. No doubt, in a popular sense, it had been considered the first day of Parliament. It was no doubt in that sense, that the journals had stated that that day was the first day of the session; but they should bear in mind that whatever journals they might have, and whatever practice they might have had within the few years of their provincial existence, could not be set forth against the law of the land; and it was clear, under the statute which limited the presenting of petitions to the fourteen days, of the first session of the first Parliament, it was necessary for them to consult the constitutional law defining the first day; but it seemed to him in connection with this particular petition that the first day should not be counted, because it was clear no petition could be received on that day.

The fourteen days referred to in his opinion, meant the fourteen days succeeding the correct parliamentary opening of the Legislature. He was, therefore, of opinion that the petition should be received.

Hon. Mr. CAMERON (Cardwell) said that several hon. gentlemen had quoted as law an old standing order of the House of Commons of England, to the effect that all election petitions should be presented before the election of the Speaker, but no one had

stated that that order had been repealed. He then read from the journals of 1722 the cancellation of the standing order in question.

After a few remarks from **Messrs. CAMERON (Cardwell), CAUCHON (Quebec Centre), and EDGAR (Monck)**, the House divided on the question of the reception of the petition, with the following result:—For receiving the petition: 72; against, 76.

YEAS

Messrs.

| | |
|------------------------|--------------------------|
| Almon | Baker |
| Beaty | Beaubien |
| Bellerose | Benoit |
| Blanchet | Brown |
| Campbell | Carling |
| Cartwright | Chisholm |
| Cluxton | Costigan |
| Crawford | De Cosmos |
| Dewdney | Dodge |
| Dormer | Doull |
| Farrow | Flesher |
| Fortin | Gaudet |
| Gendron | Glass |
| Grant | Grover |
| Haggart | Howe |
| Jones | Keeler |
| Lacerte | Langevin |
| Langlois | Lantier |
| Le Vesconte | Lewis |
| Little | Macdonald (Sir John. A.) |
| McDonald (Antigonish) | McDonald (Pictou) |
| MacKay | Masson |
| Mathieu | McAdam |
| Merritt | Mitchell |
| Moffatt | Morrison |
| Nathan | Nelson |
| O'Connor | O'Reilly |
| Pope | Price |
| Ray | Robitaille |
| Rochester | Ross (Champlain) |
| Ryan | Schultz |
| Stephenson | Thompson (Cariboo) |
| Tilley | Tobin |
| Tourangeau | Wallace (Norfolk South) |
| White (Hastings East) | Witton |
| Wright (Ottawa County) | Wright (Pontiac)—72 |

NAYS

Messrs.

| | |
|------------------------------|-----------------------|
| Anglin | Archibald |
| Bain | Bécharde |
| Blain | Bodwell |
| Bourassa | Bowman |
| Buell | Burpee (St. John) |
| Burpee (Sunbury) | Cameron (Huron South) |
| Casey | Casgrain |
| Cauchon | Charlton |
| Church | Cockburn (Muskoka) |
| Cunningham | Cutler |
| Delorme | De Saint-Georges |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Edgar | Ferris |
| Fiset | Fleming |
| Forbes | Fournier |
| Galbraith | Geoffrion |

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| | |
|------------------------|---------------------------|
| Gibson | Gillies |
| Harvey | Higinbotham |
| Horton | Joly |
| Killam | Landerkin |
| McDonald (Cape Breton) | McDonnell |
| Mackenzie | Mailloux |
| Mercier | Metcalfe |
| Mills | Oliver |
| Palmer | Pâquet |
| Paterson | Pearson |
| Pelletier | Pickard |
| Pinsonneault | Pozer |
| Richard (Mégantic) | Richards |
| Ross (Durham East) | Ross (Middlesex West) |
| Ross (Prince Edward) | Ross (Victoria) |
| Ross (Wellington) | Rymal |
| Scriver | Smith (Peel) |
| Smith (Westmorland) | Snider |
| Stirton | Taschereau |
| Thompson (Haldimand) | Tremblay |
| Trow | Wallace (Albert) |
| White (Halton) | Young (Waterloo South)—76 |

The result was received with cheers from the Opposition benches.

Other petitions were then received. Among the petitions presented were two by **Hon. Mr. CARLING** for Acts to incorporate the Canada and Detroit River Bridge Company, and the Great Western and Lake Ontario Shore Junction Railway Company.

* * *

RAILWAY TRAFFIC BILL INTRODUCED

Mr. OLIVER introduced a Bill to provide for the better regulation of traffic on railways, and intimated that he wished it sent to the Select Committee.

* * *

ELECTION WRIT

Mr. COSTIGAN moved that the Clerk of the Crown in Chancery do attend this House on Wednesday next, with returns and writ for the election for Kent, New Brunswick.—Carried.

* * *

SERVING ON COMMITTEE

Hon. Mr. SMITH (Westmorland) moved that Mr. Ferris be excused from serving on Election Committees on account of his advanced age.

Hon. Sir JOHN A. MACDONALD said he did not rise to oppose the motion, because he believed that the hon. gentleman was of that advanced age which entitled him to throw himself upon the leniency of the House, still, looking at the list of petitions which had been laid upon the table, it would be seen that the whole

strength of the House would be required in order to form Committees to try all these cases; and though he quite agreed with this resolution, he hoped that many of the members of this House would not take the same course, else there would not be sufficient members to form the necessary Committees.

Mr. MILLS: We have not enough at any rate.

The motion was then carried.

Hon. Sir JOHN A. MACDONALD moved that the Hon. Mr. Howe be excused from serving on Election Committees on account of his advanced age.—Carried.

* * *

CRIMINAL LAW BILL INTRODUCED

Mr. GLASS introduced a Bill to amend Act 32 & 33 Vic., Cap. 35.

* * *

ADDITION TO COMMITTEES

Hon. Sir JOHN A. MACDONALD moved that the name of Mr. Edgar (Monck) be added to the Committee on Railways, Telegraphs, et cetera, and that of Mr. Domville (King's, New Brunswick) to the Committee on Banking and Commerce.—Carried.

* * *

DUTY OF CANADIAN TOBACCO

Mr. De ST-GEORGES asked whether the Government intend during the present session to abolish the excise duties on Canadian tobacco.

Hon. Mr. O'CONNOR said it was not the intention of the Government to do so.

* * *

FOG WHISTLE

Mr. WALLACE (Albert) asked whether it is the intention of the Government to submit in the estimates for the present year an appropriation for the erection of a steam fog whistle at Cape Enrage, on the coast of the Bay of Fundy.

Hon. Mr. MITCHELL replied in the affirmative.

PUBLIC PARK FOR TORONTO

Mr. WILKES asked whether the Government have been asked for a transfer to the corporation of the city of Toronto of the property known as the Garrison Common for the purposes of a public park, and whether, in the event of such application being made, the Government would accede to such a request.

Hon. Mr. LANGEVIN said he was not aware that such a demand had been made but if it should be made of course every attention would be given to it.

* * *

FREE POSTAL DELIVERIES

Mr. WILKES asked whether it was the intention of the Government to recommend the establishment of free postal delivery in towns and cities.

Hon. Sir JOHN A. MACDONALD said this was a matter which involved additional expense, and it was not the intention of the Government to ask Parliament during this session to incur that additional expense.

* * *

PROPOSED LIGHTHOUSE

Mr. Fiset asked whether the Government have taken steps for the construction of a lighthouse at Matane or Metis, for which a sum of \$8,000 was voted during the last session, as appears by the estimates; and when they propose to commence the work.

Hon. Mr. MITCHELL said the Government had entered into a contract for the construction of the lighthouse at Matane, and the contractor had agreed to have it completed by the 15th of June.

* * *

DRAIN AT MORRISBURG

Mr. GIBSON asked whether it was the intention of the Government to cause a ditch or drain to be constructed at or near the village of Morrisburg, in accordance with a survey made during the month of August last, by a competent engineer, having that object in view.

Hon. Mr. LANGEVIN said he had examined the report of the engineer, and had failed to find any recommendation in it of the work.

* * *

NAVIGATION OF THE RED RIVER

Mr. SCHULTZ asked whether it is the intention to ask an appropriation for bridging and improving the naval station of the Red River.

Hon. Mr. LANGEVIN replied in the affirmative.

* * *

PENITENTIARY FOR MANITOBA

Mr. SCHULTZ asked whether it is the intention of the Government to ask for an appropriation for the building of a provincial penitentiary for Manitoba.

Hon. Mr. LANGEVIN replied in the affirmative.

* * *

IMMIGRATION AID SOCIETIES

Mr. EDGAR asked whether any Immigration Aid Societies have been formed under the provisions of the Act of last session, authorizing such action, and also what instruction have been given to Immigration Agents by the Minister of Agriculture on the subject, or what steps have been taken with a view to the promotion of the objects contemplated by that Act.

Hon. Mr. POPE (Compton) said there had been several societies formed under the Act of last session, and some of them had been in operation for more than a year, and had been successful. As to the other part of the question, instructions were given to the resident agents in the Dominion to bring the matter before the people in their districts, and do what they could to induce them to form these societies.

* * *

DUTY ON IMPORTED GRAIN

Mr. ROSS (Durham East) asked whether it is the intention of the Government to propose a duty upon grain imported from the United States.

Hon. Mr. TILLEY said his hon. friend could scarcely expect an answer to this question. At an early day the House would be asked to go into Committee of Ways and Means, and the Government would then state their policy upon this question as upon all others relating to the tariff.

The House then rose for recess.

AFTER RECESS**PROHIBITORY LIQUOR LAW**

Mr. BODWELL moved to refer the petitions for the passage of a Prohibitory Liquor Law to a Special Committee. In making this resolution, he desired to make a few observations on the subject, and to give some reasons for bringing the subject before the House, although he was convinced that had he the ability and eloquence to

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depict the miseries entailed upon the community by the use of intoxicating liquors, in such a way as to appeal to the judgment and common sense of the House, so as to induce all the members to become practical total abstainers, he should have accomplished a work worthy of the labour of a life time. (*Hear, hear.*)

But he proposed simply to give some reasons for asking for this Committee. The voice of the people, as expressed by the petitions presented this session, should cause the House calmly and deliberately to consider a subject of so much importance, one that engaged the attention of so many people of this country. Although the session was yet in its infancy, already there had been presented thirty petitions, from four township municipalities, four county municipalities, two town municipalities, and one village municipality, and from two temperance organizations. Besides these petitions, there were presented four signed by 7,503 individuals, and today petitions were presented signed by nearly 1,000 more, showing that the country at last was agitated upon this subject and that the people are determined that their representatives in Parliament should at least take notice of the evils which were alleged to flow from the use of intoxicating liquors as a beverage.

They had only to glance at reports from gentlemen holding public positions to see that a great share of the crime committed in the country was caused directly or indirectly by the use of intoxicating liquors. The reports of asylums in Great Britain and the United States disclose the fact that three-fifths of the cases coming under the notice of the inspectors were caused by this evil. From the judges' charges in this country it was asserted that four-fifths of the cases coming under their adjudication were attributable directly or indirectly to the same cause. Police reports give the same results. Out of the gaol population in a portion of the Dominion in the year 1871, of six thousand, not less than five thousand owed their condition to the use of intoxicating liquors; and it was generally admitted by philanthropists and others interested in the cause of the poor, that four-fifths of the pauperism existing in this country resulted from the same cause.

The quality of spirituous liquors consumed in Canada and other countries was startling. He quoted from the speech of Hon. Mr. E.B. Wood, in the Ontario Legislature to the effect that in 1871 no less than 325,400,000 gallons were consumed in the United States, which, if placed in barrels, would extend from Boston to San Francisco and back again. From our own trade and navigation returns for 1870 and 1871 it would be found that there were manufactured in the Dominion 5,308,171 gallons of spirituous liquors, and 8,487,096 gallons of malt liquors; besides this, those were imported into this country of brandy, 487,222 gallons; of gin 616,971 gallons; rum 237,808 gallons; of whisky, 167,498 gallon; alcohol, 664; spirits and strong waters, 1,891; and wines 908,221 gallons; ale and beer and porter, 338,337 gallons, making a total of 2,755,112 gallons. Of this there was a large quantity entered for consumption in the Dominion; making not less than 12,676,335 gallons, or something over three gallons for every man, woman, and child in this Dominion.

None could contemplate these figures, and the effect of so large a consumption of spirituous liquors upon the social, moral, and financial condition of the people, without being startled, and coming to the conclusion that the suppression of so great an evil was devoutly to be desired by every lover of his country.

He knew that the question as to whether this was a subject that came legitimately within the sphere of legislative action had been discussed to a considerable extent throughout the country. It had been a question whether it would not interfere with the individual's liberty, but he thought that the question had long since been settled by the action of all Constitutional Governments. It was generally conceded that where the liberty of the individual interfered with the rights of society at large, the Government had a right to restrain that individual liberty. Our own law recognized that this was a legitimate subject for legislation.

There was one point, however, which was noticed in the discussion on this question in the Ontario Legislature which was worthy of notice. It must be apparent to every one who carefully attended to that discussion, that had not the Ontario Assembly come to the conclusion that it was beyond their power to interfere with this subject, under the Constitution, they would have placed a prohibitory liquor law upon the statute book of that Province; but no such question could arise here, inasmuch as the 91st section of the Confederation Act gave to the Parliament of the Dominion the power to regulate Trade and Commerce; therefore this subject came legitimately within the sphere of this House.

The old Parliament of Canada settled the question as to whether they would legitimately pass a prohibitory liquor law. The Act 33, and 34 Vic., Cap. 74, provided that no intoxicating liquors should be sold to any Indians. Then, again, 22 Vic., Cap. 30, Consolidated Statutes, prohibited the sale of intoxicating liquors near public works. Since then we had the Permissive Bill, known as the Dunkin Act, which placed it within the power of any municipality to enact a prohibitory liquor law for the municipality. It also provided that no liquor should be sold after 7 o'clock on Saturday night; thus recognizing the right of the Legislature to deal with this question, having placed on the Statute Book no less than four prohibitory liquor laws. These laws had to some extent been carried out, and had to some extent been useful to the country.

He granted there was one question in connection with this subject, and that might be considered a barrier to the passage of such a law, and that was the question of revenue; but he presumed his hon. friend the Minister of Finance, with his skill in the management of public affairs, would be able to supply with the great resources at his command the place of that revenue in some way beneficial to the country. He found that the revenues upon the various kinds of liquors imported into this country during the portions of the year 1871-72 were, on brandy, \$389,700.86; gin \$491,179.89; rum, \$190,248; whisky, \$183,998.89; alcohol, \$530; spirits and strong waters, \$1,657.8; wines, \$247,350.97; beer and porter in casks and bottles, \$35,797.66; making a total of

\$1,490,543.37. The total excise revenue was \$4,735,651, of which \$3,202,670 was on spirits, malt liquor, and malt.

The total revenue arising from customs and excise amounted to something over two millions of dollars, and of this large sum about one-eighth arose from the customs and excise upon spirituous and malt liquors; so if a prohibitory liquor law were passed it would be found necessary to supply this large sum from some other source, but that question he left with a great deal of confidence in the hands of his hon. friend the Minister of Finance, but he scarcely thought that that point would be seriously entertained.

There was a very large offset to the revenue in the expenses incurred, in the suppression of crime, in the support of the poor, and the erection of lunatic asylums and asylums for inebriates. The concomitant social and moral evils of consumption of intoxicating liquors were numerous, and the question of money ought not to be put in opposition to those evils. Intelligent men who had the good of their country at heart would not. It was said it would not be advisable to place such a law upon the statute books until the people had been properly educated and prepared for such a measure, but he thought the petitions which had been presented to that House showed that the people were prepared for the passing of the law. He thought the time had come when the people were prepared to strike at the root of the great evil and see a law properly executed.

It had been said that the law had been tried in various places but had not worked well. In the Dunkin Act, there was one defect which worked materially against it. Small townships of perhaps eight or nine miles square would adopt the law, but when they found a man intoxicated in the street, they did not know whether or not he had come from an adjoining municipality, and in most instances they ultimately gave it up in despair. This law had proved unsuccessful, but it need not be as in this case. The same argument would apply if one of the Local Legislatures adopted the law, because they could not control the liquor traffic in the adjoining Provinces, or control the importation of intoxicating liquors. It was not only necessary to lop off a few branches of the deadly Upas-tree which was gaining room in the country, but to strike it to the root by making provision for the prohibition of the importation and sale of intoxicating liquors, except for medicinal purposes.

He had a report on the Maine Liquor Law by a gentleman named Mr. Justice McCarthy, who admitted, although apparently prejudiced against the law, that it existed in small villages under peculiarly favourable circumstances. If this great work had been accomplished, and so much good had resulted from the passing of similar laws in that State, they might expect they would be equally successful. (*Hear, hear.*)

The argument that the law would not be properly observed was not a tenable one. Other laws were violated, but they were able to punish the perpetrators. He did not suppose it would entirely suppress the evil, but he thought it would do so to a very great extent. He maintained the matter was worthy of the consideration of the House. The circumstances which existed in the States would not

be found to operate in this country if the law were universal, as it would be if passed by the House. He had travelled in the northern part of Michigan lately, where liquor was not seen unless asked for. He believed this to be the case in other places where the law was in force, and even if nothing more than this were effected, a great work would be accomplished.

He thought hon. gentlemen would see there was a substantial argument in favour of such a law being passed, and he asked the House to take the whole subject under investigation and consider the subject in all its bearing in relation to the evils which it entailed upon the people of this country.

He concluded by moving the appointment of a Committee constituted of the following gentlemen, and the reference of the petitions to that Committee;—Messrs. Mackenzie, Richard, Howell, Burpee, Casgrain, Charlton, Chisholm, Wilkes, Forbes, Killam, Palmer, Gibbs, Ross, Rymal, and Bodwell.

Mr. GRANT thought that no subject was of more vital importance to the Dominion than that under the consideration of the House, but he felt satisfied that no legislation should be taken at present, inasmuch as it was absolutely necessary to educate the public mind upon that great question before they commenced to legislate thereon. He was aware that a large revenue accrued to the country from duty on spirits, but at the same time, he knew that our lunatic asylums, gaols, prisons, and hospitals were filled by victims to intemperance. In fact, the majority of the medical faculty in the large towns and cities of the Dominion have taken the matter seriously into their consideration, and protested against the use of alcoholic spirits altogether.

He was gratified to know that one of the leading men in the Dominion, Hon. Mr. Tilley, had always taken an active part in the temperance cause, and hoped that while that gentleman was considering the finances of the country he would also mature a scheme by which the country would be enabled to dispense with the revenue derived from duty on spirits.

He did not wish to bring upon the country a prohibitory or Maine liquor law. At no time was there so much legislation on the subject in England, as during the reign of Henry the Eighth. Bill after bill was passed, but it was found impossible to affect the evil until the public mind had been educated to it.

When the public had been fully aroused and educated to the importance of the matter then would be the time for the action of the House. He trusted that the day was not far distant when energetic action would be taken and the public men of the country would see some more tangible means of obtaining revenue than by placing a tax upon poison.

Many of the liquor saloons had better be licensed to sell poison than spirits. It was a well known fact that it was almost impossible to get good liquor in the country—(*hear, hear*)—but poison in the shape of alcoholic spirits was brought into the country in large

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quantities. He could only hope that the public mind would become educated to the necessity of checking the evil, when legislation could be had in the matter.

Hon. Mr. TILLEY sympathized with his hon. friend in his movement, but it was not customary for a member of the Government to act on such a Committee. He therefore, requested that his name should be withdrawn.

Hon. Mr. BLANCHET did not believe that legislation tended to prevent intemperance, and he hoped his name would be struck off the Committee.

Mr. TOBIN could not understand why his name had been placed on the Committee, unless it was desired that both sides of the question should be represented. He did not believe in the Maine liquor law, and while he aspired to be a temperance man, he was not an advocate of total abstinence.

Mr. BODWELL said the object was to get a Committee who would go into the subject and give a decision thereon. He had no objection to having both sides represented.

Hon. Sir JOHN A. MACDONALD pointed out that there were 22 names upon the motion for the Committee, while fifteen was the greatest number, that could be appointed. He agreed with the hon. gentleman who had made the motion, to which he had no objection himself, nor did he think the House had any objection, but he reminded the hon. gentlemen that there was an objection in a subject of this kind that a Committee should have the power to report by a Bill. The more usual custom was to report by a series of resolutions, which could be formed or confirmed into a Bill.

He suggested that the words "by a Bill or otherwise" be struck out of the motion, and that the number of the Committee be reduced to fifteen. He suggested that the name of the hon. member for York North (Mr. Dodge) be inserted in the list to serve on the Committee, as that gentleman took a very great interest in all such matters. (*Hear, hear.*)

Mr. DODGE did not believe in the feasibility of the Maine Liquor Law, but he believed that the whole subject, though treated with comparative indifference throughout the country, would yet occupy as much attention as the question of slavery recently had, or any other great question that had ever moved the world. He thought that every good man would desire to have heart and hand in such a work. He thanked the head of the Government for mentioning his name in this connection, and if he could do any good in Canada and be of any help in any labour of this description, he would do it with all his heart.

Mr. ROSS (Middlesex West) said, in making a few remarks upon the question, he would take the opportunity of thanking the hon. member for Oxford South (Mr. Bodwell) for bringing the matter under the consideration of the House. It was charged against the advocates of this measure, that they were proposing a course

which, so far as the Legislature was concerned, was a violent innovation of the ordinary usages of society. In the advocacy of the measure contemplated by this mover of the resolution, they were not advocating any new principle, for the same principle had been already embodied in many of the statutes of the Dominion.

He need not refer to the course the different provinces of the Dominion had taken. With the exception of the two last admitted to the Confederation the principle of prohibition had already been conceded. He referred to the Dunkin Bill of 1864, in which the principle of prohibition was distinctly laid down, subject to certain conditions. Not only was it asserted as a general principle in this Act, but it was applied at particular times and to particular individuals, in so far as it provided for the closing of public houses at and from 7 o'clock on Saturday evening till 6 o'clock on Monday morning.

This measure had been in some degree, though it was true only in some degree, successful in checking the ravages of the liquor traffic. If this Act, so confined in its action, had been partially successful—and temperance men as well as others, granted that it was—the extension of the principle upon a broader basis must also be beneficial in a similarly extended degree.

He pointed to the report of the Committee on this subject, in the old Parliament of Canada, where it was stated that three-fourths of the crimes of Ontario, for the three months previous to the period of the investigation, were directly traceable to intemperance. These facts, he asserted, were as true at the present day as then, and we had every year been accumulating evidence of the reliability of data from which they had been obtained, as for instance in the past year, 1872, when we find that two-thirds of the inmates of the gaol came to that pass from this cause. During the same year in the Province of Quebec, 4,000 had been punished for the crime of drunkenness. In 1869 in the same Province, out of 6,000 prisoners in charge for different crimes, 3,527 were drunkards; and in 1868 the proportion was still greater. These facts alone were sufficient to show that there was a necessity for something being done, and he hoped that the proposed Committee would be able to furnish the House with some plan which it could see fit to adopt in settlement of the question.

He agreed with sentiments that had been expressed as to the necessity for educating the public opinion before proceeding to legislation upon the questions; otherwise any attempt at legislation must prove abortive and injurious. The system by which such measures as the Reform Bill, the Irish Church Bill, and repeal of the Corn Laws, and other important reforms, had been carried in Britain, showed the necessity for this, and the good results which followed legislation after a grand expression of public opinion.

He did not think that the public mind of this country was yet prepared to accept a prohibitory law, but it would be the duty of this Committee to furnish such information as would allow them to do so.

Some people objected to this law because it was said to interfere with vested rights. But the Legislature every day interfered with vested rights, and without doing so they could not possibly build roads, railways, or any of the other great public works which are often of much benefit to the country and which the country could not afford to want. The only question which ought to be considered was whether or not the rights of the public were going to be sacrificed on account of individual interests; and when viewed in that light there could be no difficulty in deciding. Something might be done in prospective to enable those who would be likely to suffer to be prepared for what action the House might think fit to take upon the question.

Then there was the question of revenue. He did not think that it was the sole duty of the Government to consider that question and nothing else. It was their duty to superintend and bring about such legislation as would be for the best interests of the people. It was not for the Financial Minister merely to consider alone how he shall best increase the income of the Government, but he must also take heed as to how the people were affected thereby. In raising a revenue from intoxicating liquors the Government were perpetuating an act which was injurious to the community, and inflicted a greater evil on society than all the good which was acquired from a flourishing treasury.

It was argued in favour of the Washington Treaty, when before this House, that it would be the means of saving a war with the United States, and if that did not take place immediately, would at least put us beyond the possibility of future complications. Now this was the ground which the temperance men took on the prohibitory question. They argued that if possibly the revenue of the country had to suffer temporarily, it would afterwards be more than compensated in the benefit conferred upon the country by the diminution of the evils arising from this traffic, while an additional impetus would be given to the development of the natural resources of the country, into which a large amount of the capital now taken up in liquor, the importation, manufacture, and sale would necessarily be turned.

He supported the appointment of the Committee, and said there was only one conclusion to which it was possible for them to come, namely to do something that would effectually stem the current of intemperance and save the country from the innumerable evils it carried in its train. (*Cheers.*)

Mr. SMITH (Peel) spoke of the feeling in the country in favour of a Prohibitory Liquor Law, as expressed by petitions. He condemned the importation of liquors and contended that this was an additional reason for their total prohibition. It would, no doubt, affect the public revenue, but he held that the saving on the administration of justice, and the great good prohibition would confer upon the community, would more than compensate for the loss of revenue.

Mr. CHISHOLM would take great pleasure in acting upon the Committee, and doing all he could to secure prohibition. A good deal was said about educating the people, but they had for years been educating the people, and they might go on educating them until there would be none to educate, because they would be extirpated by this great evil. This was the place to educate the people, and he hoped the labours of the Committee would end in some practical result.

Mr. THOMPSON (Haldimand) said this was the most important question ever brought before the House since he was a member of it, and the thanks of the country were due to the member for Oxford South (Mr. Bodwell) for bringing up the question.

If the prohibitory liquor law could be adopted it would be one of those measures that would be hailed by the country as the best legislation that had taken place for years. It was all very well to talk about educating the people, but if those in high place would only observe the law it would go a great way to its being respected by the people. For instance, there was a law prohibiting the sale of liquor on polling day; he happened to be in Hamilton on the day of the last election, and though he did not drink he indulged in the weed. While he was quietly taking a smoke, he had the honour of being accosted by a member of the Dominion Cabinet, who asked him to join him in a glass of grog. (*Laughter.*) Of course he refused to do so. (*Cries of "Order" from the Government benches.*) He was perfectly in order. The hon. gentlemen who heard him knew that what he said was true. Such conduct as this was not the way of educating the people upon the temperance cause. (*Cheers and laughter.*)

Mr. BODWELL observed that he understood that the member for York North (Mr. Dodge) did not wish to serve on the Committee.

Mr. DODGE said he would be proud to serve on it if he was wanted, but he did not wish to force himself where he was not wanted. (*Laughter.*)

Mr. RYMAL said he would be happy to help in the good cause, but he suggested that he be excused from the Committee, and that the member for York North take his place.

The motion was then carried.

* * *

HALF-BREED APPROPRIATIONS

Mr. CUNNINGHAM moved that the House go into Committee to consider certain resolutions on the subject of the appropriation, under the Manitoba Act of 1870, of 1,400,000 acres of ungranted lands of the Province, for the benefit of the families of the half-breed residents.

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Hon. Sir JOHN A. MACDONALD said the land grant was to the children only, the half-breeds themselves would have to be otherwise provided for. He therefore asked that the motion be deferred.

* * *

PORT STANLEY HARBOUR

Mr. CASEY moved for a copy of the Order in Council relating to the transfer of Port Stanley harbour to a Board of Trustees for the London and Port Stanley Railway Company in 1859, copy of the bond entered into by the said trustees, a statement of the vacancies that have occurred in the said board of trustees, a statement of all the grants made by the Government to the said harbour since 1859, copies of all accounts and statements in the possession of the Government, showing the rates of toll charged, the amount collected, and the sums expended by the said trustees in each year, since 1859, representations made by any inhabitants of the county of Elgin in reference to the said harbour. He stated that there were good reasons for suspecting irregularities on the part of the trustees, and showed that tolls collected at the harbour had not been spent in the improvement of the harbour, but that the piers had been allowed to rot and the harbour had otherwise gone into disrepair. The trustees had received, he estimated, no less than \$40,000 more than they had expended on the harbour.

The motion was carried.

* * *

HALF-BREEDS LANDS

Mr. CUNNINGHAM moved the House into Committee to consider certain resolutions on the subject of the appropriation, under the Manitoba Act of 1870, of one million four hundred thousand acres of the ungranted lands of the Province for the benefit of the families of the half-breed residents.

Hon. Sir JOHN A. MACDONALD said that there was no necessity for considering the resolutions, as the Government had come to the conclusion that these lands belonged to the children of the half-breeds, and the half-breeds would have to be provided for as other settlers.

* * *

COLLECTOR OF CUSTOMS

Hon. Mr. ANGLIN moved an address for a copy of the instructions to the Collector of the port of Saint John, New Brunswick, issued by the Minister of Customs, or by order of the Governor-General in Council since the 1st of July 1867. —Carried.

THE CASCADES CANAL

Mr. LANTIER moved an address for the petitions addressed to His Excellency from the 15th February last, praying for the construction of a canal from the Cascades to Coteau Landing.—Carried.

* * *

INTERCOLONIAL RAILWAY

Mr. YOUNG (Waterloo South) moved an address for a return of the claims made by the contractors having unfinished contracts on the Intercolonial Railway.—Carried.

* * *

INDIAN RESERVE

Mr. COSTIGAN moved for an address for all correspondence between the Indian Branch of the Department of Secretary of State, and the Crown Lands Department of New Brunswick, regarding that part of the Tobique Indian Reserve upon which the white settlers are residing.—Carried.

* * *

SUPPLY

On Motion of the **Hon. Mr. TILLEY** the report of the Committee of Supply, and that supply be granted to Her Majesty, was concurred in, and the resolution was read a second time.

Hon. Mr. TILLEY moved that on Wednesday the House go into Committee to consider the supply to be granted to Her Majesty.—Carried.

* * *

SNOW FENCES

Hon. Mr. LANGEVIN moved for a Committee of the Whole on Friday on the following resolution: "That each and every railway company heretofore incorporated, or which may hereafter be incorporated, as well as the Government of Canada, with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right on and after the 1st day of November in each and every year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever lying along the route or line of any railway, and to erect and maintain snow fences thereon upon payment of such land damages as may best be abolished to have been actually suffered, provided always that any snow fences so erected shall be removed on or before the 1st of April then next following."—Carried.

HALIFAX HARBOUR MASTER

On motion of **Hon. Mr. MITCHELL** the bill to amend the Act to provide for the appointment of a Harbour Master of the port of Halifax was read a third time and passed.

* * *

MUSKOKA ELECTION

The orders of the day were then called. The first order was summoning to the bar Richard James Bell, returning officer at the last election for Muskoka.

Hon. Sir JOHN A. MACDONALD said he had just been informed that the returning officer had only just arrived, that he was ready to appear if the House desired, but that he wished some time to prepare himself. He had no doubt the House would grant that request, therefore he moved that he appear at the bar on Wednesday next.

Hon. Mr. MACKENZIE said that was a reasonable request and he had no objection to it.

Mr. BLAIN remarked that it did not appear clear how questions should be put.

Hon. Sir JOHN A. MACDONALD said the questions must be put in writing through the Speaker.

Hon. Mr. MACKENZIE observed that it was quite evident every question and answer must go upon the journals, and there was no other way of doing it except by putting questions in writing through the Speaker.

Mr. BLAIN said it was not quite clear, as he appeared to favour the idea that questions might be put direct to the person at the bar.

Hon. Sir JOHN A. MACDONALD said the object of putting the questions through the Speaker was that members might have an opportunity of objecting to any question being put.

Hon. Mr. DORION (Napierville) said that he had no doubt it had been the practice in Canada.

On motion of **Hon. Sir JOHN A. MACDONALD**, the House adjourned at 9.35 to 3 p.m. on Wednesday.

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HOUSE OF COMMONS

Wednesday, March 26, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

PETITIONS

Amongst the petitions presented was one by Mr. Ryan, from Henry Stearnes, J.J. Abbott, and others, of Montreal, praying for an Act to incorporate them, for the purpose of guaranteeing commercial transactions, and acting as agents for the investment of money and otherwise; also, petitions presented by Hon. Mr. Carling for an extension of the powers of the Great Western Railway Company; also, for the construction of the Canada and Detroit railway bridge; also, for the incorporation of the Great Western and Lake Ontario Shore Junction Railway Company. There were also a large number of petitions presented praying for the passing of a prohibitory liquor law.

* * *

BILLS: EXTENSION OF TIME

Mr. RYMAL moved that the time for presenting petitions for Private Bills be extended to the 16th of April and the time for receiving reports on Private Bills to the 30th of April.—Carried.

* * *

THE CORNWALL ELECTION PETITION

The **SPEAKER** read a communication from certain parties in Cornwall respecting the petition presented against the election of Dr. Bergin, and saying that the signature thereto had been obtained by fraud.

* * *

REPORT PRESENTED

Mr. RYMAL presented the third report of the Committee on Standing Orders.

* * *

LIBRARY COMMITTEE

Hon. Sir JOHN A. MACDONALD moved, seconded by **Hon. Mr. MACKENZIE**, that a Select Committee be appointed to act on matters connected with the Library of Parliament, in conjunction

with the Committee appointed by the Senate, and that a message be sent to acquaint their honours therewith.—Carried.

* * *

BILLS INTRODUCED

Hon. Mr. CARLING introduced a bill to incorporate the North Star Silver Mining Company, which was read a first time and referred to the Standing Committee on Private Bills.

Mr. RYAN introduced a bill to extend the powers of the Montreal Telegraph Company, which was read a first time and referred to the Railway Committee.

Mr. DOMVILLE introduced a bill to incorporate the Maritime Metal Importers Company.

Mr. McDOUGALL introduced a bill to incorporate the Three Rivers Bank, which was read a first time and referred to the Committee on Banking and Commerce.

* * *

ELECTION PETITION WITHDRAWN

Mr. BROUSE moved that the order of the House for the reception of the petition complaining of the undue election of Dr. Bergin for the electoral district of Cornwall be rescinded, and that the said petition be withdrawn.—Carried.

* * *

BILLS INTRODUCED

Mr. COLBY introduced a bill respecting the St. Francis and Mégantic Railway, which was read a first time and referred to the Committee on Railways.

Mr. RYAN introduced a bill respecting the Montreal and Champlain Railway, which was read a first time and referred to the Railway Committee.

Mr. RYAN introduced a bill to incorporate the Dominion Board of Trade, which was read a first time, and referred to the Committee on Banking and Commerce.

Mr. LEWIS introduced an Act respecting Friendly Societies, which was received and read a first time.

Mr. MORRISON introduced a bill, entitled an Act to amend the Act incorporating the Queenston Suspension Bridge Company, which was read a first time.

* * *

THE KENT, NEW BRUNSWICK ELECTION CASE

Mr. COSTIGAN moved that the House do on Thursday next at 3 o'clock p.m., consider the several matters contained in the petition of Mr. Renaud, of Kent, New Brunswick, which was presented to the House on the 14th of March, complaining of the undue election return of Mr. R.B. Cutler for Kent.

Hon. Mr. BLAKE considered this course was contrary to the law of New Brunswick, which applied to this case. He went on to cite the statute law of New Brunswick, and to argue therefrom that the day and hour for the House to take a petition into consideration must be fixed on the same day that the petition was presented. The practice of the New Brunswick legislature was in favour of this construction of the law; as shown in the Carleton case, 1862; in the Sunbury case, 1862; in the Gloucester case, 1865; in the Northumberland case, 1866; in the Kent case, 1866.

The English practice in analogous cases also favour this view. In the year 1830, forty petitions were presented and in every case the order that the House should on a certain day taken the petition into consideration was made immediately after the presentation of the petition.

As the day was not fixed in this case when the petition was presented, he held the House could not now enlarge the time. He would like to hear the opinion on the subject of the members from New Brunswick who were more familiar with the laws and practice of that Province than he was.

Mr. COSTIGAN did not dispute the correctness of the hon. gentleman, so far as he had gone. The present petition was one founded upon justice, and if the hon. gentlemen held them by the strict letter of the law, it might be thrown out from the superior ability which he would be able to throw into the discussion; but he trusted to the good sense of the House on the present occasion. He thought the intention of the law was not that the time for the consideration of the petition should be fixed on its presentation as was contended by the hon. gentleman, and certainly the practice was in favour of the original motion.

He quoted from the journals of the Legislature of New Brunswick for 1856, in which it was shown that a petition against the return of a member was presented on the 18th of July, and the consideration of the same was not fixed, and it was not considered until the 24th, when it was received by the House. He also quoted a similar case in the same section and declared that it was a clear and distinct proposition, such as he had copied into his motion, which was involved in both these cases.

Hon. Mr. SMITH (Westmorland) said he found that the invariable practice, as far as his recollection went—some fifteen or twenty years—in New Brunswick was to proceed with the petition at once. His hon. friend from Victoria (Mr. Costigan) had cited a case in which it seemed the petition was not proceeded with at once. There was no doubt, however, as to the practice of the New Brunswick House, and he begged to call the attention of the House to this section of the law. It was clear from this that if it was necessary to proceed at once it was necessary that they should proceed within ten days. The section of the statute to which he referred stated that upon the presentation of a petition respecting an undue election, a Committee should be appointed for the consideration thereof, and the Speaker should forthwith, in writing, notify all parties concerned or their agents, commanding their attendance at the Bar of the House.

Another important provision was, that the petitioner should, within ten days after the presentation of the petition, personally enter into recognizance, and if this were not done, the same should be reported to the House, and the order for the consideration of the House discharged. From this it was very clear that the order of the consideration of the petition should be made within ten days, because the statute said that the order should be discharged if more than ten days expires. He trusted the House would adopt the same construction as the Legislature of New Brunswick. The House now had no power to strike a Committee for that purpose.

Mr. COSTIGAN thought the House would agree with him that the construction of his hon. friend was not the proper one. The section of the Statute referred to said that unless the recognizance were entered into within ten days of the presentation of the petition, or such further time which should be granted by the House, the order should be discharged. In this case the party had entered into recognizance at once, and, therefore, this exception did not arise. Had the petitioner failed to enter into recognizance, then it would be a question for the hon. gentleman to raise.

The hon. gentleman said that he (Mr. Costigan) had quoted a particular case, which was an exception of the New Brunswick House. He could assure the House that he referred to that case not because it was a peculiar one, but in order that he might be enabled to frame a resolution in the words and the form adopted in New Brunswick.

And again, on the very same page, there was another case of the same kind, in which the same course was pursued, and he was satisfied that if the journals were searched, numerous cases of a similar character would be found. He thought that the fact of the motion being copied word for word from the case to which he had alluded was a sufficient reason for its acceptance by the House. It was always the intention in New Brunswick to give greater facilities to petitioners than we afforded by the old Parliament of Canada, because although the number of days was limited, the House had power by a vote to extend the time beyond ten days.

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Hon. Mr. SMITH (Westmorland) asked the hon. gentleman if he could point to a case in which an order had been made after the expiration of the ten days.

Mr. COSTIGAN could not say. The question was an unfair one. He had referred to two cases of a similar nature, and would promise to show a number of them if necessary. He did not think it mattered whether the order was made within ten, or five, or six days.

* * *

THE ELECTION COMMITTEE WARRANT

Mr. WHITE (Hastings East) said he was one of those who had voted that the first day of the session was not the first day (*laughter*), but the House had decided it was the first day, and it must therefore be held to be such. He had been asked by friends on his side of the House to move a motion on the subject, and he therefore moved, "That under the provision of 31st Vic., Cap. 75, Consolidated Statutes Canada, there having been a meeting of this House on Wednesday, the 19th inst., being the fifteenth day of the present session the warrant for the appointment of a General Committee on Elections should have been made and laid on the table on the said day, and the document signed by the Speaker and laid on the table on Thursday, the 20th inst. being the sixteenth day of the session, was so signed and laid on the table after the time fixed by law had expired and was therefore not a warrant within the meaning of the said statute." (*Cries of "Lost" and "Carried."*)

The SPEAKER: I declare the motion lost. (*Cries of "Yeas" and "Nays."*)

The SPEAKER: I declare the motion lost.

Hon. Mr. CAUCHON: Yeas and nays.

The SPEAKER again declared the motion lost, and, there not being five members demanding yeas and nays, a division was not taken.

* * *

RETURNS BROUGHT DOWN

Hon. Mr. LANGEVIN brought down the Order in Council relating to the levying of tolls on vessels passing through the St. Peter's Canal, with all correspondence between the Government and the local engineer on the same subject; also copies of tenders for the work on the Welland Canal.

* * *

INTERCOLONIAL RAILWAY RETURN

Hon. Mr. MACKENZIE asked the Minister of Public Works why he had not brought down the return asked for and, promised on Friday, concerning section five of the Intercolonial Railway.

Hon. Mr. LANGEVIN had expected to have the returns during this sitting. He might yet have it before the House adjourned, but he would certainly have it by tomorrow.

* * *

DOMINION OF CANADA WAREHOUSING COMPANY

Mr. DOMVILLE brought in a bill to incorporate the Warehousing Company of the Dominion of Canada, which was read a first time.

* * *

ENGLISH MAIL

Mr. WILKES enquired whether the government have effected arrangements with the Postmaster-General of the United States by which a Canadian mail can be sent to England by the Cunard steamers sailing on Wednesdays from the city of New York.

Hon. Mr. TUPPER said that the mails from Canada to England via New York are sent from the New York Post office as part of their own mail. The Government had made application to the Postmaster-General of the United States to have the Canadian mail sent by the Cunard steamers, but that gentleman replied that the arrangements between the United States, and the Guion and Williams line of steamers was that all mails from the United States should be sent by that line, and he therefore regretted to say that it was impossible to accede to the request.

* * *

METEOROLOGICAL REPORT

Mr. WILKES asked whether the Government have taken any steps toward effecting an arrangement with the Government of the United States for the interchange of weather reports and for the establishment of signals on our coasts.

Hon. Mr. MITCHELL replied that a small sum of money had been appropriated last session by Parliament for the purpose of initiating some steps towards this end, to the extent allowed by the means at the disposal of the Government. Steps had been taken for receiving and reciprocating weather reports, and it was the intention of the Government this year to ask the House for a larger appropriation, for perfecting to a greater degree these arrangements.

* * *

LIGHTHOUSES

Mr. TREMBLAY enquired whether the Government had made a choice of the sites for the construction of lighthouses at Portneuf, in the county of Saguenay, and at Baie Saint-Paul, in the county of Charlevoix, for which lighthouse a sum of \$6,000 was voted last year, whether the Baie Saint-Paul lighthouse is to be placed on the mainland or on a pier at the mouth of Rivière Du Gouffre; whether tenders have been called for and received for the construction of the said lighthouse and if contracts have been awarded; what are the names of the contractors and the prices agreed upon.

Hon. Mr. MITCHELL said the Government had not made a choice of the site of the Baie Saint-Paul lighthouse; but they had for that at Portneuf. Tenders have been called for, and the contract let to Simon Cimon at \$1,500.

It had been in the first instance intended to place the Baie Saint-Paul lighthouse on the mainland, but representations had been made that this would not be advisable, and as the sum appropriated was not sufficient to construct a pier, it had been decided to postpone the erection until the Department could ascertain what site would be most desirable.

* * *

PRINCE EDWARD COUNTY JUDGESHIP

Mr. ROSS (Prince Edward) asked whether any person has been appointed a County Judge in Prince Edward county; whether any person has been offered the appointment, the name of such person, and, if no appointment had been made, whether any person resident in the county had been empowered to act provisionally; when is it the intention of the Government to fill the vacancy; and whether the judicial duties incumbent on the County Judge have not been neglected in consequence of the delay in making an appointment.

Hon. Sir JOHN A. MACDONALD said no person had yet been appointed, and no person had been offered the appointment. Mr. Jellett was appointed deputy judge in consequence of the illness of the late judge. He was still performing the duty of judge. It is the intention of the Government to fill the vacancy. He was not aware that the judicial duties incumbent on the county judge were neglected; on the contrary he believed they were being well performed by Mr. Jellett.

* * *

VIENNA EXHIBITION

Hon. Mr. BLANCHET asked whether it is the intention of the Government to cause Canada to be represented at the Vienna Universal Exhibition either by commissioner or otherwise.

Hon. Mr. POPE (Compton) said Canada would be represented by the Imperial Commission. The government had not yet decided to have any other representation there.

* * *

ORDERS IN COUNCIL

Mr. FLESHER asked whether it is the intention of the Government to recommend or to give more general publicity to Orders in Council that are of general application, supplementary to or amending the statutes, and the infraction whereof involves penalties with more especial reference to the fishery laws and regulations.

Hon. Sir JOHN A. MACDONALD replied that the matter had been in course of preparation for some time. An appropriation was made last year for the purpose of the publication, and it had been hoped that Orders would have been published in last year's statutes. It had been found requisite to trace them back for a very long time, so as to avoid omissions; but the compilation was now almost complete, and that special reference would be had to the fishery laws and regulations.

* * *

INTERCOLONIAL RAILWAY GAUGE

Mr. DALY asked whether the Government intended that the Intercolonial Railway should adhere to the five feet six inches gauge, or would order it to be changed to the narrow gauge of 4 ft. 8 1/2 in.

Hon. Mr. LANGEVIN said the members of the House who were members of the last Parliament would remember that, this question having come up during the last two sessions, the Government had stated that their intention was not to change the gauge of the Intercolonial Railway. The reason given, especially last session, was that to change the gauge of the Intercolonial the Government would have to change the gauge of the Grand Trunk as well, otherwise there would be a break at Rivière du Loup, and, of course, the amount of money that would be required for that purpose would be very considerable. The Grand Trunk was understood at that time to be quite unable to meet the expenditure required for that purpose.

Since the last Session, however, it appeared that the Grand Trunk Company had been fortunate enough to obtain large sums of money for the purpose of changing gauge, and they had already begun to change the gauge on a portion of their line. Other railways had done the same thing, and altogether there were now nearly 5,229 miles of railway in Canada having the narrow gauge.

Under these circumstances the Government had determined to change the gauge of the Intercolonial. (*Opposition cheers.*) However, the Chief Engineer of the Intercolonial had reported as his opinion that the portion of the Intercolonial south of Moncton should not be changed at present, but that it would in fact be desirable that the whole railway system between St. John and Halifax should for some time remain the broad gauge, for the purpose of utilizing the present broad gauge rolling stock. He repeated his explanations in French.

Hon. Mr. MACKENZIE objected to the hon. gentleman delivering a speech in defence of the Government in reply to a question, when hon. gentlemen had no opportunity of controverting his statements.

Hon. Sir JOHN A. MACDONALD remarked that Mr. Gladstone had made similar statements during the present session.

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Hon. Mr. MACKENZIE: I deny that. They were statements of fact.

Hon. Sir JOHN A. MACDONALD said they were believed by him to be statements of fact. Of course any statements of fact can be controverted.

Hon. Mr. MACKENZIE: Oh no, they cannot. Facts cannot be controverted.

Hon. Mr. BLAKE said statements may be controverted but facts cannot.

* * *

EXTRADITION TREATY

Mr. CARTWRIGHT asked whether any correspondence has taken place with the Imperial authorities with the view of extending the provisions of the Extradition Treaty between Great Britain and the United States, and if not, whether it is the intention of the Government to endeavour to have the said Treaty so amended as to secure the delivery of criminals not at present liable to extradition.

Hon. Sir JOHN A. MACDONALD said no correspondence from the Government of Canada to Her Majesty's Government had arisen on this subject, because Her Majesty's Government had communicated to the Canadian Government the intention to enlarge the extradition treaties with all civilized nations, as fast as they could obtain them. Her Majesty's Government were desirous of having a uniform agreement with the different nations of the world with whom they could make such interchanges.

With regard to the extradition of criminals, they had already concluded such treaties with Belgium and France, and communications were now being carried on with the United States Government by Her Majesty's Government, with a view to enlarging the provisions of the Extradition Treaty of 1854.

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PERSONAL EXPLANATION: GRAND TRUNK INFLUENCE

Hon. Sir JOHN A. MACDONALD: Before the orders of the day are called, I wish to speak of a matter personal to myself. I observe in the *Toronto Globe* of Friday, 21st of March, a letter from the London correspondent of that paper. The correspondent states a conversation which he alleged to have had with Mr. Potter, President of the Grand Trunk Railway Company. The portion of this correspondence, I wish to refer to is as follows: "I there referred to the universal complaint in Canada that the road was too closely allied with politicians and their manoeuvres."

Neither could be more explicit than Mr. Potter's reply in answer. He seemed to feel the force of the allegation, and, without the slightest attempt to beat around the bush, he good-naturedly said: "I can assure you that I am most determined that politics shall not in any way interfere with the legitimate business of the road. I am aware that it has been made a ground of complaint, and during my

recent visit to Canada I was repeatedly pressed to use my influence in different elections.

I had pressing telegrams from Hon. Sir John A. Macdonald and Hon. Sir Francis Hincks during my journey, but I paid not the slightest attention to them. I dare say we might have influenced eight or nine constituencies; but I care not what government is in power. I am resolved that no political party shall use the Grand Trunk as a machine to influence elections or in any way divert the attention of its officers from their legitimate duties to serve politicians."

I have only to say with regard to myself that I did not see Mr. Potter when he was in this country, that I did not write to him, that I did not send a message to him by telegraph or otherwise, that I had no communication with him on election matters or any other matters of any kind whatever, directly or indirectly, during his visit to Canada.

I sent him this message by cable on the 24th March, 1872: "To Richard Potter, Esq., Grand Trunk Railway, London. Toronto *Globe* correspondent writes that you informed him I had sent you, when in Canada, pressing telegrams respecting elections. Did you say so? John A. Macdonald." He answered on the 25th of March, as follows:—"Distinctly deny statement of *Globe* correspondent, as reported in your telegram, and authorize you to contradict it publicly. Richard Potter."

* * *

USURY LAWS

Mr. DUGUAY moved the House into Committee of the Whole forthwith to consider certain resolutions for the purpose of making provision against usury, and fixing the rate of interest in the Province of Quebec. He thought it was necessary for the protection of emigrants coming to this country, as well as natives of Canada, that such a law should be passed.

Hon. Mr. BLANCHET suggested that the hon. gentleman should move that the House should go into Committee on Monday next.

Mr. DUGUAY acceded to the proposal, and the motion was carried.

* * *

HUDSON BAY COMPANY

Mr. SCHULTZ moved for copies of the draft of surrender from the Hudson Bay Company to Her Majesty, approved by the Governor General of Canada on the 5th July 1869, the report of the Committee of the Privy Council on the said draft, all correspondence between the Hudson Bay Company and the Government of Canada in reference to any claim or application by the said company for 500 acres of land around Upper Fort Garry, all

Order-in-Council relative to the said lands, all patents granting the whole or any portion of said lands to the Hudson Bay Company.

He described the situation of the land, which was very favourable, and proceeded to give its history. He valued the land at millions of dollars. He wished to ascertain the ownership of that land. There did not appear to be any Order in Council granting this land to the Hudson's Bay Company. From the statutes of 1862, he found that the company were empowered to retain ten acres of land around Upper Fort Garry, and he was loath to believe that a greater grant was contemplated. The Hudson Bay Company were selling that property, which he believed, in common with many, to be the property of the Dominion. He made this motion in order to elicit information respecting her important subject.—Carried.

Hon. Sir JOHN A. MACDONALD had no objection to the motion, which we accordingly carried.

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PORT STANLEY HARBOUR

Mr. CASEY moved for the correspondence, reports of engineers, et cetera, relative to the constituting of Port Stanley a harbour of refuge.—Carried.

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JUDGE BOSSÉ'S RESIDENCE

Mr. FOURNIER moved for correspondence in relation to the place of residence assigned to the Hon. Joseph Noel Bossé, Judge of the Superior Court for the Province of Quebec for the District of Montmagny and Beauce.

Hon. Sir JOHN A. MACDONALD said of course the correspondence would be sent down. There was no objection to that, but he might say that it had already been laid before the House. The hon. gentleman had said that if the Government had given the Judge a positive order on the subject he would have obeyed it, but it must be remembered that the Government could only give such orders to judges as were authorized by law, and that order was given; that is to say, the residence was fixed by an Order in Council and communicated to the Judge. Last session it was stated that the Judge had not taken up his residence at the place assigned, when the Government at once called the attention of the Judge to the matter, and his reply would be submitted to the House along with the other papers on the subject. Since then other representations had been made to the Government that the Judge was still a non-resident, and these communications were at once conveyed to the Judge, intimating that he must take the consequences if he persevered in committing a breach of the law.

Hon. Mr. DORION (Napierville) requested to be told if the Government would state what course they would be willing to take in the case of any judge found guilty of acting as the one in question was sure to have done when the correspondence would be brought

down. He thought the case under consideration, if proved to be as reported, was certainly one which called for prompt action on the part of the Government.

Hon. Mr. BLAKE said it appeared to him from the statement made by his hon. friend (Hon. Mr. Dorion) that there was an accusation brought against the Judge of a very great dereliction of duty, and it was the duty of the Minister of Justice to examine into the matter and correct the wrong, if one existed, according to the provisions of the statute for that purpose. The attention of the learned Judge should be called to the question raised, and the government should take such steps as were necessary for the vindication of the law.

If this state of things complained of still existed, he thought it was the duty of the hon. gentleman at the head of the Government to see that the law was complied with. If a judge openly, wilfully and continuously refused to comply with the provisions of the law under which he received his appointment and continues in office, he (Hon. Mr. Blake) saw no other mode of procedure left to the Government than to deal with him according to the statute, and the Government of the day ought to initiate the proceedings.

Hon. Sir JOHN A. MACDONALD said he was not inclined to contradict the hon. gentleman in the general principles that he laid down, but it was a very difficult matter to deal with altogether, and the difficulty was increased from the different constituencies of the different Provinces, and the difference of opinion existing as to the powers of the general and Provincial Governments respectively.

It was quite true that the Dominion Government and the Dominion Parliament had the appointment of a judge and the power to remove him in case it is found necessary to do so, but on the other hand, Provincial Governments and Parliaments had the ordinary administrative legislation in their own hands, as well as the distribution of justice and the organization of the Courts. The Provincial Government could best see any inconvenience that might arise in the administration of justice from any dereliction of duty on the part of a judge. It would be well, in laying a basis of proceedings against the judge, that there should be some general principle laid down to the effect that the Provincial Government should, to some extent, lay the information and bring the party to justice, in other words, act in the capacity of public prosecutor.

If any judge were guilty of any breach of the law, they were the parties most directly interested and ought to be best informed as to the circumstances. It seemed to him that it would greatly conduce to the proper administration of justice if something of this nature were done; and if hon. gentlemen opposite had the good of the country at heart, as he was confident they had, they would concede to the principle too.

Hon. Mr. DORION (Napierville) said the hon. gentleman seemed to have made a very strong point in making this proposition, but he might mention that the Provincial Government had done all that they possibly could, in the line that the hon. gentleman had so forcibly advocated, to obtain a compliance with

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the law on the part of the Judge, even to requesting this Government to move in the matter (*hear, hear*); and yet the hon. gentleman informed the House that it would be well if the Provincial Government should take certain steps before anything was done. He thought no greater complaint could come from the Provincial government, and he thought that the matter should now be taken up by the Government making the appointment.

Hon. Sir JOHN A. MACDONALD said he was not aware that any correspondence had been received from the Local Government in the matter.

Hon. Mr. BLAKE could agree with some things stated by the Minister of Justice (Hon. Sir John A. Macdonald) so far as the gravity of the matter was concerned, but he could not agree with him as to the general principles he laid down as to the action of local Governments. He had to remind the hon. gentleman that in this Parliament a different view of the matter had been taken and acted on. He referred to a case in which there had been a motion to enquire into the case of Judge Lafontaine when Parliament had acted without any communication from the Local Government. (*Hear, hear.*)

The motion was agreed to.

* * *

GAZETTE DE SOREL

Mr. MATHIEU moved for the accounts, et cetera for service and work done for the Government by George Isidore Barthe, Esq., proprietor of the *Gazette de Sorel*, between 1st January, 1870, and 20 March 1873.

* * *

NAVIGABLE STREAMS

Mr. CARTWRIGHT moved for a report of commission appointed to enquire into the condition of navigable streams.—Carried.

It being six o'clock the House rose for recess.

AFTER RECESS

THE MUSKOKA ELECTION

The SPEAKER caused the order of the House, for the attendance at the bar of the House of Richard James Bell, Returning Officer at the late election for the electoral district of Muskoka, to be read by the Clerk at the table.

The SPEAKER then directed the Sergeant-at-Arms to see if Mr. Bell was in attendance.

The Sergeant-At-Arms left the Chamber, and presently returned with Mr. Bell, whom he placed at the bar, which was closed. The Sergeant-at-Arms advanced up the floor to the table, and said, "I have the honour to report that Richard James Bell, the Returning Officer at the late election for the electoral district of Muskoka is in attendance."

Hon. Sir JOHN A. MACDONALD suggested that counsel should be allowed the returning officer.

Hon. Mr. BLAKE wished to know if the leader of the Government was the medium of communication between the House and the returning officer, and if he was instructed for counsel.

Hon. Sir JOHN A. MACDONALD said he had not been.

The SPEAKER: Shall counsel be admitted?

Hon. Mr. BLAKE said it was time enough to consider the question of the admission of counsel whom counsel was asked for.

Hon. Sir JOHN A. MACDONALD remarked that if the hon. gentleman wanted to prevent the returning officer from having the assistance of counsel he might do so.

Hon. Mr. BLAKE did not think that was a fair statement. If the returning officer desired counsel he should ask for it.

Hon. Mr. DORION (Napierville) said the returning officer appeared merely as a witness and he did not see why he should have counsel.

The examination of Mr. Bell was then commenced by written questions, read aloud by the Speaker, while the Returning Officer dictated the answer to the assistant clerk, who sat at a table close to the bar, and read the answers to the House. The process consumed a long time. The first question was handed in by the Hon. Mr. Dorion.

Q. 1: What is your name, residence and occupation?

A. 1: Richard James Bell, residence at Bracebridge; occupation clerk.

Q. 2: Were you returning officer at last election of member to represent Muskoka in the House of Commons?

A. 2: Before answering this question, may I ask the House to grant me the right of having Counsel.

The SPEAKER said that was a question for the House to decide.

(*Cries of "Carried" from the Government benches.*)

Hon. Mr. MACKENZIE said no one had made any motion; if anyone assumed the responsibility of making a motion, the House could consider it.

Hon. Sir JOHN A. MACDONALD moved that the returning officer at the bar be allowed the assistance of counsel.

Hon. Mr. DORION (Napierville) said he remembered one time a gentleman having been brought to the bar, and having asked for counsel to assist him in answering the question what was his name and occupation. Now the question was asked if the person at the bar was a returning officer, and he wanted counsel to help him to answer that question.

It had not been the practice to grant counsel when a person was brought here merely as a witness. He knew one instance in which counsel was granted, but in that case the returning officer was brought to the bar as a prisoner. Of course there could be no great objection to granting counsel in this case, except it might be the creation of a precedent, which might be very inconvenient. (*Laughter.*)

Hon. Sir JOHN A. MACDONALD: I do not think so.

Hon. Mr. DORION (Napierville): Can the hon. gentleman cite a single case in which a returning officer who was brought as a witness was allowed counsel to help him to give his evidence, either here or in a Court of Justice?

The motion was put and declared carried.

Mr. Robert Lyon, of Ottawa, was admitted to the Bar as counsel, and the question was put to the returning officer.

Mr. BLAIN: I hope it is not the counsel that is going to answer the question instead of the witness.

The returning officer answered the question: I was.

Q. 3: When and by whom were you informed for the first time that you would be appointed returning officer for the said election?

A. 3 (After a long consultation with counsel): By and on the receipt of the writ of election.

Hon. Mr. SMITH (Westmorland) said this mode of examination was certainly startling to lawyers. That a witness should be allowed to consult counsel as to how he should answer questions was certainly a most novel proceeding. It seemed to him that the counsel should have the right to object to any question being put, but the witness should answer the question himself.

Hon. Sir JOHN A. MACDONALD agreed with the hon. gentleman that the counsel ought not in any way to put an answer into the Returning Officer's mouth. The Returning Officer must answer according to his conscience and the facts, and the duty of the counsel was, if he thought the question irregular, to apply for leave to argue it before the Court.

Hon. Mr. BLAKE said that objection should be taken before the House decided that the question should be put. As they were adopting a new principle, it was as well to make it as consistent

with common sense and decency as possible. (*Derisive cheers and laughter.*)

The SPEAKER intimated to the counsel that he must not interfere with the witness in answering any questions, but could object to any question being put.

Q. 4: When did you receive the writ of election?

A. 4: As near as I remember, on the 18th of July, 1872.

Q. 5: Who were the candidates in the late election and were you acquainted with either of them?

A. 5: Alexander Cockburn and D'Arcy Boulton. I was acquainted with both.

Q. 6: Did you take any part in the canvass or in the contest before or after you received the writ of election, and did you attend on any public or committee meeting? If any, of which candidate?

Hon. Mr. MACKENZIE called the attention of the Speaker to the necessity of preventing the counsel communicating with the witness as he was doing.

Mr. BLAIN said he was sure no judge would allow counsel to stand by a witness and advise him as to how he was to answer the questions put to him.

Mr. Bell said he had not asked his counsel anything with regard to the question in his hand.

Mr. MASSON suggested that time should be given to the counsel to object to the questions if he saw fit.

A. 6: Before I was appointed returning officer I took part in two meetings, but after receiving the writ I took no part in any meeting whatever on either side. These two meetings were on behalf of Mr. Boulton. I took no part in the canvass.

Q. 7: Did you address any of the said meetings, and in whose interest? Where was the last meeting held that you addressed?

A. 7: At the two meetings I attended I made a few remarks, but I really cannot remember the dates. It was some time previously to the reception of the writ, and before I knew I was to be returning officer.

The SPEAKER: In whose favour were your remarks?

A: In Mr. Boulton's.

Mr. YOUNG (Waterloo South) asked if it would not be better for the reporters, there being several in the gallery, to take down the replies. He thought it would expedite matters greatly.

The SPEAKER: They must be taken down by the officer of the House. It is the strict practice we are following.

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Q. 8: Did you not visit any of the electors in company of Mr. Boulton during the canvass?

A. 8: I did not.

Q. 9: What course did you adopt after receiving the writ with regard to the notices to be given fixing the nomination and polling days, also the fixing of the several polling places, and did you consult or have any conversation with any of the candidates with regard to any of the formalities?

A. 9: On the reception of the writ I consulted with Mr. George F. Gow, who was Reeve of the township of which I was clerk. That is the only person I consulted regarding the matter of appointing the polling places. I had neither consultation or conversation with either of the candidates.

Q. 10: Was Mr. Gow a professional man and was he a supporter of Mr. Boulton or Mr. Cockburn; did he take an active part of the canvass, or was he on the committee of either candidate, and if so, of which of the candidates?

Mr. Lyon said the question was irrelevant to the question upon which Mr. Bell was summoned to the bar. The House, however, decided to put the question.

A. 10: Mr. Gow is not a professional man; I believe he was a supporter of Mr. Boulton and at that time he was taking an active part in the election of Algoma, and of one or two other candidates.

The SPEAKER: The latter part of the question is this. Did Mr. Gow take an active part in the canvass and meetings for Mr. Boulton?

A.: I really don't know whether he did or not. He was absent a good part of the election.

Mr. FINDLAY: I think that answer is different from one he gave a little while ago. (*Cries of "Order".*)

The SPEAKER said this was not the time for discussing the answers.

Q. 11: Was not Mr. Gow acting as the agent of Mr. Boulton at the said election?

A. 11: Not that I know of.

Q. 12: Did you fix polling places in each of the townships comprising the said Electoral District?

A. 12: I did as far as the Townships were organized. There was a number of unorganized townships in which I placed polling places to suit the settlers.

Q. 13: In which of the townships did you omit to fix polling places only?

Mr. Lyon submitted that this question was already answered in a former answer. The House decided to put the question.

A. 13: Before answering this question, I would say that I would need a map of the Muskoka district before I could answer it fully. In the district of Muskoka there are some six or seven organized townships in each of which I placed a polling place. The townships I treated as unorganized tracts of country, and placed the polling places for the best accommodation of settlers.

Q. 14: Did you fix more than one polling place in any of the said townships; and if so, in which?

A. 14: There were so many places I really cannot say whether there was more than one place in any township within the unorganized tracts.

Q. 15: Had you taken steps to ascertain the number of the electors in each of the townships where you so fixed the polling places, and had you ascertained the number?

A. 15: I did, as well as time would permit ascertain the number of electors that each place would accommodate, though I took no list of the same.

Q. 16: Did you, after the receipt of the writ give it publicly to be understood that there was no polling in the townships of Watts and Cardwell, and did you afterwards fix polling places in the said townships?

A. 16: In answer to this question, I would state that at the time, I issued my proclamation the townships of Watts and Cardwell were included in the proclamation as organized townships. I found afterwards that the clerk had neglected to send the list of voters, and therefore I was unable for some time to know what to do in the matter having no voters' list. I took advice on the matter and opened them as unorganized tracts. The polling place was still the same as appointed in my proclamation.

Q. 17: Whom did you consult as to treating the townships of Watts and Cardwell as unorganized townships?

A. 17: James B. Browning, of Bracebridge, a professional man.

Q. 18: Did you inform the electors or candidates, or either of them that the vote would be taken as in unorganized townships, and if so, how did you inform them?

A. 18: I notified the electors by word of mouth as well as I could, as soon as I had come to a decision as to the manner of voting.

Q. 19: When did you give the information mentioned in your last answer to Mr. Boulton and when did you give it to Mr. Cockburn?

A. 19: As near as I can recollect on the 9th, two days before the voting day, I saw neither, but told their friends.

Q. 20: Did you in your proclamation define the polling places in these townships which were not organized?

A. 20: Not particularly, the polling places being understood to accommodate the settlers nearest them.

Q. 21: Did you give any instructions to any of the deputy returning officers as to the classes of persons they were to receive votes of at the different polling places, and what were these instructions?

A. 21: Yes. In the organized townships the voters' lists were used, and in the unorganized townships any persons owning real estate to the value of \$200, or being a householder, are eligible to vote.

Q. 22: Did you direct the deputy returning officer of the township of Macaulay to refuse the votes of the electors residing in the unorganized townships, and which?

A. 22: Yes, because I was told by my lawyer that I could not allow any person from the unorganized townships to vote in an organized township.

Q. 23: Were not the electors of the township of McLean forced to travel a distance of nearly thirty miles to vote at a polling place while there was a polling place in the township of Macaulay?

A. 23: On making enquiry as to the polling places, I was informed that the township of McLean only contained some fifteen votes, and that they resided in such a position that they could go to two other places where there were polling places. I am not aware that any of the voters had to go thirty miles. There was no voting place in the township of McLean.

Q. 24: Did you instruct or direct any of the deputy returning officers to receive the votes of the householders in the townships where there were regular voters' list made?

A. 24: I did not.

Q. 25: Did you direct the deputy returning officer for the township of Stephenson to receive the votes of householders as in an unorganized township?

A. 25: There was no municipal organization at the time that the deputy returning officer was instructed to treat it the same as an unorganized township.

Q. 26: Were you not aware that the electors of Stephenson had voted at the local election of 1871 as an organized township, and were placed upon the list of voters of said township?

A. 26: As I have already stated, there was no municipal organization at the time of the election of a member for the House of Commons.

Hon. Mr. DORION (Napierville) objected that this was not an answer to the question put.

Mr. Bell then added: I heard afterwards that there was such an organization at the time of the Local election, but I was not aware of that circumstance at the time.

Q. 27: Had you a legal adviser at the time of the election, and did you consult him with regard to your duty and procedure at the said election?

A. 27: I had and consulted him on several occasions during the said elections as to my duty and procedure.

Q. 28: Who was your legal adviser? Had you any correspondence with him, or with either of the candidates, with regard to your duties at the said election? And if so produce the correspondence.

A. 28: During the election James B. Browning was my adviser, but I had no correspondence with him that I can produce. After the election I got legal advice from Mr. D.B. Read, Q.C. of Toronto, as to the return which I made and which I can produce. I have no correspondence with any of the candidates.

Q. 29: Did you apply to Mr. Read for his opinion after the election?

A. 29: Being at a loss to know what to do in the matter of my return, I asked Mr. Ross, who was going to Toronto, and knew all the facts, to call and get Mr. Harrison's opinion for me. He telegraphed that Harrison was not in town, but was expected for a day or two. He waited a day or two and came home, bringing me Mr. Read's opinion, not having been able to see Mr. Harrison.

Q. 30: Did you go to Toronto in company with Mr. Boulton after the day of the polling and before making the return, and for what purpose?

A. 30: I did not go to Toronto with Mr. Boulton after the polling day. I went alone to see Mr. Harrison on another question. Mr. Boulton overtook me on the road and went as far as Orillia with me.

Q. 31: What question did you consult Mr. Harrison on?

A. 31: I went to Mr. Harrison to ask him as to the proper time to receive the qualification of candidates.

Q. 32: Did you not decide that householders at Hughson's & Co. Mills on the Georgian Bay, should not vote, and refused to grant a polling place where they could record their votes?

A. 32: I decided that the place was not in my electoral district, in not being mentioned in the Act of Parliament forming the electoral

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county of Muskoka, and not being on any survey of the township that I could see.

Mr. BLAIN said he had no more questions to put.

The witness was then permitted to retire.

Hon. Mr. DORION (Napierville) suggested that the order for the attendance of Mr. Bell should either be discharged or adjourned.

Hon. Sir JOHN A. MACDONALD said the Returning Officer had been at the bar, and it would be best to tell him to remain in attendance until discharged.

Hon. Mr. DORION (Napierville) said that was the usual practice. The proper course would be to move the adjournment of

the order till tomorrow, when, if necessary, the examination might be continued or Mr. Bell might be discharged from further attendance.

After some further discussion,

Hon. Mr. DORION (Napierville) moved that the examination of the witness be adjourned till tomorrow, then to be the first order.—Carried.

Mr. Bell was then again brought to the bar and informed by the Speaker that he must be in attendance tomorrow at three o'clock.

The House adjourned at 11.05 o'clock.

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HOUSE OF COMMONS

Thursday, March 27, 1873

The **SPEAKER** took the chair at 3.20 p.m.

Prayers

THE KENT, NEW BRUNSWICK ELECTION CASE

The Order of the House for the taking into consideration of the election for the County of Kent, New Brunswick, having been called, the House proceeded, according to the law and practice of the Province of New Brunswick.

By the direction of the Speaker, the Clerk called the roll of members, most of whom answered to their names.

The petitioner and sitting member with their counsel, were then summoned to the Bar; Mr. O'Farrell of Quebec, being counsel for Auguste Renaud the petitioner of Wellington, in the electoral district of Kent; and Mr. Walker of Ottawa, for Mr. Robert B. Cutler, the sitting member. The doors were then locked.

Mr. WALKER asked leave to submit certain objections to the House.

Mr. COSTIGAN thought it was not usual to take objections previous to the appointment of a committee.

Mr. O'FARRELL claimed the right to answer any objections which might be taken.

Hon. Mr. BLAKE said it seemed to him that the objections could not be considered until they came to consider the petition, which they were not proceeding to do. The procedure in the case was under the New Brunswick law, and was therefore strange to the majority of the House. This was an additional reason that the greater possible latitude be allowed to both parties. He suggested that the matter be postponed till tomorrow, to allow members an opportunity of familiarizing themselves with the procedure. There was a peculiarity in this case, the hon. gentleman who had spoken being one of the sureties.

Hon. Mr. CAUCHON thought the members from New Brunswick, learned in the law, should express their opinion.

Mr. COSTIGAN yielded to the suggestion of the member for South Bruce, on the understanding that a similar spirit should be shown generally. He denied that he was a surety in the case.

Hon. Mr. BLAKE withdrew his statement.

Hon. Mr. CAMERON (Cardwell) said the question was whether the House could allow the objection to be withdrawn. He thought there was great difficulty in doing so.

Hon. Mr. DORION (Napierville) could not see in the law any time specified for the making of objections to the petition.

Mr. PALMER could not see why counsel should appear at the bar of the House unless he was to be heard. The difficulty he saw was, that he could see no power given by the statute to the House, having once taken the case into consideration to adjourn or alter it. He thought the counsel ought to be heard.

Hon. Mr. CAUCHON said that notwithstanding any objections of the counsel, the House must proceed with the panel.

Mr. PALMER supposed if the counsel showed reason in law why the case could not go on, it ought not to go on.

The SPEAKER said the House could not allow any counsel to judge of its acts.

Hon. Mr. CAMPBELL said he had come from a Province where the law was identical with that in New Brunswick, and he had never heard a counsel allowed to speak at the bar.

Hon. Mr. HOWE corroborated this statement.

Hon. Mr. MACKENZIE said he would like to know when the objections could be urged, if not now. So far, there had been no opportunity of urging them, and if they could not be brought up subsequently the House should hear them now.

Hon. Mr. CAMERON (Cardwell) said the objections could, he apprehended, be heard before the Select Committee. The counsel was merely admitted to the bar to object to the selection of any member of the Committee who ought for any reason to be rejected.

Hon. Mr. BLAKE observed that if the objections could be brought before the Committee, then they might proceed today without hearing them from the counsel.

Hon. Sir JOHN A. MACDONALD was of opinion that the objections could be considered by the Committee.

Hon. Mr. SMITH (Westmorland) believed that the practice of New Brunswick had been against the hearing of objections from Counsel at the bar and against the House adjourning. So long as there were twenty members present he thought the case must be proceeded with.

It was finally agreed that the objections should not be heard at this table, but it was understood they could be urged in the Election Committee. The next procedure was to draw the panel of eleven names from which to select a committee to try the case. The Clerk drew from the box the names printed on a slip of paper and handed them to the Speaker, who read them to the House.

Mr. METCALFE. Not objected to.

Mr. MAILLOUX. Not objected to.

Mr. BROUSE. Not objected to.

Mr. COCKBURN (Muskoka). Objected to on the ground that his seat was contested; objection sustained.

Mr. HAGGART. Not objected to.

Mr. De ST-GEORGES. Objected to on the ground that his seat was contested; objection sustained.

Mr. MACKAY. Not objected to.

Mr. HORTON. Objected to on the ground that his seat was contested; objection allowed.

Mr. DOMVILLE. Not objected to.

Mr. ROSS (Victoria). Not objected to.

Mr. BOWMAN. Objected to on the ground that he was a member of the General Committee on Elections.

Hon. Mr. BLAKE said the General Committee on Elections was only for Ontario and Quebec and being a member of it was no disqualification for serving in this case.

The SPEAKER rules that it was no objection, and Mr. Bowman was allowed to go on the panel.

The next name down was **Mr. HAGAR.** Not objected to.

Mr. SMITH (Selkirk). Objected to on the ground of absence. Objection allowed.

Hon. Mr. YOUNG (Montreal West). Not objected to.

Mr. LANGLOIS. Objected to on the ground that his seat was contested. Objection allowed.

Hon. Mr. CAMPBELL. Not objected to.

The eleven names not objected to having thus been obtained, the next step was for each counsel to nominate a member to serve on the Committee. Mr. O'Farrell nominated Mr. Costigan and Mr. Walker nominated the Hon. Mr. Dorion. The doors were then unlocked by order of the Speaker, and the parties at the bar retired to select from the panel a committee to try the case. Subsequently the Clerk read the Committee selected, which is as follows: Messrs. Mailloux, Hagar, Young, Mackay, and Witton, and the nominees of the petitioner and sitting member, Messrs. Costigan and Dorion.

The CLERK read the names of the General Committee on Elections, and these and the members of it came forward to the Clerk's table and took the oath.

The SPEAKER read his order, instructing the Committee to meet in the Committee room tomorrow.

The members of the Committee selected to try the Kent case were also summoned.

Ordinary routine proceedings were then taken up.

* * *

DOMINION TELEGRAPH CABLE (MONTREAL WEST)

Hon. Mr. YOUNG (Montreal West) read a memorial of the Board of Trade of Montreal, urging the necessity of direct telegraphic communication between the Dominion and Great Britain and other parts of Europe; also stating that parties were prepared to undertake the construction of such a line, if encouraged by the Dominion Parliament.

He also presented a petition of nearly 400 bankers and merchants of the city of Montreal for the continuance of the Insolvent Act of 1869.

* * *

ELECTION PETITIONS

Hon. Mr. CAMPBELL moved that the several petitions presented to this House complaining of undue election and returns, be referred to the General Committee on Elections, and that the corrected alphabetical list of members to serve on Election Committees be referred to the said Committees.—Carried.

* * *

PERSONAL EXPLANATIONS

Hon. Sir FRANCIS HINCKS rose to make a personal explanation. He regretted he was not present on the previous day, when his hon. friend the Minister of Justice (Hon. Sir John A. Macdonald) referred to a statement made in the public newspapers, in which it was stated that his hon. friend and himself had sent certain messages to Mr. Potter, who, he believed, was President of the Grand Trunk Railway, asking assistance at the elections. He had

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not communicated with Mr. Potter on the subject, although he intended to do so; but he desired to unequivocally deny that neither directly nor indirectly had he any communication with that gentleman on the subject nor asked any assistance in his elections. (*Cheers.*)

* * *

MOTION

Mr. DUGUAY moved for a statement of monies paid to Messrs. C.A. Boivin, and Aimeé Roy, Collectors of Inland Revenue, for contingencies.—Carried.

* * *

INTERCOLONIAL RAILWAY

Hon. Mr. LANGEVIN presented a return to an address of the House, calling for statements showing the quantities of material, et cetera, used in connection with Section 5 of the Intercolonial Railway.

Hon. Mr. TILLEY moved that the return be referred to the Standing Committee on Public Accounts.—Carried.

* * *

KENT ELECTION

Mr. COSTIGAN moved that the Committee selected to try the Kent Election case do proceed to the Committee room forthwith, to investigate into several matters alleged in the petition, and that a list of the Committee, together with the notice of this order, be delivered to the respective parties.

Hon. Mr. DORION (Napierville) wanted to know if it was the practice for a Committee to meet at once, while the House was in session.

Hon. Mr. BLAKE said it was contrary to the practice of this House for a Committee to meet while the House was in session, and unless there was some statute binding upon the House, this practice should not be departed from.

Hon. Sir JOHN A. MACDONALD said that in 1844, under the old Grenville Act, the House would adjourn for five minutes to allow the Committee to meet and adjourn. After some conversation, the motion was changed, so that the Committee should meet tomorrow at twelve o'clock and was agreed to.

* * *

MUSKOKA ELECTION

The Orders of the Day were then called.

The SPEAKER informed the House that Mr. R.J. Bell was ready to be admitted to the bar of the House. He was accordingly admitted with his counsel, Mr. Robert Lyon.

The following questions were then put to him by **Hon. Mr. BLAKE**, through the Speaker.

Q. 1: Can you produce Mr. Read's opinion, which you referred to yesterday; if so, produce it.

A. 1: I can produce the opinion.

Mr. Lyon submitted that the opinion of Mr. Read should be handed to Mr. Speaker before it passed into the hands of any member of the Opposition.

Hon. Mr. MACKENZIE called attention to the extraordinary language used by the learned counsel at the bar. He considered it most disrespectful to the House.

Hon. Mr. HOLTON did not think it should be considered seriously, as he did not believe the counsel appeared to be responsible for what he said.

Hon. Mr. DORION (Napierville) requested that the opinion should be read. The opinion of Mr. D.B. Read was then read, and it was as follows:—

Toronto, September 7, 1872.

Dear Sir—As regards the duty of the returning officer in a case where the poll book has been lost, and it is impossible to comply with section 64 of the Consolidated Statutes, chapter 6 sub-section 2 by reason of no poll clerk having been appointed at the polling place the poll book whereof has been lost, I think the returning officer should make a special return of the facts to the House. The Act requires him to examine the deputy returning officer and poll clerk and the number of votes which the returning officer shall by this means, et cetera. Now, not having the means required by statute, how can he sum up the votes?

Yours truly,

(Signed) D.B. Read

Hon. Mr. MACKENZIE asked to whom the letter was addressed?

Mr. Bell, who had read the letter, replied that it was addressed to D'Arcy Boulton, Esq.,

Q. 2: How did you become possessed of the letter just read?

A. 2: It came into my hands by way of Mr. Gow, who got it from Mr. Read, as I understand. It was brought by Mr. Gow to me, as the opinion of Mr. Read, which he got at the time he was down to Toronto, as I stated last night. Mr. Harrison being absent, he got Mr. Read's opinion.

Q. 3: Is the letter produced by you and addressed to one of the candidates, the only legal opinion which was before you?

A. 3: It was.

Q. 4: What time did you consult with Mr. Harrison? Was it before or after you heard of the loss of the poll book for Morrison; was it before or after you examined the deputy returning officer for Morrison?

A. 4: I do not remember the day. It was after hearing of the loss of the poll book for Morrison, and previous to the examination of the Deputy returning officer for Morrison.

Q. 5: Did you obtain any explanation as to how Mr. Read's letter came to be addressed to Mr. Boulton; did you make any enquiry of anyone on the subject?

A. 5: I enquired of Mr. Gow, and he explained that Mr. Boulton had introduced him to Mr. Read, hence the address.

Q. 6: Was it you or Mr. Boulton that paid Mr. Read for his opinion?

A. 6: I have not paid for the legal advice I had during the election.

The House rose for recess at six o'clock.

AFTER RECESS

The examination was resumed by **Hon. Mr. BLAKE**.

Q. 7: Did you obtain any legal advice, and, if so, from whom, on the question as to the polling in Parry Sound referred to in the return?

A. 7: I obtained no legal advice in reference to the Parry Sound polling. I only mentioned it in my return as an irregularity that occurred.

Q. 8: Had you any conversation with Mr. Boulton after the polling on the subject of the election of your return?

A. 8: I had not.

Q. 9: Was there a majority for Mr. Cockburn exclusive of the Morrison poll and of the Parry Sound poll, and did he appear by such evidence as was before you, to be in the majority at each of these polls also?

A. 9: From the evidence, Mr. Cockburn had a majority at Morrison and Parry Sound. Exclusive of these there may have been a majority for Mr. Cockburn, but not having summed up the poll, I cannot state the number.

Q. 10: Did you not sum up the votes taken at the polls exclusive of Parry Sound and Morrison?

A. 10: The Morrison poll book being lost and being advised to make a special return of the fact to this House, I thought it unnecessary.

Hon. Mr. BLAKE called the attention of Mr. Speaker to the fact that the question had not been fully answered. The witness was asked if he did not sum up the votes.

The question having been again put, the witness said he did not.

There being no more questions put to Mr. Bell, he was instructed by Mr. Speaker to withdraw, but to remain in attendance until sent for.

Hon. Mr. DORION (Napierville) said the House unanimously the other day stated that Mr. Cockburn had a majority of votes. There could not be two opinions about that, so he thought the House should on all occasions affirm that the returning officer had no right to decide such questions, but that he should return to that House the candidate having the majority of votes. On the other hand he was free to admit that this returning officer acted upon legal advice. There was no doubt about that. They had produced the letter from Mr. Read, giving it as his opinion that the returning officer should have made a special return; at the same time he was not, for one, disposed to approve of the course adopted or to encourage returning officers to apply for advice through one of the candidates for their guidance.

He thought it was probable that the case would not be put exactly as the returning officer would have put it to the lawyer. This of course would lead to the obtaining of an opinion different to that which would have been given if the returning officer had stated the case.

He thought the officer should not be visited with any punishment or recommend. He thought, however, they ought to express an opinion that he had acted illegally in making a special return and not returning the candidate with the majority of votes, and that while he had acted on legal advice, they should also express their disapproval of the course. It was necessary that they should do this, in order that returning officers in future, when in difficulty, should be deterred from acting in a similar manner. They ought not to encourage that course, and so, in order that it would not occur again, they should show that it would not meet with the approval of the House. He admitted that a returning officer in a back country might be placed under great difficulties, there being very few people to advise with.

He was not disposed to say that this returning officer had not acted to the best of his knowledge and ability, but at the same time he thought they should put upon record that it was not proper for a returning officer to seek advice through one of the candidates. By doing this they would avoid the danger which he had explained would occur when cases were put to a lawyer by one of the candidates, and which would lead the lawyer to come to a different conclusion than that which he would arrive at if the case were presented by the returning officer.

With his view he moved "That Richard James Bell, returning officer for the electoral district of Muskoka, noted illegally at the last election, in making a special return, instead of returning as

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elected Mr. A.P. Cockburn, who had a majority of votes, but that in so doing he had acted under legal advice and should be discharged, and that this House does not approve of obtaining such advice through one of the candidates.”

Hon. Sir JOHN A. MACDONALD said he fully appreciated the view taken by his hon. friend, but he would ask that the matter be allowed to stand over till tomorrow. The motion could go upon the votes and proceedings, and tomorrow they, he hoped, would be able to come to a unanimous conclusion as to the proper course to take. He quite agreed that it ought to appear upon the journals that they did not approve of any advice being taken by returning officers through the intervention of candidates.

The reason he wished the motion to stand over was that they might read the evidence. He had not heard all the evidence, but he thought Mr. Bell had stated that he asked Mr. Gow, his neighbour, to go to Mr. Harrison and get an opinion for him. He, finding Mr. Harrison was not at home, he got the opinion of Mr. Read, it appeared through the intervention of Mr. Boulton, but he thought it did not appear that Mr. Bell got the opinion from Mr. Boulton.

Hon. Mr. DORION (Napierville) said that appeared on the face of Mr. Read’s opinion. It was addressed to Mr. Boulton.

Hon. Mr. BLAKE said what they desired was to put the matter so plainly before those officers for the future, that they would learn that such a course of conduct in the future would be visited with the condemnation of this House.

The debate on the motion was adjourned.

The SPEAKER directed the Sergeant-at-Arms to inform Mr. Bell that he would not be required till three o’clock tomorrow.

* * *

KENT ELECTION

On motion of **Mr. COSTIGAN**, the Clerk of the Crown in Chancery attended with the writ for Kent, New Brunswick, and the return of the sheriff to that writ.

On Motion of **Mr. COSTIGAN**, these papers were referred to the Committee selected to try the Kent election petition.

* * *

DUAL REPRESENTATION

Mr. MILLS rose to move the second reading of a Bill to render members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included, within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada. In doing so, he remarked that at the first session of the first Parliament of United Canada he introduced this measure, but the number who were prepared to

support it was so small that he did not think himself justified in pressing the question to a division.

At the close of that Parliament, although the gentlemen upon this side of the House formed scarcely one-third of the House, a very much larger number than at the beginning were found willing to give their support to it, and he had no doubt that the number was very much increased in this Parliament.

The hon. gentlemen on the other side of the House contended that it was a matter for the Local Legislature to deal with. That objection, he contended, was no longer tenable by them, on account of their action in a certain direction last year, not only had they passed a measure purely legal in its character, but they had considered it their province to amend and correct the legislation of a Province in this matter.

Parliament was told, when this matter was first noticed in the former Parliament, that it was a very important matter to have the fullest harmony between all the Provinces and that in order to secure this harmony, the members were not merely of the Local house, but those who had seats in the local Administration, should have seats in this House also; but since that time the hon. member for Bruce South (Hon. Mr. Blake) had been called upon to form an Administration in Ontario, and that policy had received a very grievous check in consequence, and the Government and its supporters had adopted a different line of action ever since, so far as that particular Province was concerned.

Provided that a member of the Local House, who was also a member of this House, was dissatisfied with the legislation of that local government it was just possible that he might find himself in a position in this Parliament to influence the government to call upon the local Administration, through His Excellency the Governor General, to revoke that measure, although it might have been passed in strict accordance with the expressed will of the people.

He very much regretted that power was given to the Administration here, through His Excellency, to disallow any acts of the Local Legislatures, but it would probably be argued against the measure that it was in principle restrictive of the liberties of the people, and that the people ought to be free in their choice of any one to represent them, but he would show them that already there were certain restrictions such as that a candidate must have a certain qualification to be eligible for election, that no Government contractor could be, that no person not a born or naturalized citizen could be, and that several persons were disqualified for various specified reasons from being members of this House. He contended that there was no measure upon which the people had given a more favourable verdict than upon this, and there was really no restriction of choice in the matter. It would just be as logical to argue that if any two constituencies were willing to be represented by the same man in this House, that gentleman was entitled to sit and vote as representing them both. There was the case of the hon. member for Bruce South for instance.

He was safe to say that any argument, which any hon. gentleman opposite would advance in defence of the one would be equally applicable in defence of the other, and vice versa. He contended that the only way in which the voice of the people on the question could be heard was through this House and not through the Local House.

This House was not supposed to be a mere Federal body representing the individual opinions of the different Provinces, but was the representative of the whole Dominion as a unit, and none were more fond of asserting this general principle than the hon. gentlemen opposite, when it suited their own purposes. Surely, this House was as competent to deal with a question of this description as were Local Legislatures. He concluded by moving the second reading of the Bill. (*Cheers.*)

Mr. MASSON said this question had been brought up every session for several years, and each time had received the six months' hoist. He thought that it was now time that those who favoured Dual Representation should take their turn to put on record their views, that this House should not deal with this question, but that it should be left to be dealt with by the people. Out of twenty-one candidates in Quebec who presented themselves for both seats, no less than eighteen were elected, showing that the people of that Province favoured Dual Representation; and their rights of the people should not be interfered with.

What was the result of the abolition of Dual Representation in Ontario? Why two of the best men in the Dominion—(*cheers*)—were taken from the Ontario Legislature, and the great Liberal party of Ontario had to go to the Bench for a fit man to lead the Local Government. He was in favour of removing some of the existing disabilities, and would even go so far as to allow the people to elect Government officers if they pleased. He did not think it right that one man should monopolize a whole county, but the people should be left free to elect one man for both Houses, or two, just as they pleased.

He concluded by moving that this Bill be not now read a second time, but it be resolved that in the opinion of this House the fact that an individual having obtained the confidence of the people, and thereby a seat in any of the Local Legislatures should not act as a legal disqualification to sit and vote in the House of Commons, and there does not exist sufficient cause or reason to justify this House in depriving the people of their just rights and privileges in the free choice of their representatives. He repeated his observations in French.

Mr. TASCHEREAU (in French) replied to the last speaker, and cited the votes in the Quebec Legislature last session to show that the representatives of the people in that House were in favour of the abolition of dual representation. He also referred to the action taken upon the subject in the other Provinces. He maintained that the interests of the country demanded that double representation should be abolished. He dwelt with considerable force upon the inconvenience of this system, of which he gave striking instances.

He affirmed that the argument that they had not sufficient able men in the country to attend both Houses was untenable.

Mr. JOLY thought the amendment should not pass. It was in direct contradiction to the action of four out of the six Local Legislatures of the Dominion. The hon. gentleman claimed to speak for the rights of the people, and yet he wished this House to reverse the voice of the people as expressed in the Local Legislatures. Nova Scotia and New Brunswick had prevented Dual Representation from the outset, Ontario had since abolished it, and the Legislative Assembly of Quebec had by a majority of nine declared against it. Of the eighteen members in Quebec who held seats in both Houses, at least six of them were pledged to their constituents to do all in their power to abolish Dual Representation. In every Province where the matter was brought up, Dual Representation was abolished, except in Quebec, and there it was condemned by the Chamber that represented the people.

Mr. MASSON said his amendment did not say it should not be a legal disqualification for the Local Legislatures, but that it should not be so far as the House was concerned.

Mr. BODWELL pointed out that the amendment was in direct opposition to the principle contained in the Costigan Act adopted by the House last session.

Hon. Mr. ROSS (Champlain) held that the people of Quebec were in favour of Dual Representation, and that the Legislative Council of Quebec had correctly represented the views of the people in the matter.

Mr. LANGLOIS said that on former occasions he had voted against the Bill, because he thought the matter should be left to the Local Legislature; but the fact that the Legislative Assembly fresh from the people of Quebec had voted against Dual Representation was sufficient evidence that the people were opposed to it, and he would therefore on this occasion vote for the Bill.

Mr. WRIGHT (Pontiac) argued that the matter should be left in the hands of the people, and they should have the right to elect one man for both Houses if they pleased.

Mr. COSTIGAN said he would vote against the Bill and the amendment, the latter being in opposition to the principle of the Bill introduced by him last session. He considered that members who represented constituencies in both House, while they were opposed to dual representation, were inconsistent.

Mr. JETTÉ supported the Bill, which he said was demanded by the people; and as in the Quebec House, when the members returned fresh from the election, they had voted for the abolition of Dual Representation, he was sure that on this occasion there would be a considerable majority here for the Bill. If a scheme of Confederation was to be successfully worked, it must be by keeping local affairs separate from affairs of this House. By this means would be secured the contemplated independence of each Province.

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He was opposed to Confederation in 1867, and he was still opposed to it, but if it were to be carried out successfully, each Province should be enabled to manage its own affairs, without interference from the Federal Parliament.

Mr. BELLEROSE moved, and **Mr. FORTIN** seconded, an amendment to the amendment, that this House while affirming its regret to legislate on the question of Dual Representation, thinks it more advisable to leave the question of its abolition to the Local Legislature, if its existence appears disadvantageous to them. (*Hear, hear.*)

Mr. MERCIER contended that dual representation was an anomaly contrary to the intention of constitution, and contrary to the popular will. He condemned the action of Legislative Council of Quebec, and alleged that a nominative character tended to be subversive of the liberty of the people.

Mr. MATHIEU did not see the appropriateness of the attacks which had been made on Confederation, on the Quebec Government, or on the ancient system of two chambers. He thought legislation on this subject should be left to the Local Legislatures.

Mr. LANDERKIN supported the bill, and—

Mr. MASSON in a few eloquent remarks, defended Confederation against the attack of the hon. gentlemen opposite. He was willing to vote for the motion of the member for Laval (Mr. Bellerose) and if that motion should be defeated he would then hope that his own would be carried.

The members were then called in, and **Mr. BELLEROSE'S** motion was lost on a division. Yeas, 56; nays, 98.

YEAS

Messrs.

| | |
|-----------------------|-------------------------|
| Almon | Archambault |
| Baby | Baker |
| Bellerose | Benoit |
| Blanchet | Bowell |
| Brown | Carling |
| Carter | Cauchon |
| Colby | Costigan |
| Crawford | Daly |
| De Cosmos | Dewdney |
| Domville | Doull |
| Duguay | Farrow |
| Fortin | Gaudet |
| Gendron | Gibbs (Ontario North) |
| Gibbs (Ontario South) | Grant |
| Grover | Haggart |
| Hincks (Sir Francis) | Jones |
| Keeler | Lacerte |
| Langevin | Lantier |
| Lewis | Macdonald (Sir John A.) |
| Masson | Mathieu |
| McAdam | McDougall |
| Moffatt | Morrison |
| Nathan | Nelson |
| Pinsonneault | Pope |

Price
Robitaille
Ryan
Tobin

Robillard
Ross (Champlain)
Thompson (Cariboo)
Wallace (Norfolk)—56

NAYS

Messrs.

| | |
|------------------------------|---------------------------|
| Anglin | Archibald |
| Bain | Béchar |
| Bergin | Blain |
| Blake | Bodwell |
| Bourassa | Bowman |
| Brooks | Brouse |
| Buell | Burpee (St. John) |
| Burpee (Sunbury) | Cameron (Huron South) |
| Campbell | Casey |
| Casgrain | Charlton |
| Chisholm | Church |
| Coffin | Cutler |
| Delorme | De Saint-Georges |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Edgar | Ferris |
| Findlay | Fiset |
| Fleming | Flesher |
| Fournier | Galbraith |
| Geoffrion | Gibson |
| Gillies | Glass |
| Hagar | Harvey |
| Harwood | Higinbotham |
| Holton | Horton |
| Jetté | Joly |
| Killam | Kirkpatrick |
| Laflamme | Landerkin |
| Langlois | McDonald (Cape Breton) |
| McDonnell (Inverness) | MacKay |
| Mackenzie | Mercier |
| Merritt | Metcalfe |
| Mills | Mitchell |
| Oliver | Palmer |
| Pâquet | Paterson |
| Pelletier | Pickard |
| Pozer | Prévost |
| Ray | Richard (Mégantic) |
| Robinson | Ross (Durham East) |
| Ross (Middlesex West) | Ross (Prince Edward) |
| Ross (Victoria) | Ross (Wellington) |
| Rymal | Scriven |
| Smith (Peel) | Snider |
| Staples | Stirton |
| Taschereau | Thompson (Haldimand) |
| Tilley | Tourangeau |
| Tremblay | Trow |
| Tupper | Wallace (Albert) |
| White (Halton) | White (Hastings East) |
| Wilkes | Witton |
| Young (Montreal West) | Young (Waterloo South)—98 |

Mr. COCKBURN paired with **Mr. DODGE**.

Mr. MASSON'S amendment was then put and declared lost on a division. The question then was the second reading of the Bill.

Mr. BAKER moved the six months' hoist.

The House divided and the motion was lost. Yeas, 57; nays, 96.

YEAS

Messrs.

Almon
Baby
Bellerose
Blanchet
Brown
Carter
Colby
Crawford
De Cosmos
Domville
Duguay
Fortin
Gendron
Gibbs (Ontario South)
Grover
Hincks (Sir Francis)
Keeler
Langevin
Lewis
Masson
McAdam
Moffat
Nathan
Pinsonneault
Price
Robinson
Ross (Champlain)
Thompson (Cariboo)
Wallace (Norfolk)—57

Archambault
Baker
Benoit
Bowell
Carling
Cauchon
Costigan
Daly
Dewdney
Doull
Farrow
Gaudet
Gibbs (Ontario North)
Grant
Haggart
Jones
Lacerte
Lantier
Macdonald (Sir John A.)
Mathieu
McDougall
Morrison
Nelson
Pope
Robillard
Robitaille
Ryan
Tobin

NAYS

Messrs.

Anglin
Bain
Bergin
Blake
Bourassa
Brooks
Buell
Burpee (Sunbury)
Campbell
Casgrain
Chisholm
Coffin
Delorme
Dorion (Drummond—Arthabaska)
Edgar
Findlay
Fleming
Fournier
Geoffrion
Gillies
Hagar
Harwood
Holton
Jetté
Killam
Laflamme
Langlois
McDonnell (Inverness)
Mercier
Metcalfé
Mitchell
Palmer

Archibald
Bécharde
Blain
Bodwell
Bowman
Brouse
Burpee (St. John)
Cameron (Huron South)
Casey
Charlton
Church
Cutler
De Saint-Georges
Dorion (Napierville)
Ferris
Fiset
Flesher
Galbraith
Gibson
Glass
Harvey
Higinbotham
Horton
Joly
Kirkpatrick
Landerkin
McDonald (Cape Breton)
MacKay
Merritt
Mills
Oliver
Pâquet

| | |
|-----------------------|---------------------------|
| Paterson | Pelletier |
| Pickard | Pozer |
| Prévost | Ray |
| Richard (Mégantic) | Ross (Durham East) |
| Ross (Middlesex West) | Ross (Prince Edward) |
| Ross (Victoria) | Ross (Wellington) |
| Rymal | Scriver |
| Smith (Peel) | Snider |
| Staples | Stirton |
| Taschereau | Thompson (Haldimand) |
| Tilley | Tourangeau |
| Tremblay | Trow |
| Tupper | Wallace (Albert) |
| White (Halton) | White (Hastings East) |
| Wilkes | Witton |
| Young (Montreal West) | Young (Waterloo South)—96 |

The bill was then read a second time, amid loud cheers from the Opposition, and referred to a Committee of the Whole on Monday.

The House adjourned at 12.30 a.m.

* * *

NOTICES OF MOTION

Hon. Mr. POPE (Compton)—On Monday next—Bill to provide for the registration of marriages, et cetera and the collection and publication of statistics.

Mr. CUNNINGHAM—On Monday next—Address to his Excellency the Governor General for any communications the Government may have received relative to the reported Indian raid on the Hudson Bay forts in the west: also any communications that may have been received by the Dominion Government from the Government in the Northwest, bearing on the lawless traffic in the Northwest by American Traders.

Mr. RYAN—On Monday next—Bill intituled an Act to incorporate the Insurance Company of Canada.

Hon. Mr. ANGLIN—On Monday next—Address to his Excellency the Governor General for copies of all Acts passed by the Local Legislature of New Brunswick during its present session and assented to by the Lieutenant-Governor of the Province on Tuesday 25th instant.

Mr. OLIVER—On Monday next—The House in Committee of the Whole to consider the following resolution:—“That if any officer or Agent of any Railway Company, having the superintendent of the traffic at any station thereof, refuses or neglects to receive, within days after an application to that effect, to provide cars for the reception of any goods, or refuses or neglects to convey and deliver at any station of the Company for which they may be destined, any goods or things brought, conveyed or delivered to him or to such Company for conveyance and over or along the Railway or in any way contravenes the provisions of this Act, such Railway Company or such officer, servant or agent, personally, shall for each such neglect, refusal, or contravention, incur a penalty not exceeding dollars over and above the actual

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damages sustained, which penalty may be recovered with costs in a summary way before any Justice of the Peace by any party aggrieved by such neglect, refusal or contravention, and to and for the use and benefit of such party so aggrieved.”

Mr. Fiset—On Monday—Enquiry whether the Government have decided to locate in a more central place the depot of the Intercolonial Railway at Pic; if not, the reasons which have prevented them from yielding to the desires of the freeholders, as expressed on several occasions by petitions on the subject addressed to both the Government and the Commissioners.

Mr. Tremblay—On Monday—Address for statement showing the wharves, break waters, landings, and piers belonging to the Dominion Government; the respective locations of these several works, the tolls and other charges paid on each of them; also the amount received by the Government on each of such works by way of rent or otherwise, together with the names of the tenants or occupants.

Mr. Tremblay—On Monday—Enquiry whether, with a view to the improvement of navigation on the St. Lawrence, to secure for captains of vessels the advantage of making use during the autumn of the north channel which for several days after that on the south had been obstructed is free from ice and to prevent disasters similar to those which occurred in 1871, the Government propose to place a floating light at Traverse, at Cap-Tourmente and to erect lighthouses at Île aux Coudres and the point of Cap aux Oies, in the county of Charlevoix.

Mr. Tremblay—On Monday—Enquiry whether it is the intention of the Government to include in the estimates the amount required for the erection of the pier for the proposed lighthouse at Baie Saint Paul, the balance of \$3,500 on the appropriations of last year, having been found insufficient; also whether it was by the Government engineers that doubts were expressed as to the safety of a pier at the mouth of the Rivière du Gouffre, and whether opinions have been expressed by competent parties which would justify such doubts.

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HOUSE OF COMMONS

Friday, March 28, 1873

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

Prayers

TAKING HIS SEAT

Mr. THOMSON (Welland) subscribed to the oath, was introduced by **Hon. Mr. MACKENZIE** and **Hon. Mr. DORION (Napierville)** and took his seat in the House.

* * *

PETITIONS

A number of petitions were presented praying for a prohibitory liquor law.

* * *

PRIVILEGES AND ELECTIONS

Hon. Mr. CAMERON (Cardwell) presented the first report of the Committee on Privileges and Elections, recommending the reduction of the quorum to nine members.

On motion of **Hon. Mr. CAMERON (Cardwell)** the quorum was accordingly reduced.

* * *

STANDING ORDERS

Mr. RYMAL presented a report of the Committee on Standing Orders.

* * *

SUPPLEMENTARY ESTIMATES

Hon. Mr. TILLEY brought down a message from His Excellency transmitting the supplementary estimates for 1873.

The **SPEAKER** read the message as follows:—

“The Governor General transmits supplementary estimates of certain sums required for the service of the Dominion of Canada, for the year ending the 30th of June, 1873; and in accordance with the provisions of the British North America Act of 1867;

recommends these estimates to the House of Commons. 28 March, 1873.”

* * *

THE ESTIMATES

Hon. Mr. TILLEY presented, and the message from His Excellency transmitting the same, the estimated sums for the service of the Dominion of Canada, for the year ending the 30th June, 1874, and recommending these estimates to the House of Commons.

The **SPEAKER** having read the message,

Hon. Mr. TILLEY moved that His Excellency's message, with the estimates, be referred to a Committee of Supply.—Carried.

* * *

SERVING ON COMMITTEES

Mr. BURPEE (Sunbury) moved that **Mr. McADAM** be excused from serving on Election Committees on account of age and physical infirmities.

Hon. Sir JOHN A. MACDONALD thought he could not be excused on that ground, for he was as strong as any of them.

The motion was withdrawn.

* * *

BILLS INTRODUCED

The following Bills were introduced:—

Mr. DOMVILLE—To incorporate the Maritime Equipment Company of the Dominion of Canada.

Mr. JETTÉ—To incorporate La Banque Du Canada.

Mr. BEAUBIEN—To incorporate the Lachine Hydraulic Works Company.

* * *

WEIGHTS AND MEASURES

Hon. Mr. TUPPER moved the House into Committee on the resolution declaring it expedient to amend and consolidate the laws of the Dominion respecting weights and measures, and to establish a uniform system thereof for all Canada, except only as to, special

measure used for certain purposes in the Province of Quebec, and to provide for the inspection of weights and measures, with power to the Governor in Council to make a tariff of fees for such inspection, sufficient for carrying the Act into effect.

He said he was satisfied that every member would admit the great importance and necessity of this measure. When they reflected that the trade of this country was approaching some \$200,000,000 per annum, the importance of having a correct standard of weights and measures must be obvious to all. The fact that on this side of the Atlantic there existed no reliable standard of weights and measures was evidence of the absolute necessity of Parliament dealing with the question. A country which had attained the importance this country has attained should no longer be without a means of having such an inspection and verification of weights and measures as would insure between buyers and sellers uniformity throughout the country.

But there were certain standards which have been legalized in Canada. In Upper Canada there was the legalized standard of 1825, but he believed it would be admitted, that the verification of these standards was at present a matter of extreme doubt. In Lower Canada there were the legalized standards of 1795, but these standards were destroyed when the Parliament Buildings at Quebec were burned down, and from that time down to the present he believed there had been no means of verifying and legalizing the standard of that Province. The necessity of accuracy in weights and measures could be readily estimated from the fact that in the enormous trade transactions of the country the amount of inaccuracy in weights and measures used for retail purposes must entail an enormous loss upon the parties engaged in that trade. Whether regarded from the point of view of the seller or buyer, it seemed impossible to overrate the importance of securing accuracy.

The hon. gentleman went on to explain that the Government had during the past year obtained from London standards which had shown to some extent the state of the weights and measures in this country. It was found that in one division in Montreal the measures were to a very great extent inaccurate. This applied in a great degree to the smaller weights, because they were influenced to a greater degree by exposure and friction. This showed the enormous loss that must be sustained in the retail trade.

It was found that the pound avoirdupois when verified was no less than 23 1/2 grains deficient; the two-pound weight no less than 31 grains too light; and the four pound weight 62 1/2 grains deficient. Not one of the smaller weights was found correct. If this was the effect in the Montreal, then they could judge of the deficiency that would exist throughout the Dominion. The weights used in Quebec included troy weights, and when he said the troy and avoirdupois weights were the same in form and material and general appearance, they could readily understand the means of imposition in the hands of dishonest traders.

It was the special duty of the House to protect the people in this respect, and it was therefore necessary that the question should be dealt with, and an endeavour made to remove such incentives.

The 14 pound troy was only equal to 11 1/2 lbs. avoirdupois, and, the appearance of the measures being the same, it was quite possible for the one to be substituted for the other. It was not in the Bill he would bring forward proposed to retain the troy weight, except for the sale of gold, silver, platinum, and precious stones. The Bill would also provide that the material of which the two classes of weights should be constructed should be of an entirely different character. In regard to measures, it had been found that errors equally gross existed to those existing with respect to weights. The standard gallon proved the measures of lesser dimensions to be too small. The same difficulty presented itself operating against retail buyers, in consequence of the measures mainly used for retail purposes being so small.

He might state in reference to measure that it was proposed to introduce the imperial instead of the gallon now in use. He wished to draw the attention of the Committee especially to this, because in this respect it differed from the Bill introduced, and which received the assent of the House last session. The Imperial gallon was substituted mainly because the Imperial gallon was used in England, and because most of our dealing with England requiring measurement, the result would be that in Canada they would be selling such articles by the same measure; and another advantage arose from the fact that the Imperial gallon represented ten pounds of water with the thermometer at 30. By adopting the Imperial gallon they to a certain extent introduced the metric system, for they could by the very simple calculation of adding 1.5 or deducting 1.6 transfer it from one to the other.

In reference to the standards of length both in Ontario and Quebec, they were found to be in bad condition, and while measurements were taking place of a very important character it was important that a legalized and verified standard should be arrived at. There was no doubt that every assimilation of this character was important to the trade of the country. The assimilation of currency was found to be of importance, and he believed the assimilation of weights and measures would be found to be infinitely more important, because in the currency there was not the same opportunity of fraud and inaccuracy.

The metric system in use in France was perhaps the most perfect system in the world, and there was a tendency towards its adoption in England. The adoption of the Imperial system would be taking a considerable stride in that direction.

It was proposed to substitute the Imperial bushel for the Winchester bushel, but this would not make a great deal of difference as the capacity of the bushel would be defined.

Hon. Mr. MACKENZIE: In weight?

Hon. Mr. TUPPER: Yes, in weight. While it was proposed to adopt the Imperial instead of the Winchester bushel, no material

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inconvenience would follow, because it was not a bushel of struck grain, but was defined, as it was now proposed to define by law what weight should constitute the bushel. The difference between the Imperial and Winchester bushel was only about 3 per cent.

The Bill of course would provide that for a certain time—such time as should be considered reasonable, on which contracts might be made, according to the existing weights and measures—the new system would not come into operation.

It was not proposed to establish a new Department for the inspection of weights and measures, but to make use of a Department which was in a very efficient condition, and the gentleman occupying the position of Commissioner was specially qualified to supervise so important a matter—he referred to the Commissioner of the Inland Revenue Department (Hon. Mr. O'Connor). By giving that gentleman charge of the supervision of weights and measures, this measure might be worked out more conveniently and with less expense than by a new Department.

Hon. Mr. MACKENZIE: You have taken his measure.

Hon. Mr. TUPPER said that having had the honour of occupying the office of Minister of Inland Revenue for a brief period, he was satisfied that in the Commissioner of Inland Revenue the Government possessed an officer not only of great ability and integrity, but one worthy of the confidence of the country (*hear, hear*) in a matter of such great importance to trade and business, and he believed also to the honesty and integrity of the whole country. He proposed to ask that the Bill, when introduced should be referred to the Committee on Banking and Commerce, a Committee which the House knew had been constructed as to embrace very able representatives from all the various Province in the Dominion. An opportunity would then be given for sifting and examining the Bill, with a view to making it as perfect as possible.

Mr. JOLY hoped that the exception proposed in the case of the Province of Quebec would not be carried, as he was strongly in favour of an entire assimilation.

Hon. Mr. TUPPER read the proposed exception and explained that it was merely for the purpose of preventing inconvenience in carrying the measure into effect. He was glad to hear that the hon. gentleman was in favour of the uniform system.

Mr. JOLY did not pretend to speak for the whole of the Province of Quebec, but he could say for his constituency, which was principally made up of farmers, the most ignorant and uneducated persons, they perfectly understood the difference between the English and French system of weights and measures. He repeated that he did not pretend to speak for the whole Province and hoped the representatives of the various constituencies would express such an opinion of the matter as would convince every one that they were not quite so uncivilized as they were supposed to be.

Hon. Mr. MACKENZIE promised the utmost assistance that this side of the House could give the hon. gentleman in perfecting and passing the measure. There were one or two things in the measure, so far as indicated by the hon. gentleman, which might be referred to, but he did not venture to make any remarks upon it at this stage, as he had not had an opportunity of examining the details of the Bill.

However, he might say that at present there was a system of inspection for which the hon. gentleman, so far as he had indicated, had not made any provision. He considered it necessary, if they were going to provide for a correct standard, that they must also have a complete system of inspection.

Hon. Mr. TUPPER said the Bill provided that so far as was practicable the officers of the Inland Revenue would be utilized in this respect, and there would thus be a certain saving to the country.

Hon. Mr. MACKENZIE said he understood that it was proposed to make excise officers inspectors. He did not know how that would work, because those officers were not distributed according to the population of the districts in which they were placed, but according to the necessity of excise establishments. There were very many districts with a very large population which had neither distilleries, refineries, or any other establishment requiring the location of any excise officers.

Hon. Mr. TUPPER did not propose that the appointment of inspectors should be confined to excise officers, but he proposed to utilize the officers of that Department so far as possible, so as to save the creation of a new Department. Where such officers might not exist, others would be appointed.

Hon. Mr. MACKENZIE said, with regard to the assimilation of the systems of this Dominion and the old country, it was all right as a matter of sentiment; as a matter of convenience, however, it would be much more advantageous could they be, to correspond with those of the people who are our immediate neighbours, and with whom the greater part of our trade and commerce was conducted. In making his explanations the hon. gentleman had not said what were the differences between our own system and the system of the United States, either as they exist at present or as they would under the proposed change.

He, however, did not submit these points for the purpose of taking exception to the measure, the general principle of which he was prepared to support, but simply to call the attention of hon. gentlemen to their importance.

Mr. KILLAM enquired whether it was the intention of the hon. gentleman to provide for a system of gauging.

Hon. Mr. MACKENZIE said he intended to have referred to that matter in connection with the Western oil trade. The systems of Montreal and the western part of the Dominion were widely

divergent, and the consequence was that parties in these districts had to make a special contract with each other, specifying under which of the systems their contract had been entered into. He thought this question would be well worth the attention of the honourable framer of the measure were it for the benefit of the western trade alone.

Hon. Mr. YOUNG (Montreal West) admitted the importance of a uniform system of weights and measures for the whole Dominion, but it would be still better if we could assimilate our system to that of other countries. That, however, was impossible at present. Considering that nearly one half of our trade was with the United States, it would be well, when the subject was before the Committee, to consider the system in force there.

With regard to gauging the great inconvenience arose from the different systems in vogue, but this subject could be better discussed in Committee. He was sure that the measure would be welcomed by the mercantile community, and every member of the House would give his assistance in perfecting it.

Hon. Mr. DORION (Napierville) suggested that a period might be fixed after which the system would come in force in Lower Canada as in other parts of the Dominion. This was the plan followed in France.

Hon. Mr. TUPPER was satisfied that the suggestion was well worth the attention of the Committee. With regard to gauging he thought it would be found that the difficulties connected with cask gauging would be very large obviated by the substitution of the imperial gallon for the wine gallon. Reference to the trade-returns would show that the great bulk of our trade in liquids was with Great Britain.

Mr. KILLAM suggested that the Bill should be referred to the Committee on Banking and Commerce, when it could be thoroughly discussed.

The Committee rose and reported the resolution, and

Hon. Mr. TUPPER introduced a Bill founded on it which was read a first time.

* * *

OCEAN MAIL STEAMERS

Hon. Mr. TUPPER moved that the House go into Committee to consider the following resolution:—"That it is expedient that the provisional contract entered into between Sir Hugh Allan and the Postmaster-General of Canada, under the authority of an Order in Council dated the 8th day of January 1873, for a weekly service of ocean mail steamers on the terms and conditions set forth in the said contract, a copy whereof and of the said Order in Council has been laid before Parliament should be sanctioned and authorized by

Parliament, as required by the terms thereof, in order to its becoming valid and binding."

Hon. Mr. MACKENZIE complained that the contract had not been printed and placed in the hands of the members before the question was discussed.

So far as the amount of money was concerned, it was considerably less than the former contract; but when the former contract was given, it was considered that upon its expiration it would be a question for the Government and the House whether it would be advisable to have a contract at all. There were now several lines of steamers coming to the St. Lawrence and other parts of the Atlantic, with which we had easy means of communication. It was exceedingly undesirable that the Government should aid in keeping up a monopoly of this kind of freight traffic. The transmission of mails was a business transaction and it was proposed to give to one line a monopoly of it. The Allan line had done good service to the country, but the Government ought to give some reason why they did not throw this business open to public competition.

Hon. Mr. TUPPER said that the very fact of the measure being now before the House proved that the question was entirely in the hands of the House. He maintained that the Government had exercised a wise discretion in making the arrangement now submitted to Parliament. The old Province of Canada, many years ago, gave what was supposed to be a very large subsidy for the purpose of sustaining the Allan line of steamers, and he need not inform the House that the result had been the creation of a line of ocean steamers, which was not only a source of just pride to Canada, but which would be a great source of pride to the wealthiest and proudest nation in the world.

The House was perfectly well aware that of late years, with the moderate subsidy given, the mail service had been performed in a manner which left little room for complaint on the part of any one. The importance of the service was increasing every year, and the weight carried was also fast increasing, and yet the Government had been able to make a contract for the same service for some \$90,000 a year less than had been paid before, and for an amount which would be fully covered by the revenue derived from the services performed. However, if the contract had not been distributed he had no objection to allow the matter to stand over if it were so desired.

Hon. Mr. HOLTON considered that it was not in the public interest that this contract should be entered into. There were now two or three lines trading with the St. Lawrence, and in his opinion we should have a bi-weekly or even a tri-weekly mail service with England, and he believed it could be obtained as cheaply as it was not proposed to secure a weekly mail service. The effect of creating this monopoly will be to press the competing lines to establish a monopoly in other freights, which was prejudicial to the commercial interests of the whole country. He did not complain of the amount proposed to be paid; what he disputed was the wisdom

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of entering into a contract with any one line for this service. He would prefer to have the mails made up by every line that could carry them safely, and compensation given to each line with the amount received for the service done by each line.

Hon. Sir FRANCIS HINCKS suggested that if there was to be a debate, it should go into Committee.

Hon. Mr. BLAKE hoped that the question would be allowed to stand and be printed and distributed. He hoped that when the question came up again, the hon. gentleman would be able to lay before the House a statement of the expenses of the mail officers on board the Allan steamers.

Hon. Mr. CAMERON (Cardwell) asked the member for Châteauguay (Hon. Mr. Holton) whether there was any line of steamer line which ran all the time as well as in summer?

Mr. RYAN said that the steamers will be running in winter.

Hon. Mr. HOLTON suggested that the question be postponed, as he wanted a reply to the question as well.

The debate was then adjourned.

* * *

HARBOUR MASTER

Hon. Mr. MITCHELL moved the House into Committee of the Whole to consider the following resolution: "That it is expedient to provide for the appointment of harbour masters by the Governor at all ports in Nova Scotia and New Brunswick, to which the Act to be passed in that behalf shall be declared by proclamation under an Order in Council to extend to, except the port of Halifax, for which provision is made by 35 Vic., Cap. 42, and the port of St. John, New Brunswick, and to provide for the payment of such harbour masters out of fees to be collected by them, and any surplus of which shall be applied to the improvement of said harbours respectively."

Hon. Mr. CAMPBELL in the chair.

The object, he said was to create a law to enable the appointment of harbour masters in New Brunswick and Nova Scotia. This matter had been left to the Dominion Parliament by the British North America Act of 1867, and it had become necessary that the matter should not be dealt with so as to effect a uniform system for the appointment of harbour master, and in respect of the duties they had to perform.

Hon. Mr. ANGLIN thought that the hon. gentleman should have explained the system now in force, and the grounds on which a change had become necessary.

Hon. Mr. MITCHELL said he had numerous applications from gentlemen in the House for the appointment of harbour masters at ports in their constituencies. A harbour master had been appointed at Halifax last year at the wish of the people of that city, and it had been considered desirable to introduce a general measure on the subject, so that the Government could make the appointments as the necessity arose, instead of having a special bill on each occasion. He did not know how many harbour masters there were at present, as they were under the control of the Dominion; but gentlemen in the House could testify that there were many ports at which the absence of harbour masters was severely felt.

Hon. Mr. YOUNG (Montreal West) said the appointments ought not to rest with the Dominion Government at all. In Toronto it rested with the City Council, in Montreal with the Harbour Commissioners, and he did not see why in the Maritime Provinces it should not be left to the Board of Trade.

Hon. Mr. MITCHELL: How would the hon. gentleman deal with important ports where there were not Boards of Trade, of which there were very many?

Hon. Mr. YOUNG (Montreal West): They ought to have Boards of Trade.

Hon. Mr. SMITH (Westmorland) supported the measure.

Mr. DOMVILLE was entirely opposed to the power being left to the Board of Trade. He was a member of the Board, (*laughter*) and though it might become a very useful organization it was not fit to be entrusted with such a matter as this. He advocated the appointment of a Commission of three, to deal with the matter in New Brunswick.

Mr. PALMER thought it was absolutely necessary that the matter should be dealt with and the hon. gentleman deserved the thanks of the House for taking action in the matter; and although the hon. gentleman was most popular already, if he carried so useful a measure no Government would be able to do without him, on whatever side they might be. (*Cheers.*)

Mr. COFFIN was opposed to the matter being left to the Boards of Trade, and was glad the Government were dealing with it.

Hon. Mr. HOLTON was opposed to the principle of placing the appointments in the hands of the Government, and thought the local bodies would be more likely to deal properly with the matter than the Minister of Marine and Fisheries. As, however, it appeared that there was a necessity for the action proposed, he was not inclined to obstruct. He thought it was necessary, however, that the hon. gentleman should fix the rate of fees before going further, as all matters imposing taxation must commence in Committee of the Whole.

Mr. DOULL said the want of some such law had been very much felt, and he had no doubt that the fees charged would not only

meet all expectations, but would be sufficient to improve the harbours also. He was decidedly opposed to the appointments being left in the hands of local bodies, and he would be glad to see the appointment of harbour masters throughout the whole Dominion placed in the hands of the Government.

Hon. Mr. YOUNG (Montreal West) said what he meant was that the appointments should be left to the Harbour Commissioners.

Hon. Mr. MITCHELL said he was sure the hon. gentleman must be well satisfied with the measure respecting his own city, and he thought he ought to allow the people of the lower Provinces to deal with the matter in the way they thought best.

Mr. CHURCH supported the measure.

Mr. KILLAM was decidedly opposed to the Government having the power to make the appointments.

Mr. BURPEE (St. John City and County) thought the appointments should rest with local bodies.

Mr. WILKES spoke of the system in force at Toronto, and said that one of the Harbour Commissioners there, though perhaps respectable, had to his knowledge no other qualification than that he was the largest money lender on mortgages in the city.

Mr. CRAWFORD would like to ask the hon. gentleman who had appointed the gentleman in question? Mr. Cawthra occupied a very high position in the city, and had as much knowledge and acquaintance with trade matters as the hon. gentleman who had spoken. He did not think this was the place to demand the character of gentlemen who were not here to answer for themselves but Mr. Cawthra had filled many positions with great credit to himself, and he believed he would well discharge the duties of his present office.

Mr. WILKES disclaimed having reflected upon the intelligence or respectability of Mr. Cawthra, but he referred only to his want of fitness for the position.

Mr. BEATY was opposed to the decentralization principle. If any party was to be charged with an improper appointment it was the popular voice of the city of Toronto, and not the Government who were to blame. This was essentially the question, and he had not intended to speak on their question, but as the young man who had just spoken, referring to the hon. member for Centre Toronto, who, as it were, was only just looming on the political horizon, had cast a reflection on the propriety of the appointment, which was an excellent one, he felt it a duty to defend it. (*Cheers.*)

Mr. McADAM supported the resolution and hoped it would pass.

Mr. McDONALD (Cape Breton) said the great fear of the member for Yarmouth (Mr. Killam) seemed to be that some future

government might have the power of making the appointments, in whom he could not confide; and if that were all, no doubt the hon. Minister of Marine (Hon. Mr. Mitchell) would not object to add a clause, providing that he and his colleagues would not go out of office for a long, long time to come. (*Cheers and laughter.*)

Hon. Sir JOHN A. MACDONALD said as to the objection of the member for Châteauguay (Hon. Mr. Holton) if any clause of the bill should require to be introduced by a resolution it could be done afterwards.

The general principle of the measure was approved of by the representatives of the two provinces concerned.

The resolution was then concurred in, and a bill was introduced and read a first time.

It being six o'clock, the House rose.

AFTER RECESS

REPORTS BROUGHT DOWN

Hon. Mr. O'CONNOR presented the report of the Inland Revenue Department for the past year.

Hon. Mr. LANGEVIN, in the absence of Hon. Mr. Pope (Minister of Agriculture), presented the report of the Minister of Agriculture for 1872.

* * *

MUSKOKA ELECTION

On the order for resuming the adjourned debate on the motion of **Hon. Mr. DORION (Napierville)** respecting the returning officer of Muskoka.

Hon. Mr. DORION (Napierville) said it had been suggested that his proposed motion should be divided into two and put to the House separately. He therefore moved that Richard James Bell, returning officer at the last election for the Electoral District of Muskoka, acted illegally at the said election in making a special return, instead of returning as elected Alexander Peter Cockburn, who had a majority of votes, but as the said Richard James Bell, in so doing, has acted under legal advice, he be discharged.

Hon. Mr. DORION (Napierville) moved that the practice of obtaining legal information by the returning officers through the intervention of a candidate is improper and cannot be countenanced in the future.

Mr. COCKBURN (Muskoka) said before this motion passed he felt himself justified in making a few remarks. It being a personal

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matter to himself, he had refrained hitherto from saying anything in regard to the matter.

He did not approve of the mode of procedure taken before this House in regard to the returning officer. (*Cries of order.*) He did not mean to convey any censure of the action of the House, but he did not think that the system of taking the evidence was a very good one. The returning officer had not been sworn, and he wished to call the attention of the House to that fact. He thought he was entitled to give his opinion of some of the incident of the late election campaign.

The SPEAKER: I would remind the hon. gentleman that there is a personal order which I think should preclude the hon. member from addressing the House on this matter at present. He then proceeded to read from the order, which provided that in any case affecting the seat of a member, that member should withdraw from the House during the time the matter was under discussion. He thought this order precluded the hon. member from addressing the House.

Mr. COCKBURN (Muskoka) would ask to withdraw the expression. He had intended to say that the system was a farce.

The SPEAKER again called Mr. Cockburn to order.

Mr. COCKBURN (Muskoka) said what he wanted was to call the attention of the House to the fact that the facts had not been elicited because the officer had not been sworn, and he therefore thought it only right that he should tell what he knew of some of the circumstances.

The SPEAKER again interposed, saying he thought the rule of the House as to members being absent from the House when questions affecting their seats were under discussion should reclude the member for Muskoka from continuing.

Hon. Mr. HOLTON said this was not the matter under contemplation by the order to which Mr. Speaker referred. Anything that was either done or going to be done now did not affect the seat of the hon. member. That matter was before another tribunal, and it therefore appeared to him that anything bearing upon the conduct of the returning officer, which the hon. gentleman might have to say, was quite in order.

Hon. Mr. BLAKE agreed with this opinion, and pointed to the Lennox case, in which there was a special return, which had been amended by the House. It was found that the member who had been seated by that return was the person who seconded the proceeding summoning the returning officer to the bar of the House. It seemed quite clear to him that, the legality of the return having been denied by the House, the matter was thus disposed of. It was not within the spirit of the standing order now read to deny the member the right of making what remarks he thought necessary. In the Oxford case, when a motion was made against the returning officer of a severe character, Hon. Sir Francis Hincks, the member who had been

seated for that constituency, spoke in condemnation of the returning officer for not having returned him. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD said, without referring to whether the hon. gentleman had a right to speak on the subject or otherwise, he thought it would at least be inconvenient. It was the fact that that hon. Gentleman's election was contested, and the facts would come out before the proper tribunal; but it would be a waste of the time of the House and would be besides in exceedingly bad taste, for the hon. gentleman to make any statement and the hon. gentleman would ever regret it afterwards

He (Hon. Sir John A. Macdonald) was satisfied that it would be a lowering of the position of the hon. gentleman to place himself in opposition, as it were, to the statement made at the bar. The whole matter would come before an election committee, if it ever got that length, and if the committee to try it were ever struck. If it never did get this length, it would be the right of the hon. gentleman to call the attention of the House to the facts, if he thought his personal position had been in any measure assailed.

Hon. Mr. MACKENZIE said the hon. gentleman opposite was very careful about the reputation of the hon. member for Muskoka. That gentleman was quite able to look after himself. (*Hear, hear.*) He did not think the gentleman need feel any particular diffidence about speaking of what had been said by the gentleman who had appeared at the bar of the House. It was very desirable that the hon. gentleman should throw any light upon the conduct of the returning officer. He possibly could as there were some people in this House who thought the conduct of these officers generally was not what it might be.

As to the wasting of the time of the House, he thought the House could not be better employed than in vindicating its own rights and that of the electors. The hon. gentleman had as good a right to give his opinion on this matter as any member of the House, and he was himself the best judge of whether or not his remarks could be a waste of time.

Hon. Sir JOHN A. MACDONALD was sorry that his remarks had been taken in such a spirit by hon. gentleman opposite. It was merely his intention to show the hon. gentleman that it would be better for him at this time not to give any opinion as to the statements made at the bar of the House, and he had no hesitation yet in saying that the hon. gentleman would regret it if he persisted in doing so.

Mr. COCKBURN (Muskoka) said he would merely make a few remarks and reserve the statements he had to make for a future occasion. He was not actuated with any spirit of hostility to the returning officer, but he thought it was expected from him by his constituents that he should give the House information which he had and which the House had not. He was not pursuing the unfortunate gentleman who was the returning officer, though that officer had acted in the most partisan manner. He might show that some portions of his constituency were excluded from voting, but

he would take some other occasion perhaps upon the election Bill, for making these statements and his remarks seemed to be distasteful to the leader of the Government.

He had no feeling of hostility against the returning officer, although he did all in his power to exclude him from the House, and deprive the people of their rights. That officer was not ignorant of the manner of conducting an election. He knew the law and he trampled upon it in the most outrageous way. He had intended to lay before the House a statement of all the facts of the case had he not been prevented. The leader of the Government had objected to his remarks, giving an illustration of the saying that "the wicked flee when no man pursueth." (*Cheers and laughter.*)

Hon. Sir JOHN A. MACDONALD: I think the hon. gentleman has justified my statement.

Mr. JOLY said he did not wonder at the feeling exhibited by the hon. member for Muskoka (Mr. Cockburn). If any one would take the trouble to read the opinion given by Mr. Read, he could see how little the returning officer deserved the leniency with which he was treated by the House, and that he deserved a severe censure. He certainly thought the resolution did not imply the censure that he deserved. He (Mr. Joly) contended that the opinion of Mr. Read had been obtained under false pretences. He did not give Mr. Read a fair statement of the facts of the case. He did not tell him that, leaving most the two polling places where the irregularities occurred, Mr. Cockburn still had a majority.

The hon. gentleman then read Mr. Read's opinion, and referred particularly to the sentence, "Now, not having the means required by the Act, how can he sum up the votes!" He maintained that the returning officer had the means of ascertaining who had the majority of votes, since the House had the means of ascertaining who had the majority, and he had the means of ascertaining that the member who then occupied his seat had the majority of votes. It was evident, however, that Mr. Read was not informed as to the state of the facts or he would not have given that opinion. He deprecated the course adopted by the House in not censuring the returning officer, who was greatly to be blamed for the course he had adopted. They had decided not to punish him, because he obtained a legal opinion, which opinion he (Mr. Joly) maintained he obtained by false pretences.

Hon. Mr. CAMERON (Cardwell) had the present motion been brought on the other side of the House he would have opposed it as too lenient, for he thought the Returning Officer deserved the most severe censure.

He entirely dissented from what the member for Lotbinière (Mr. Joly) had said. (*Cheers.*) It was utterly unfair and unjust after the House had discharged the Returning Officer without one word of censure, for an hon. gentleman to get up and declare he was worthy of blame. (*Cheers.*) It was not right; it was not worthy of the hon. Gentleman's position in this House and in the country to make that statement in regard to a man who had been discharged by the House without a word of censure.

He agreed with his hon. friend from Bruce South (Hon. Mr. Blake) that the returning officer should not take a partisan view of an election, but when a man had been discharged from the bar by the unanimous vote of this House, without any censure, it was most unjust to say he had obtained the legal opinion upon which he acted under false pretences. (*Cheers.*) He (Hon. Mr. Cameron) said the returning officer dared not have done as the hon. gentleman said he ought to have done. He dared not have struck off the votes of those two townships as the House had done, and he did not believe there was any legal gentleman in the House who would say it would have been the proper course for him to take. He found no false, incorrect, or erroneous statement that had been made by the returning officer. Whether Mr. Read was justified or not in his opinion was not for him (Hon. Mr. Cameron) to say.

When an unlettered man, living in the backwoods, but showing so much intelligence as the returning officer had shown at the bar of this House—(*Hear, hear*)—stated, as he believed he was prepared to state, that he did not desire to travel out of the line of his duty, and had taken the opinion of a gentleman standing so high in his profession as his hon. friend from Bruce South would say, as Mr. Read or Mr. Harrison, how could they for one moment have a thought of censuring that Returning Officer or of placing him in any other position than that in which they had placed him by a vote of the House. (*Cheers.*) What he most regretted was that a gentleman who generally dealt so fairly with every case as the member for Lotbinière (Mr. Joly), than whom there was no one on their side of the House, who was held by those on the Government side in more honour, esteem and respect, should lend the weight of his name and character to the statement, after the Returning Officer had been discharged without punishment. (*Cheers.*)

Mr. JOLY thought the hon. gentleman was accusing him most unjustly while loading him with compliments at the same time. The question was not disposed of yet, and the motion now in the Speaker's hands gave him a perfect right to express his opinion as to the way in which the Returning Officer obtained the opinion from Mr. Read. The member for Cardwell (Hon. Mr. Cameron) forgot that the House had just passed a resolution that the return was illegal, because the Returning Officer did what the hon. gentleman said he ought not to have done.

Hon. Mr. BLAKE said the motion of the member for Napierville (Hon. Mr. Dorion) had been drawn with a desire which he supposed would animate the breast of any hon. gentleman present, that a body so powerful as this House, having in its power the man who had been at the bar, should deal as leniently with him, and at the same time should not overlook its duty towards him—towards the constituency for which he had acted as Returning Officer, towards the hon. gentleman whom he had deprived of his seat, and towards the public generally.

With reference to the effect on that public of the action of the House in this case, if he had a doubt it was whether the desire of not pressing hardly on a single individual had not been too strong, and whether they had not thus neglected their duty towards the

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constituency and the public. He thought it ill became hon. gentlemen opposite to object to a new member, coming into the House under the circumstances which the member for Muskoka came there, saying anything on a subject so deeply interesting to his much wronged constituency and himself, and afterwards to his hon. friend from Lotbinière for expressing his opinion on the case. The House had twice solemnly unanimously declared the Returning Officer ought to have taken the course which the hon. member for Cardwell (Hon. Mr. Cameron) said he dared not have taken. They could all understand that a great deal depended upon the way in which the facts were presented and that the opinion of a Counsel would be valuable or valueless according to whether it was given on a true or a false statement of the facts, and that they would not take their case to be decided upon a statement of facts presented by their adversary. The present motion was founded upon that proposition.

The Government had taken upon itself the nomination of the returning officers. The electors had no safe-guard in the liability of the Returning Officer to be sued for damages when that officer could not pay his own expenses from Muskoka to Ottawa, and there was no guarantee for the social standing of the official when there was an unlimited choice of returning officers and when that choice, as exercised by the Government of the day, so infrequently gave the Ministerial candidate the power of nominating the returning officer for his county.

He alleged that during the recent election campaign the Ministers gave to their own supporters the power of nominating the men to act as returning officers and judge between themselves and their opponents. When that was the state of things, when a man who had taken part actively as a canvasser and speaker at two public meetings on behalf of the Government candidate, was appointed, when he was guided and led by Mr. Gow, Reeve of his township, who was an active canvasser for Mr. Boulton also, when he sent by this Mr. Gow for legal advice as to his duty, Mr. Gow being accompanied by Mr. Boulton and introduced by him to Mr. Read, who was certainly a gentleman of standing and reputation at the bar, when Mr. Read's opinion was addressed to Mr. D'Arcy Boulton, when that opinion could not have been given upon a full statement of facts, it was a little too much to say that remarks should not be made in this House in justification of this motion.

If the Opposition has erred, they had erred in asking the House to express its disapprobation in the present; but they only asked to say that in the future returning officers should not obtain legal advice through the intervention of one of the candidates. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD said whatever ought to be said as to the appointment of returning officers by the Government being right or wrong, it was the law of the land and the Government was responsible for the exercise of the power conferred on them, and he would venture to say that the appointment of the officer lately at the bar was one that reflected no discredit on the Government. He would ask the gentleman on both sides whether

that officer had not shown himself, as far as intellect and capacity were concerned, well fitted for the performance of his duties, and if this was so it only remained to see whether he was a man of such honesty of purpose as warranted the Government in appointing him.

He thought his statements at the bar ample evidence of the good faith and good conduct of the Returning Officer. He had vindicated his conduct strongly and distinctly, and from his evidence nothing could be drawn showing the slightest dereliction of duty. It was a very moot point as to what course the Returning Officer should have taken. It had been charged that he had not submitted a candid statement to Mr. Read, but in point of fact there was but a single point submitted, and on that point the whole case stood, and that was whether he should take the evidence of the deputy returning officer as legal proof of the contents of the lost poll book. He had consented to the resolution declaring the course of the officer to be illegal, because that was a necessary consequence of the previous decision of the House that the present member should take his seat, but if no such decision had been given he would not have been prepared to consent to the resolution.

Hon. gentlemen had spoken of the injustice to this much wronged constituency, but it was yet to be seen whether the constituency was not at present much wronged by the presence in the House of the sitting member. He maintained that the Returning Officer was open to no censure for he could have done nothing more than he had done. A poll book was lost, and a legal question arose as to whether he could act on the evidence of the deputy, and what he did was to go to Mr. Gow, a respectable man, a man of standing, the Reeve of his township.

Mr. COCKBURN (Muskoka): Hear, hear.

Hon. Sir JOHN A. MACDONALD: I hear the member for Muskoka says, hear, hear, but Mr. Gow was elected and chosen by the very people represented by that hon. member, and very likely long after that gentleman ceases to sit for Muskoka, Mr. Gow will continue to be reeve of his township. (*Cheers.*) Mr. Bell went to Mr. Gow, and it is objected that Mr. Gow was a supporter of Mr. Boulton, but they were all supporters of one of his candidates, and it is expected that he would go to a friend of Mr. Cockburn's and asked Mr. Gow to ask advice from Mr. Harrison! That gentleman being away from Toronto, Mr. Gow went to Mr. Boulton, who introduced him to Mr. Read, a man of undisputed honour, undisputed rank in his profession, and a man standing above all suspicion. The only thing in the whole transaction that could be objected to was that the note from Mr. Read was addressed to Mr. Boulton. But surely the Returning Officer did not deserve censure on that account.

He could not consent to any censure on the Returning Officer. So far as the facts had yet appeared before the House, there could be no censure on him, and there was none. He agreed with the motion before the House, because there was no question that the practice of obtaining legal advice through a candidate was objectionable.

Mr. MATHIEU referred to the statutes, maintaining that the Returning Officer had acted properly.

The motion was then carried.

Mr. Bell was then called to the bar, and was informed by Mr. Speaker of the passage of the two motions, which were then read to him by the clerk of the House, and he was allowed to retire, and the Sergeant-at-Arms was directed to inform him that he was discharged from further attendance.

* * *

PORT WARDENS

Hon. Mr. MITCHELL moved the House into Committee on the bill entitled an Act to amend the Act relating to the Port Wardens of Montreal and Quebec, **Hon. Mr. CAMPBELL** in the chair. He repeated his explanation of the provisions of the measure clause by clause, and moved the adoption of the Bill.

He explained that the object of the bill was to establish a means of ascertaining that ships laden with grain should not leave port without being properly loaded, and it was hoped that this would tend greatly to diminish the risk to life and property at present existing. The bill would provide for the imposition of a much larger penalty than could now be inflicted, and there was no question of the necessity for the measure.

Hon. Mr. HOLTON asked the member for Montreal Centre (Mr. Ryan) whether he had heard from the merchants of Montreal since the bill had been in print?

Mr. RYAN replied he had been to Montreal and communicated with the merchants there, and the measure was in all respects acceptable.

Hon. Mr. HOLTON said he approved of the principle of the bill, and after the assurance given by the member for Montreal Centre he would not cavil at details. As, however, the bill provided that ships should not clear without a certificate of the Port Warden, being practically a penal clause, he scarcely thought the excessive pecuniary penalty necessary.

Hon. Mr. MITCHELL explained that vessels often left port without a clearance and the penalty of \$800 was a necessary adjunct in the interest of trade and the country.

Hon. Mr. ANGLIN wished to enquire where was the proper authority to decide as to which vessels should be loaded. If the final authority was to be the Port Warden, there would be opportunities of blackmailing. It seemed to him the penalty of going to sea without clearance was a heavy one. He wished to know how this was to be enforced.

Hon. Mr. MITCHELL: The penalty for the violation of the law was for leading in contravention of the requirements of the port.

The port warden can recover the penalty and refuse the clearance. As to blackmailing, the law on this point was not altered at all. It had not been found that the trade of the country had suffered by the arbitrary exercise of the power of the port wardens. The bill had been drawn by a gentleman of great experience in maritime matters and he (Hon. Mr. Mitchell) had taken the best advice in forming the bill.

Hon. Mr. MACKENZIE contended that the proposed bill was defective in as much as it provided that the penalty should be paid in full to the Receiver General whilst the previous Act required, under the interpretation Act that half should be paid to the informer. The bill under consideration did not repeal this provision.

Mr. CARTER agreed with the member for Lambton that this objection might be raised but argued that some summary mode should be adopted without reference to the interpretation Act, which was not obsolete.

Hon. Mr. MITCHELL said that the criticism only showed how correctly the bill had been drawn and explained that the present bill would repeal the provision referred to in the previous bill. It might not be clear to laymen like himself and the member for Lambton, but there was no doubt that it was correct and would be correctly interpreted. There would be no difficulty in enforcing the penalties, but he did not desire in any way to impede commerce.

Hon. Mr. YOUNG (Montreal West) approved of the bill, and thought that the penalty might have been even much larger, as the object was to prevent the slightest possibility of a vessel going to sea improperly loaded.

Mr. COFFIN thought the certificate gave all the security required, and the penalty would be a mere encumbrance.

Hon. Mr. SMITH (Westmorland) also thought that the system of requiring a certificate before allowing the ship to clear would attain the desired object without the penalty but he was in favour of anything that would prevent the danger of loss of life that had hitherto existed.

Mr. CARTER argued that the penalty would be particularly necessary in Montreal, but he thought there was an omission in that the bill provided no means of enforcing the penalty.

Mr. KILLAM did not understand how the penalty could be recovered against a vessel after she had gone to sea.

Mr. RYAN supported the bill, repeating that it had the entire approval of the mercantile community of Montreal. A great loss, both of life and property, had occurred in late years from improper loading, so much so that the matter had attracted the attention of Insurance Companies in England. The provision requiring a certificate of the Port Warden was most important.

Hon. Mr. MITCHELL, in replying, pointed out what different views were held by the gentlemen who had spoken. He maintained

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the necessity of the law and no evil could accrue from the penalty provided.

Hon. Mr. ANGLIN had not objected to the measure at all. He had referred to the statute, however, and thought the Minister of Marine had trusted too much to the Law Clerk of the House in the preparation of the bill. He objected to the power given to the Port Wardens.

Hon. Mr. YOUNG (Montreal West) explained that the Port Warden would not have it in his power to abuse authority conferred on him.

Hon. Mr. SMITH (Westmorland) strongly supported the bill.

The bill then passed through committee, and was reported without amendment.

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THE GOVERNOR GENERAL'S INSTRUCTIONS

Hon. Sir JOHN A. MACDONALD presented a copy of the Royal Instructions to the Governor General.

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SUPPLY

On motion of **Hon. Mr. TILLEY**, the House went into Committee of Supply **Hon. Mr. CAMPBELL** in the chair; the item of the Governor General's Secretary's office passed, and the Committee rose.

* * *

SAVINGS BANKS

Hon. Mr. TILLEY moved the second reading of the bill entitled an Act to amend the Act respecting certain savings banks in the Provinces of Ontario and Quebec.

Hon. Mr. HOLTON objected to the bill as destroying the wholesome restrictions as to the investing powers of the savings banks which had previously existed, and said he would endeavour to enforce his objections in committee. He thought such banks should make monthly returns to the Government, to be published in the *Canada Gazette*.

Hon. Mr. TILLEY replied that due consideration would be given to the suggestions in Committee and he would now no further discuss the matter.

The Bill was read a second time and referred to the Committee on Banking and Commerce.

CARRIAGE OF DANGEROUS GOODS

Hon. Mr. MITCHELL moved the second reading of the bill entitled An Act with respect to the carriage of dangerous goods in ships. —Carried.

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PAPERS BROUGHT DOWN

Hon. Sir JOHN A. MACDONALD presented the papers asked for by the House respecting the claims of Mr. Ryland.

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CONTROVERTED ELECTION BILL

Hon. Sir JOHN A. MACDONALD introduced the Controverted Election Bill which was read a first time.

* * *

SNOW FENCES

Hon. Mr. LANGEVIN moved the House into Committee to consider the following resolution: "That each and every Railway Company heretofore incorporated, or which may hereafter be incorporated, as well as the Government of Canada with respect to all Railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right, on and after the 1st day of November in each and every year, to enter into and upon any lands of Her Majesty or into and the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon; upon payment of such land damages as may be established to have been actually suffered; provided always, that any snow fences so erected shall be removed on or before the 1st day of April then next following."

The resolution was concurred in, without amendment, and the bill introduced and read a first time.

The House adjourned at 11.05 p.m.

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RESOLUTIONS

Mr. MILLS—House in Committee to consider the following resolution:—"That the present mode of convening the Senate is inconsistent with the Federal principle in our system of Government and is in other material respects defective, and that our Constitution

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ought to be so amended as to confer upon each Province the power of appointing its Senators, and to define the mode of their appointment”.

Mr. CHARLTON—On Monday next—House in Committee to consider the following resolution—“That in the opinion of this House a geographical exploration and geological survey of the fertile belt of the Northwest Territory should be undertaken during the present year and efficiently prosecuted, and that the information thus obtained concerning the climate, the agricultural capabilities and mineral resources of that region should be placed before the people of Canada and Great Britain in reports printed and circulated at the public expense, and that emigration to that region should be further promoted through the translation of such reports and information into German and the Scandinavian languages and free circulation of the same in the States of the German Empire, and in Denmark, Sweden and Norway.”

Mr. SCHULTZ—Enquiry of the Ministry whether it is the intention of the Government to introduce a Bill to extend the criminal law applicable to the organized Provinces to the Northwest.

Mr. SCHULTZ—Enquiry of the Ministry whether it is the intention of the Government to make immediate provision for the half-breed residents of Manitoba, who will be deprived of the portion of the 1,400,000 acres grant which they expected by the recent literal interpretation of Sec. 31 of the Act 35 Vic., Cap. 3.

Mr. NELSON—On Thursday next—Address to His Excellency the Governor General urging the expediency of taking into consideration the establishment of reciprocal trade between the Dominion of Canada and the Sandwich Islands.

Mr. STIRTON—Motion for copies of all correspondence between the Government or any member thereof and Sir Hugh

Allan or any person on his behalf, or any of his associates, or any correspondence with any persons respecting a proposal to construct, equip, and work the Canadian Pacific Railway, and stating their ability to form a Company; copies of any agreement entered into with Sir Hugh Allan and his associates and the Government for the construction, equipment and working of the said railway under the charter granted by the Governor General in Council on the 5th day of February last, also, a copy of the stock list submitted by him or his associates previous to entering into such agreement; returns of the names of the stockholders of the Canadian Pacific Railway, under the said charter of the 5th of February last, the number of shares of stock held by each, by whom subscribed and when, and where not subscribed by such shareholders personally, the names of the agents or attorneys subscribing the same; the amount paid in on such subscriptions showing by whom and to whom paid to the credit of the Receiver General, also the Bank where the same is now deposited, the date of such payment, whether in cash or Government securities, and the conditions on which such deposits are held; also a list of the names of applicants for stock of the Company in reply to the advertisements of the Company inviting applications for stock and dated at Montreal on the 11th February last, and in cases where not applied for personally, the names of the agents or attorneys applying for the same, the number of shares asked by each applicant, the number of shares allotted to each, the amount paid on each share so allotted, and the bank where the same is deposited, the date of such payment and the conditions on which each depositor was held by such bank, and in cases where transfers of stock may have been made, the names of the persons to whom such transfers have been made; also the number of shares subscribed in the books opened for applications for stock by the Canada Pacific Railway Company at all the capital towns of the several Provinces of the Dominion of Canada in July last, specifying the number of shares applied for at each of the said capital towns, and in cases where the applications were not made by the applicant personally, the names of the agents or attorneys applying for the same.

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HOUSE OF COMMONS

Monday, March 31, 1873

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

Prayers

PETITIONS

A number of petitions for a prohibitory liquor law were presented.

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PRINTING

Mr. STEPHENSON presented the second and third reports of the Joint Committee on Printing.

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RETURNS

The **SPEAKER** presented a statement of the receipts and expenditures of the Mutual Life Insurance Association of Canada, and a list of the stockholders in the following banks:—Montreal, Metropolitan, and St. Stephens, New Brunswick.

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MILITIA REPORT

Mr. THOMPSON (Haldimand) asked when the Militia Report would be brought down.

Hon. Mr. LANGEVIN said he could not answer that question today, but would do so tomorrow.

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THE MARITIME METAL IMPORTERS COMPANY

Mr. DOMVILLE moved for leave to introduce a bill to incorporate the Maritime Metal Importers.

Hon. Mr. HOLTON asked for explanations.

Mr. DOMVILLE said he would explain on the second reading.

Hon. Mr. HOLTON asked if it was intended to incorporate importers with limited liability. If so, it was something quite new in Canadian legislation.

Mr. DOMVILLE said if the hon. gentleman wished to pick holes in the Bill he would have ample opportunity in committee; if

he wished to double or treble the committee liabilities imposed upon the Company, they would be willing to agree to them.

Hon. Mr. HOLTON should have to move that the bill be read.

Mr. DOMVILLE said he would ask leave to withdraw the motion for the present.

(Laughter.)

This was agreed to.

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VITAL STATISTICS

The **SPEAKER** laid on the table a statement of the marriages and burials during 1872 in the district of St. Francis, Province of Quebec.

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BILLS INTRODUCED

The following bills were introduced and read a first time:

Mr. BÉCHARD: To incorporate the Bank Saint-Jean.

Hon. Mr. CARLING: To incorporate the Canada and Detroit River Bridge Company.

Mr. MERRITT: To amend the charter of the Dolphin Manufacturing Company.

Mr. DOULL: To incorporate the Pictou Bank.

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REPORTS BROUGHT DOWN

Hon. Mr. LANGEVIN brought down the report of the Commission appointed to enquire into the state of navigable streams; also, copies of the reports of the Government engineer in reference to the St. Louis Hydraulic Company.

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POND BEACH CUT

Mr. McDONALD (Cape Breton) asked whether it is the intention of the Government to place in the estimates a sum

sufficient to cut Big Pond Beach, Bras d'Or Lake, County Cape Breton, the same having been surveyed and reported on by the local engineer.

Hon. Mr. LANGEVIN: This matter is being considered by the Government.

* * *

LIGHTHOUSE

Mr. McDONALD (Cape Breton) asked whether it is the intention of the Government to cause a lighthouse to be constructed at Lingan Head, Cape Breton County.

Hon. Mr. MITCHELL: Yes.

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POSTAGE

Mr. FARROW asked whether it is the intention of the Government to introduce a measure during this session to make the prepayment on all letters at the time of posting compulsory.

Hon. Sir JOHN A. MACDONALD: No.

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IMPROVEMENT TO RIVER NAVIGATION

Mr. BABY asked whether it is the intention of the Government to have the River Assumption so dredged as to render it navigable up to or near the town of Joliette, in the county of the same name.

Hon. Mr. LANGEVIN said the Government intended to enquire into this question in order to ascertain what portion of the proposed works was of a federal character, and also what contributions might be made by the local societies to secure the local works which might be considered necessary in connection with the Dominion works.

* * *

LIGHT IN HALIFAX HARBOUR

Mr. TOBIN asked whether, in accordance with the vote of last session the Government has taken any, and if any, what steps in reference to the placing of a signal-ship at the entrance of Halifax Harbour.

Hon. Mr. MITCHELL said the Government had taken the steps referred to, and hoped to be able to complete the arrangements during the ensuing summer.

* * *

THE PRINCE ALFRED

Hon. Mr. BLAKE asked whether the Minister of Justice, during the late general election, used the gunboat *Prince Alfred* for the purpose of travelling from Goderich to Sarnia in order to attend the Lambton nomination, and thence to Kincardine, with the view of

attending the Bruce South nomination, and thence on his return to Sarnia whether he made any other use of the *Prince Alfred* during the election, and upon whose authority he made use of the *Prince Alfred* during the election.

Hon. Sir JOHN A. MACDONALD: The Minister of Justice during the general election got an offer of a passage in this steamer the *Prince Alfred* to go to Goderich as she was going there whether or not. When at Goderich he asked the Captain to take him to Sarnia on the very interesting occasion of the nomination of the hon. member for Lambton (Hon. Mr. Mackenzie), and subsequently at the request of the Minister of Justice the steamer carried him to Kincardine and back to Sarnia. The Minister of Justice made no other use of the *Prince Alfred* during the election, and in answer to the question upon whose authority he made use of her, I may say that he asked the Captain to be good enough to give him a passage, and he gave it to him. (*Hear, hear and laughter.*)

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NATURALIZED GERMANS

Mr. DALY asked whether any correspondence has taken place between the Canadian Government and Her Majesty's Imperial Government with respect to removing any disabilities under which Germans naturalized in Canada may labour.

Hon. Sir JOHN A. MACDONALD said such correspondence had taken place, and the Government had frequently and continuously pressed upon Her Majesty's Government the propriety and expediency of so altering the Naturalization Laws of the Empire as to allow Germans, settling in Canada, to be considered to all intents and purposes subjects of the Empire. The Government would not relax in their efforts to this end.

Hon. Mr. MACKENZIE asked if any correspondence on this subject had taken place since last session.

Hon. Sir JOHN A. MACDONALD replied in the affirmative. His hon. friend was aware that the Germans could only be naturalized by a special Imperial measure.

Mr. DALY asked whether any steps have been taken to secure to Germans naturalized in Canada the same privileges and immunities as they would have if naturalized in Great Britain.

Hon. Sir JOHN A. MACDONALD said he supposed Germans naturalized in Canada had as full an enjoyment of privileges as if they were naturalized in Great Britain, except in regard to the Act of Parliament.

* * *

LONDON ORDNANCE LANDS

Hon. Mr. MACKENZIE asked whether the Government proposes to sell any portion of the Ordnance Lands situated in the City of London, whether any proposals have been received from any person for the purchase or lease of such lands, and whether any instructions have been sent by the Government or any officers of

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Government to any local official in any way bearing in any way on the proposed sale or lease, or concerning the valuation of any portion of the said lands.

Hon. Mr. LANGEVIN said the municipality of the City of London had applied to the Government to have the Ordnance Lands in the centre of the city for the purpose of a park. They had made certain proposals to the Government for that purpose, and the Department of Militia had given instructions to some of its officers there to make a valuation of the lands in question in order that the Government might know how the matter stood.

* * *

PUBLICATION OF ORDERS IN COUNCIL, ET CETERA

Mr. MILLS asked whether the Orders in Council, proclamations and departmental regulations, having the force of law, have been printed and published, and if not why not.

At the request of **Hon. Sir JOHN A. MACDONALD**, the question was allowed to stand till tomorrow.

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GODERICH RANGE LIGHTS

Mr. HORTON asked whether the Government had made arrangements for placing efficient range lights on the north pier at Goderich on the opening of navigation, and if so, has any appointment been made of any person to take charge of such lights, and if so, the name of such person.

Hon. Mr. LANGEVIN said temporary range lights would be placed on the north pier at Goderich on the opening of navigation, and permanent ones would be put up as soon as proper lanterns could be obtained. The lanterns which they had intended to use had been burnt. No person had yet been appointed.

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EUROPEAN AND NORTH AMERICAN RAILWAY

Mr. DOMVILLE asked whether the Government intends to put the European and North American Railway in proper order without delay, so as to alleviate the sufferings of the farmers, mill-owners, and others doing business in the countries through which the Government line passes.

Hon. Mr. LANGEVIN: Such is the intention of the government.

Mr. DOMVILLE asked whether the Government intends to give more accommodation for the rapidly increasing traffic of the

European and North American Railway, by adding to the capacity of the station-house buildings and sidings between St. John and Shediac.

Hon. Mr. LANGEVIN: It is the intention of the Government to do so.

Mr. DOMVILLE asked whether the Government intends to put in more sidings on the European and North American Railway, in order that industrious farmers and others may get their produce to market without extra trouble and expense, in the shape of unnecessary delay.

Hon. Mr. LANGEVIN asked the hon. gentleman if he would be kind enough to postpone his question until the estimates were under consideration.

* * *

WITHDRAWING OLD COINS

Mr. MERCIER asked whether it was the intention of the Government to put in operation any measures for the withdrawal from circulation of twenty-cent silver coins as well as all the old copper coins, which have no longer any legal value, and whether a further issue of copper and silver coinage will be made in order to render change more easily obtainable in the country parts.

Hon. Mr. TILLEY said the Government was not taking any steps for the removal of twenty-cent pieces. The Government had lately received \$500,000 in silver from the mint in London, which they thought would meet the requirements of the Dominion. The old copper coins had been gradually withdrawn, melted down, and sold. At present there was a large supply of cents at the disposal of the Receiver General, and quantities could be had upon application.

* * *

BIC RAILWAY STATION

Mr. Fiset asked whether the Government had decided to locate in a more central place the depot of the Intercolonial Railway at Bic, if not, what are the reasons which have prevented the Government from yielding to the desires of the freeholders, as expressed on several occasions by petitions on the subject addressed both to the Government and the Commissioners.

Hon. Mr. LANGEVIN said the site for the Bic station was selected on the recommendation of the Chief Engineer, and was purchased subsequently at the request of the inhabitants interested in the location of this station. The chief engineer was asked to reconsider the question and report his reasons for his selection.

The hon. gentleman proceeded to read the reply of the chief engineer, dated the 21st of May last, stating that the site had been selected because it was necessary that the track for the distance of 1,500 feet in length should be level, or not exceeding a rise of

fifteen feet per mile in the vicinity of a station, in order to have sufficient length for the siding, and that the grading might not be so steep that the cars would move of their own gravity, or with the help of a slight wind.

* * *

NAVIGATION OF THE ST. LAWRENCE

Mr. TREMBLAY asked whether, with a view to the improvement of the navigation of the St. Lawrence, to secure for captains of vessels the advantage of making use during the autumn of the north channel, which, for several days after that on the south had been obstructed, is free from ice, and to prevent disasters similar to those which occurred in 1871, the Government propose to place a floating light at the traverse at Cap-Tourmente and to erect lighthouses on Île aux Coudres and the point of Cap aux Oies in the county of Charlevoix.

Hon. Mr. MITCHELL said, in reference to the light in the North Channel, the subject had not been brought under the notice of the Government. In regard to the other two places mentioned in the question, the Government had the subject at present under consideration.

* * *

BAIE SAINT-PAUL LIGHTHOUSE

Mr. TREMBLAY asked whether it is the intention of the Government to include in the estimate the amount required for the erection of the pier for the proposed lighthouse at Baie Saint-Paul; the balance of \$4,500 on the appropriation of last year having been found insufficient.

Hon. Mr. MITCHELL said the Government proposed during the ensuing summer to instruct the engineer to examine and report upon the matter.

* * *

NOVA SCOTIA RAILWAY EXTENSION

Mr. TOBIN asked whether the Government had taken any, and if any, what steps in the matter of extending the railway from the Richmond depot to Halifax city.

Hon. Mr. LANGEVIN said the Government had given a contract for the extension of the railway from Richmond depot to the brick yard, or navy yard. The Canadian Government had been in communication with the Imperial authorities in order to have the right of way through the dockyard. The correspondence was going on, but they had had no final answer. Nevertheless special instructions had been given to the Minister of Militia to press the matter with the Imperial Government, and they hoped to have a satisfactory settlement before long.

HEADQUARTERS OF THE INTERCOLONIAL

Mr. TOBIN enquired the reasons which led to the removal of the headquarters of the Intercolonial Railway from the city of Halifax, the terminus of the road, to the village of Moncton.

Hon. Mr. LANGEVIN said that at the period when the Nova Scotia railways were not connected with the New Brunswick Railways by the Intercolonial, Halifax was considered the proper place for the headquarters of that Railway in the same way as St. John was the headquarters of the New Brunswick Railways, but so soon as these two systems of railways had been connected by the Intercolonial proper it was thought necessary that a more central spot should be selected, and as Moncton was considered the most proper spot it was selected.

* * *

CRIMINAL LAW IN THE NORTHWEST

Mr. SCHULTZ asked whether it is the intention of the Government to introduce a bill to extend the criminal laws applicable to the organized Provinces to the Northwest Territories.

Hon. Sir JOHN A. MACDONALD said it was the intention of the Government to introduce such a bill. The bill had in fact been or would shortly be introduced in the other branch of the legislature.

* * *

MANITOBA HALF-BREED RESIDENTS

Mr. SCHULTZ asked whether it is the intention of the Government to make immediate provision for the half-breed residents of Manitoba who will be deprived of that portion of the 1,400,000 acres grant which they expected by the recent literal interpretation of sec. 31 of Act 33 Vic., Cap. 3.

Hon. Sir JOHN A. MACDONALD said the subject was now under the consideration of the Government.

* * *

ELECTION PETITIONS

The SPEAKER presented his report on the Election Petitions against the members for Toronto East (Mr. Beatty), Huron North (Mr. Farrow), and Peterborough West (Mr. Cluxton).

* * *

DEPARTMENT OF THE INTERIOR

The SPEAKER informed the House that he had received a message from the Senate with a Bill entitled an Act to provide for the establishment of the Department of the Interior.

Hon. Sir JOHN A. MACDONALD moved the first reading of the Bill.—Carried.

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CANADIAN PACIFIC RAILWAY

Hon. Mr. HUNTINGTON wished, in courtesy to hon. gentlemen opposite, to give notice that on tomorrow, on the motion that Mr. Speaker leaves the Chair, he would propose an amendment in the sense that a Committee of Enquiry be appointed on any matters affecting the Canadian Pacific Railway.

* * *

SUPERANNUATION FUND

Mr. JOLY moved that the House go into Committee to consider the following resolution:—"That, considering the Superannuation Fund is raised entirely out of the compulsory contributions taken from the salaries of public officers, it is just that the whole of that fund should be consecrated to the use and benefit of the said officers by applying it, first, to their personal relief according to law, and if any surplus be left after the payment of their superannuation allowance to the relief of their widows and orphans."

He said about a fortnight ago, when he made enquiry of the Minister of Finance what the Government had done in this matter, he was told that the Government had the matter under consideration, and he was prevailed upon to postpone his question. He had not had the promised reply, but he hoped the hon. Minister of Finance would be satisfied to go on with the matter just now, so as to ascertain the opinion of the House upon the subject.

There was another reason why he had decided to go on with the subject on this occasion. He had brought the matter before the House last year, when it was decided that Parliament was too far advanced to go on with it, and that it was a subject to be dealt with by the new Parliament. He quoted the resolution then disposing of the question, and pointed out that it was there distinctly stated that the matter would engage the attention of the new Parliament. It was strange that the course he proposed had not already been adopted. At one time there was strong reason for not adopting it, because there was a good deal of uncertainty as to whether the Fund was likely to be sufficient to meet its own expense, and this uncertainty could only be dispelled by experience. He argued that the difficulty thus raised had now been entirely obviated, as they were not in a position and had been for several years to do more than meet their own expenditures.

Last year there was a balance of \$50,000 at the credit of the Fund, and for the present year the balance was very little less. The Superannuation Act of 1870, he said, provided in its first clause that the Government should provide a Superannuated Fund for the benefit of officers who had attained the age of 60 years, and, in order to meet the expense of that Fund, the third section of the Act provided for the abatement or diminution of the salaries of these officers by two and a half per cent for all salaries under \$600 per annum and four per cent for all salaries over.

It was also provided in that Act that all sums not required for the purposes of superannuation should not be put into a sinking fund,

but merged into the Consolidated Fund of the Dominion and would become liable to be employed for the public expenditure of the country. As he had already said, about this time last year he had proposed a motion similar to the present, and at that time there was a balance of \$50,000 at the credit of the public officers, as he had also stated already, over what was required for superannuation. The scheme was a most desirable one, but that by and by the \$50,000 to which he had referred would be required in order to meet the increasing demand upon the Fund. Here was another year added to the experience which we had of the working of the system and which completely belied the correctness of the predication. Still, there was nearly \$50,000 at the credit of the Fund, or, if he had made a correct estimate, somewhere between \$40,000 and \$50,000.

Last year he contended that the Fund had reached its maximum and he claimed that an investigation into the list of officers in receipt of an allowance would bear him out in that assertion. In introducing the system originally, as a matter of course, there would be for the first few years an enormous proportion of superannuation compared with what there would be once the system was fairly set going, especially as before that there had been no system of pensioning them off.

For the year 1871-72 there had been 87 officers who had retired and taken advantage of the Fund. For nine months of the year 1872-73, which was the latest to which the returns had been brought, there were only 33 who had done so, and calculating that for the next few months of that year the numbers had been added to at the rate for the nine months for which data had been produced, the total number for the present year would be forty-four. He hoped from the figures thus produced that hon. members would be prepared to concede the correctness of his calculation, as also his statement that last year the demands upon the Fund had reached their maximum, that it would at least be no longer in future than it had been already, and that it will henceforth be perfectly able to bear its own burden.

Now Government did not deny that this sum at the credit of its officials was yearly taken and expended for the use of the country, that the officials were out of their very small salaries bound to contribute to it whether they were willing or not; and that it was, therefore, only fair that they should have the advantage of it in some way or another.

There was an amount of unfairness in the present arrangement which those who knew little about it could scarcely imagine. A man contributed regularly to this Fund for perhaps 25 or 30 years, died some short time before he was entitled to receive any benefit from it, and the wife and family he left behind would not get one copper from it, even if they suffered from the direst want. The money was lost to himself and those whom he left behind him.

Let them compare the want of liberality in our Canadian Superannuation Law with that of Britain. Hon. gentlemen in this House were very fond of quoting British practice and he thought it was worth quoting in this instance. The system of superannuating in England was begun about the middle of the last century and in 1822

for the first time the British Parliament attempted to make it an abatement of the salaries of public officers in order to meet the Superannuation Fund. This they did by retaining two per cent upon the salaries amounting to 100 pounds and not exceeding 200 pounds and five per cent on all above the last quoted figure. In 1824 this law was repealed, and 90,000 pound sterling voted for the purpose of repaying the public officers for the losses they had sustained by paying to the Fund. In 1829 there was another effort to enact a superannuation law similar to this which failed, but in 1854 was more successful and became law. In 1857, however it was withdrawn, since which time the whole expense of superannuation was borne by the Government without one copper from the salaries of the officers themselves. Further provisions were made for the case of men dying in harness, or officials leaving their wives and families in difficulties, which were a lasting tribute to the liberality of the British Government towards their public officers.

Now he did not ask this Government to be quite so liberal as that; all he wanted them to do was to make such changes in the law as would enable the families of their officers to reap the benefit of the overplus amounts they had subscribed to this Fund, in case of their death before 60 years of age, or if they only lived to enjoy their superannuation for a year or two. It would not be fixing the average of a man's salary too high who had been 25 years in the service of the Government to place it at \$1,000 per year. It would even be a low average. Neither would it be at all wide of the fact to say that a man begins to pay into the Fund at 25 years of age. Then let this man be taken as the average in all respects. By the time he is 50 years of age, his contributions to the Fund at four per cent upon his salary, without counting interest and compound interest would amount to \$1,000.

By looking over the tables of Life Insurance Companies he found that the same yearly sums would secure \$2,666 to a man's family in case he died at 50; whereas in the other case his family or himself never got a cent's worth of good for it. It would be quite out of order in him to introduce a motion recommending the Government to apply certain sums of money to certain purposes, either as to life insurance or increase of superannuation allowance. He would simply consider it as an act of justice for this House to take into consideration the wants of civil officers, the expediency of ceasing to apply the hard-earned money of those officials to the purposes of the country, and the desirability of having these sums employed for the use and benefit of the widows and orphans of the men who thus contribute the money.

He also said he would approve of the establishment of a mutual benefit society on the principle which, in the establishments of all extensive employers, had been found to work so satisfactorily and with such good results. He moved that the House go into Committee on the resolutions he had submitted. (*Cheers.*)

Hon. Mr. TILLEY hoped the hon. gentleman would allow the matter to stand for a few days. The Government had the subject under consideration, and they had not been able, however, to take the same view as his hon. friend in reference to the distribution.

After careful consideration they had arrived at the conclusion that, if Parliament was not prepared to assist in providing for aged civil servants, the present rates were not too high. His hon. friend had pointed out that they had passed the maximum amount required from the fund, but if he would look to the estimates he would see that \$11,000 more was placed in the estimates for 1873 and 1874 than for 1872 and 1873.

Mr. JOLY said that his argument was that the amount estimated for 1873-74 would be more than sufficient to supply the demand for that period, and therefore the surplus of \$50,000 would still remain to the credit of the public funds, and therefore that amount ought to be divided among the Service.

Hon. Mr. TILLEY thought the hon. gentleman was mistaken in supposing that they had arrived at the maximum. The number in Canada, superannuated, was small compared with the number who would shortly arrive at an age when it would be necessary to superannuate them. If the Government felt that the surplus would not be required they would gladly consent to some measure by which the Service would get the benefit of the amount, but after giving the matter very careful consideration, they could not arrive at such a conclusion.

The whole question of salaries of public officers had received their attention. It was quite probable that before the House would rise a measure would be brought down dealing with the question. Such action was necessary, inasmuch as it was an acknowledged fact that a pound would not go so far now as it would have done a few years ago. He, therefore, hoped that the matter would be allowed to stand.

Mr. SAVARY seconded the resolution, as he had done on a former occasion. The superannuation deduction was a compulsory one, and was felt by the Civil Service to be a hardship. The object of the Act was not in the interests of the Service, but of the Government, and there was not a doubt that many useless or almost useless officers would have been kept in the Service for years to come had the Act not been passed. The salaries were so low that it was impossible for them to insure their lives, and then a deduction of four per cent was taken from their already low salaries.

Many of the Civil Service were far more desirous that provision should be made for their families than for themselves. A member might contribute for a large number of years, but if he should happen to die before 60 his family would get no benefit from the funds. He was glad to hear from the Minister of Finance that the question of salaries generally throughout the Dominion had been taken into consideration by the Government.

Hon. Sir FRANCIS HINCKS thought the matter should be left in the hands of the Government. The great objection he had to the motion of the member for Lotbinière (Mr. Joly) was that he (Hon. Sir Francis Hincks) most distinctly objected to providing for the widows and orphans of public officers. It was not in accordance with English practice. There was a public policy in providing for

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pensioning public officers, but he could not see why members of the Civil Service should not be expected to provide for their families as well as other people.

Hon. Sir JOHN A. MACDONALD hoped his hon. friend (Mr. Joly) would allow the debate to stand adjourned to a future day as the whole question of salaries of officials and granting relief to the Service was under the consideration of the Government.

Mr. JOLY saw no objection to allowing the matter to stand, but he still held that the deductions to be made in the future would be sufficient to provide for all public officers to be superannuated, and therefore the balance of \$50,000 ought to be divided among those who had subscribed to the Fund.

The debate was then adjourned.

* * *

INDIAN DISSATISFACTION

Mr. SCHULTZ moved, seconded by **Mr. BOWELL**, that an humble address be presented to His Excellency, the Governor General, for copies of all correspondence from Indians and others in the Province of Manitoba with the Government on the subject of the dissatisfaction prevailing among the chiefs, head men and Indians treated with in Manitoba and adjacent territories in the year 1871.

Mr. SCHULTZ: I have made this motion, Mr. Speaker, mainly to enable me to place before this honourable House some facts in connection with the Indians of the Northwest which I trust will be considered of sufficient importance, at least, to cause hon. gentlemen to investigate for themselves a subject which, for the first time, has become a really important one in this country.

While everyone felt pleased when the long negotiations between Canada and the Hudson's Bay Co. came to a satisfactory termination, and proud of the Imperial proclamation of the 15th July, 1870, which added 300,000 square miles to the area of the Dominion, few remembered that this territory had a population of 68,000 Indians whose rights, by the conditions of the transfer, we were bound to recognize, and to whose care and protection we were firmly pledged.

These Indians were, as yet, lords of the soil. Canada has incurred the responsibility appertaining to these lands, and while appreciating that future which awaits her, she would grapple with the question of filling these newly acquired valleys with the teeming population of the old world. We have projected railways over them and canals through them. We have taken steps to make the rocks yield their riches and varied contents, and the rivers their golden sands.

Discussion after discussion has taken place in this House from apparently every possible point of view in regard to the development of this region, but I totally fail to remember one single

word that would indicate the slightest consideration for those who are now happy and content on its hunting grounds, and whom the carrying out of these projects means, unless a wise legislation interferes, gradual but sure destruction. Population and railway communication we must have, but let us never forget that the cuttings of the railroad will desecrate many an Indian burying ground, and that the plough of the settlers adding its line will pass through many an Indian hearth that is burning with fire today.

At this moment there is a condition of profound peace among the Indian tribes north of the International boundary. In any part of this vast region the life of a white man is safe. They are absolute owners as yet of their hunting grounds. The half-breeds, it is true, are allowed to participate as a right common with themselves, but parties of Englishmen and others hunting for pleasure are compelled to pay a royalty for the privilege of the soil.

I mention the fact of this state of peace which exists among the British Indians because of the contrast to the state of affairs in the Indian country of the United States. There the most ordinary surveying party has to be protected by a strong detachment of troops, and a condition of things exists which would seem to show that all faith between the contracting parties to treaties has passed away and that the strife will only end when the last Indian has uttered his death cry. Hon. gentlemen will admit that the contrast is great; and I respectfully submit that there is no public question of the day more worthy of the consideration of this House than the determination of a policy which will ensure a continuation of the peace which is in existence and an avoidance of these Indian wars, which are always characterized as brutal outrages and which are an enormous expense.

Allow me to cite one instance, among many such which have occurred in the United States. West of Red River and south of the boundary line, is the country of the Sioux Indians, corresponding to our Cree tribe who occupy a similar geographical position on our side of the boundary. These tribes are about equal in numbers.

Both are Indians of the prairie, practised horsemen and excellent shots.

Ten years ago this tribe of Sioux were in as profound a state of peace with the United States as the Crees are now with us, but a grievance had been growing. The conditions of their treaties had not been carried out; remonstrances to their agents had been pigeon-holed in official desks; warnings from half-breeds and traders who knew their language had been pooh-poohed by the apostles of red tape, till suddenly the tale of the massacre of 63 re-echoed through the land. Western Minnesota was red with the blood of the innocent, and for hundreds of miles the prairie horizon was lit with burning dwellings in which the shriek of children and women had been silenced by the tomahawk of the savage.

The military power of the United States, was, of course, called into requisition, but the movement of regular troops was slow, while that of the Indian was like that of the Indian. In the dead of the night they appeared, and in the morning the sun rose on the

ghastly faces of the dead and the charred remains of their once happy homes. Trained soldiers in the end overcame the savage, but not until a country as large as Nova Scotia had been depopulated; not until the terror had diverted the stream of foreign emigration to more southern fields; and not until three military expeditions had traversed the Indian country, at an expenditure to the United States Government of ten millions of dollars. Since that time the maintenance of ten military posts, with permanent garrisons of 3,000 men, has been necessary.

It needs, Sir, no argument to show, that in Indian difficulties of this sort, prevention is better than cure. The Americans admit that the tribe of Sioux were the best, when treated fairly, that the Government had had dealings with, and confess that in very many cases the complaints of the Indians were only too well founded; and it is for us to profit by the bitter lessons in Indian matters which experience has taught them.

Fortunately for us, we commence our relations with them in a happy manner. They have to us no hereditary hatred—no traditions passing from tribe to tribe of broken faith and unfulfilled promises, and it is only necessary for us to determine a policy which will be fair to them, and to convince them that our promises will be rigidly kept, to ensure to us a continuance of the present state of peace which exists.

I am perfectly well aware of the sort of stereotyped opinion that prevails throughout the older Provinces that there is no danger of difficulty with these Western Indians, because we have had heretofore no serious difficulty with them in the present settled portions of Canada. I know that the fact of these Indians, American as well as English, almost religiously preserving the medals given to their forefathers in George the III's time, will be cited as a proof of their hereditary loyalty to the Crown, and an argument against the possibility of difficulties; and while I am prepared to admit that this sentiment among them will make it less difficult to preserve peace, still I warn hon. gentlemen against placing too much reliance on that which is at best but a very intangible idea of the relations between the Crown and themselves, and that whenever they are convinced that they have been unfairly dealt with, or, as they themselves would express it, "the face of Okamaqua, their great mother, has been hid from them," that the feeling of injustice will produce the same results north of the 49th parallel as they have to the south, notwithstanding the sentiment of loyalty to the British Queen which undoubtedly exists.

He cited our Cree nation in connection with the American Sioux, because the lands of that tribe will be the first required by the Dominion, and to draw attention to the fact that a difficulty with them would be attended with the same appalling results, the same enormous expense as in the case of the war between the United States and the Sioux.

On the determination of an Indian policy, Sir, we have unfortunately very little to gain from past experience. The circumstances under which the Indians of the older Provinces were

treated are utterly different from those of the present day. Then the advancement of civilization was slow, and the Indian continued to hunt over and enjoy, in many cases for fifty years after, the lands that he was receiving yearly payment for. The process of change was so slow that he scarcely felt it, and when he did, a change of location to a short distance remedied the evil. These were the days when railroads were not, and when even colonization roads followed, instead of preceded, the settler.

In our day, the case is different, and particularly so in a country where farms are made in one year, instead of the fifteen which was once necessary in older Canada. Now, the embers of the treaty council fire will scarcely be cool, till the railway engineer is locating his line; and two years will scarcely pass till the scream of the locomotive will re-echo where buffalo feed today. There will be no gradual, imperceptible change, as with the older Provinces.

We know that our occupation of the Saskatchewan valley means the disappearance of the buffalo and other prairie animals. We know that to the prairie Indian these animals are more than manna was to the wandering Israelites. Their flesh feeds him, their skins clothe him, and their hides form the house he lives in. The question, then, to consider is this: What are we to give him in compensation for his hunting grounds? A railroad we must have; settlers along its line are a natural consequence, and the first step towards this end must be a treaty with the present occupants.

Now, Sir, take it for granted that the Government has as yet decided upon no special policy, that they are willing, perhaps anxious, to hear an expression of the views of this House. It is true that two treaties, those of 1871, have already been made very much on the same terms as the treaties of the last century; but, Sir, the papers which I hope to have brought down by the morning of the address will show that these treaties have not been satisfactory to the Indians, who, through their head Chief, Miskokanew, the Chiefs Les Grand O'Reilles, Yellow Quilt and others, have protested against them and in some cases have refused to receive the stipulated annuity.

Briefly stated, these treaties consist of the surrender of 30,000,000 acres of land on the one side and the payment of an annuity of three dollars per capita, a reserve of land equal to 160 acres to a family of six, some gaudy clothing and a wagon to the Chiefs, and a plough, harrow and school master to each reservation. Now, Sir, the sum paid is adequate to the commonest wants of an Indian. It will not buy him the tobacco he smokes, nor the powder and shot he uses, much less the woollen clothing and covering which the disappearance of the large animals has necessitated his using.

Let us consider the matter fairly and see whether we would be doing justice to the Indians in making these treaties the models for all subsequent ones. East of the Rocky Mountains we have acquired an Indian territory of three millions of square miles. In it there is a population of 68,000 Indians. The individual Indian then, in an average treaty, counts to the Government forty square miles of

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country. This forty square miles of country at present supplies him with his food, clothing and his house. The smaller fur-bearing animals on it give him the means of acquiring what he needs of European manufacture. The moment he concludes a treaty for lands desirable for agricultural or railroad purposes, but two courses are open to him, either to remain and starve where once he revelled in plenty, or to totally change his habits and adopt those of the incoming race in wresting from the soil a substance.

The idea that he can do the latter on a payment of three dollars annually is, of course, an absurdity, the glaring nature of which is all the more apparent when we consider that when we have brought him within the pale of civilization we compel him to pay about six dollars annually to the State on the tobacco he smokes, the tea that he drinks, and the blankets and clothes that he wears. The proposition is an absurdity. We take from him his heritage in the Saskatchewan valley and we compel him to contribute six dollars yearly towards the State and we magnanimously propose to pay him three dollars a year for life.

Our laws declare him an owner, and yet we drive as hard a bargain with him as though he were a land jobber; and when other arguments have failed to make him accept the terms, we plainly give him to understand, in a spirit of civilized barbarity, that might is right, and that we will have his land. Any qualms of conscience on our part is apt to be satisfied by platitudes about the march of civilization, and the denomination of the Anglo-Saxon, judiciously forgetting that it is not so many hundreds of years ago that our British ancestors bore about the same relations to their Roman invaders that the Indian bear to us, and that we think quite proper, nay even heroic, their having opposed their naked and tattooed breasts to the advance of the well-armed Romans.

To me, it seems, Sir, that there is only one course open. We must civilize the Indian by weaning him from the chase to the cultivation of the soil. I know that the Americans, after immense appropriations of money to that end, have come to the conclusion that this is impossible; but, Sir, I am proud to say that we have a direct consideration of their proposition in the numerous settlements of Christian Indians about our missions, where the Indian nature has so far changed as to make him in point of industry, of truthfulness, and of obedience, the equal if not the superior of the average white man.

We are bound by the transfer to protect the Indians of the Northwest. They are consequently at this moment the wards of the Government, while it will be the easiest thing in the world, by the adoption of an unwise policy to sow the seeds of an everlasting enmity. Yet I hold that it is equally possible, by wise measures, to retain their friendship, even while we are taking their lands—that, in fact, we can economize him, if I may be allowed the expression, while we are protecting him.

To do this, I hold that treaties must be made with them on a far more liberal basis than those of 1871. Instead of perpetual annuity, I

would suggest a much larger sum annually for a stipulated period, say twenty-one years. Instead of a payment in money, I would be in favour of giving him indispensable articles of European manufacture of growth, and of stipulating that a very large proportion devoted to each band on a reservation should be applied to the purchase of agricultural implements, and the payment of native farmers competent to instruct them in cultivating the earth. Instead of the present reserve of 160 acres among a family of six, I would suggest 160 acres to each individual, and stipulate that the reservation should be situated near some well-known fishing ground, and be as far removed as possible from centres of the white population and much-travelled highways.

And lastly, I would expressly stipulate that the most ample provision be made for his education in our language. If sensible gentlemen feel that to do this would entail too great a tax on the finances of the country, I would respectfully suggest that a reservation of one section out of each surveyed township as in the case of school lands would, by its sale at a time when its value had been enhanced by contiguous settlement, provide a fund which would materially lessen the amount necessary to be appropriated for the Indian Department. A change from the policy which dictated the treaties of 1871 I hold to be actually necessary.

I would regret much to be considered an alarmist, yet I declare from my place in this House my conviction based upon knowledge of the feelings of the Indians, that no more treaties can be made with them on those terms; and it is a question whether, till the existing dissatisfaction of the bands already treated with be dissipated, they will make a treaty at all.

I hear it rumoured with a very great deal of satisfaction that the Government propose to manage the Indian affairs of the Northwest mainly in Manitoba, and that, instead of one Commissioner, there will be a board of three, one of whom will be the Governor of Manitoba and the Northwest Territories. If so, this is a step in the right direction, and I would earnestly suggest that this Board take early steps to enquire into the existing causes of dissatisfaction among the Indians who made the treaties of 1871.

Mr. CUNNINGHAM said he wished to make a few remarks on the motion before the House. This restlessness amongst the Indians was attributed to various causes.

First of all there was transition from British to Canadian rule. This they did not comprehend. Colonial relations, as we understand them, were utterly strange to them. Hitherto they had lived on British territory and, so they considered, under British protection; but they were left alone, their hunting ground free to them to roam over when and where they chose; they followed the buffalo on it, and when starvation stared them in the face, as often it has done, they had always a *dernier ressort* in the Hudson Bay Company to fall back upon; but now things were altered.

They heard of the white man coming in from Canada to take possession of their lands, to drive away buffalo and exterminate

them, and reasoning quite naturally, they came to the conclusion that Canada was a different power from England.

And here he might state that one great blunder was committed last summer which had not only a great effect in bringing about this state of things, but had in a great measure caused the Indians to lose any confidence they might have had in Canadian faithfulness. Early in the season the Governor of the Northwest sent fifteen of the chiefs on the Saskatchewan an autographed letter informing them that an Indian Commissioner from Canada would meet them in the neighbourhood of Fort Edmonton in the month of August. The Governor did this in all good faith, relying on the Commissioner to supplement the promise he had made; but what was the result?

The tribes congregated from all parts in the month of August. They waited and waited, but no Commissioner either came nor was anything heard of such a functionary making his approach; and in the end, forced by sheer starvation, they left for their hunting grounds, thoroughly convinced that no faith was to be relied in Canadian pledges or promises and with a full determination to have nothing to do in the way of treaty with a nation on whom no reliance could be placed. It was altogether an unfortunate occurrence, for if there was one thing more than another that should be attended to in dealing with that people, it was carefulness in making promises and, secondly, in rigidly adhering to those promises when made.

But there were other causes for this state of things in the Northwest. One of these was the American element. Were there no more involved in this than simply the traffic in furs with the Indian, it would necessarily involve much cause for concern or interference, but what was the essential element in this traffic? It was rum. These Americans were, for the most part, men of the most lawless character, murderers, outlaws, escaped convicts. These were the kind of men who were playing against us in the Northwest. At first, when comparatively few in number, they were more cautious, and plied their trade in secret; but now increased in numbers and having ingratiated themselves with the Indians, they set all law at defiance and carried on their illicit traffic openly and defiantly.

As an instance, last summer some wagon loads of high wines were carried into the territory by a band of these ruffians. They settled down in the immediate neighbourhood of Fort Edmonton. The Indians came around, the liquor was traded for furs; murders and outrages of the most appalling character were of almost daily occurrence; the whole territory was demoralized to a fearful extent. When August approached, fearing lest the Commissioner might appear accompanied by troops, they made off across the line; but when they discovered that there was little to be feared on this score, they returned with new supplies and were again at work as vigorously as ever.

Nor was this a solitary instance, but bands of these men were to be found all over the Northwest. Now it would be observable at a glance that these ruffians had everything to lose and nothing to look

forward to but ruin by the establishment of vigorous Canadian rule in the Territory, and in order to prevent this being accomplished they were leaving no stone unturned. The Indians were plied with rum; Canadian rule was pictured out to them in the most repulsive colours; the most outrageous lies as to the calamities that would befall them should Canada ever come back into possession of their hunting grounds were propagated. In fact they had wrought many of them up to such a pitch that they spit at the very name of Canada. Looking forward to disturbances they were arming them as fast as their gains would allow with rifles, and we had virtually today in the Northwest a hostile people to deal with.

But there was still a third element in this Northwest difficulty well worthy of careful watching. It was calculated that at present on the Little Saskatchewan and other rivers there were at work upwards of a thousand miners gathering gold dust from the sands of those streams. At any moment the cry might be raised of immense gold discoveries in that territory, and what would be the result? Why, tens of thousands of border ruffians would instantly make in, and where would Canadian rule be then? Where would the Dominion Land Act be? They might raise the Republican flag at their will, and there was no man there who would dare even to attempt to make them afraid.

Now, with three facts before us, the question arose what was to be done? It was quite clear that something must be done, something sharp, short, and decisive. The time for writing despatches was gone by. Difficulties must be grappled with, and that successfully for our hold on the Northwest might be endangered, and an enormous expense of life and money involved; and in dealing with those men it must be remembered we were not about to deal with the uncivilized Indian, not with the untutored and in many respects noble children, children of the forest, as they were in the days of William Penn. In one sense of the term, they were as uncivilized as ever—they could not read nor write, nor did they pay any attention to religious matters—but in a business sense they were civilized to a greater extent than people imagined. The day had been when a valuable fur could be purchased from an Indian for a needle, but these days were gone by, for in the matter of trade they were just as keen and wide awake as the white man who dealt with them.

In approaching them in the way of treaty, we must do so in a business fashion. The old style of treaty was a farce, and was so regarded by the Indian himself. About a year and a half ago he saw something of an Indian treaty, and this was the way of it. On the plain around the town of Fort Garry were the camps. The squaws lolled around the wigwams; the children, half nude, squatted on the ground, playing cards for the most part; the atmosphere was saturated with the steam of pork cooking, the lawn was gravelled over with tea leaves, and the very dogs, ordinarily the embodiment of starvation, looked sleek and fat. (*Laughter.*)

In front of the fort and squatted were the chiefs solemnly smoking their pipes; and at about ten o'clock the door of the fort residence opened and out walked Commissioner Simpson with a cocked hat, with a white plume waving gracefully over it, a brilliant

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scarlet coat and dazzling gold stripes on his trousers. Behind walked the Governor, also adorned with a cocked hat and plumes. Then followed the court train, composed of ladies and well-gloved gentlemen, while in the rear occasionally marched the lofty member for Lisgar (Mr. Schultz), patronizing the whole crowd. (*Loud laughter.*)

The Indians and all the pipes having gone round,—how Governor Archibald abhorred the very mention of that pipe, for they hated tobacco in every shape and form and that big pipe made him sick every morning—the Commissioner would enquire whether they had come to any determination as to the Treaty. To this the invariable reply was “Well, not quite, but very near it. Yes, we were very near it last night.”

The Commissioner would then tell them how anxious their Great Mother over the sea was about this matter, that she was waiting very eagerly to hear if her children had made the Treaty; and when one looked at the tear that twinkled in the eyes of the Indians when the Great Mother question was brought up, he could not help coming to the conclusion that it was all a farce.

This continued on that spot for about five weeks; incredible quantities of pork, tea and tobacco, and sundries were consumed, and the whole resulted in an annuity of \$3 a head, with 30 acres of land to each, being granted, together with a little expense bill of some \$50,000.

To his mind, the whole thing, both in the manner it was done and in its results, was a solemn farce; for today these very Swampies were as discontented as ever, and all but repudiated the Treaty entirely. And what more could be expected? For, if he had been rightly informed, the terms of the Treaty, meagre as they were, had not been complied with. It appeared to him that in dealing with this matter the Dominion must make up its mind to two things.

First, she must treat with these people in no niggardly spirit; and secondly, she must have garrisons in the valley of the Saskatchewan. It was all very well to send an emblem of power in the shape of a cocked hat and a scarlet coat, but there we must have the force itself.

Look what the Americans do on the Northern frontier of Dakota and Montana. At this moment they had along the line or near it 15 forts, occupied by 3,000 men, involving an annual expenditure of \$5,000,000; and were we to expect that, with the same material to deal with as they had, we were to manage the whole for a few thousand dollars?

But it might be asked why do the Americans spend so much in this way? For two reasons: first, to give security to the few people who had settled there already, and lend a sense of security to the settlers who were coming, if they had read the history of Northern Minnesota. A stream of navigation was pouring into these fertile plains, which, if it had continued uninterrupted, would have made them one of the richest stretches of territory in the Union; villages

were springing up on all lands; the banks of the rivers and streams were fast filling up, and every sign of prosperous development was manifest.

But what is it today? A lonely wilderness; all that remained of the villages were the posts of the buildings rotted down to the surface, the begrimed traces of some smouldering cottages, with here and there a little mound, telling where another victim lies.

That was one of the experiences from which America had learned a salutary lesson. She knew that had these massacres not occurred she would have been deriving a wealth from those rich plains. Many told the cost it would have taken to have given the protection that would have preserved them, and if we really desired the development and speedy settlement of our territory we must take similar precautions to secure both, for just as sure as troubles begin there, so sure would Manitoba be the scene of conflict; the temptations were too great and the amount of plunder to be got was too enormous to be resisted, and however the conflict might eventuate, it would be equally disastrous to the Province and Territory. Were they driven back it could not be done without slaughter too horrible to contemplate; were they to succeed there would be an end to the settlement of the Northwest for many a year to come.

What we should see to was that such promptitude should be shown such vigorous action taken and such rational means employed, as would be successful in averting so great a calamity as he conceived to be imminent, and aided by American cunning, whether as manifested by the trader or by those in authority. That the Indians were on the march was certain: that that march had no friendly bearing on Canadian rule, he was convinced.

He would throw out one suggestion for the consideration of the Government in dealing with the Indians, namely to get the assistance of intelligent men, acquainted with their language, habits and prejudices. There were such men in Manitoba, men who had lived almost their whole lives with the Indians, and would be of great service to the Commission trading with the Indians. He believed that no blame could be attached to Commissioner Simpson but had he been assisted by such men as he had referred to, instead of discontent today there would have been peace and quietness. (*Cheers.*)

Mr. SCHULTZ said he had not blamed the Hudson Bay Company for the dissatisfaction existing among the Indians, but it was true that there was a connection between the transfer of the Hudson Bay Company to Canada and the dissatisfaction amongst the Indians. The Indians reasoned in this way: they had learned that the Hudson Bay Company had received 300,000 pounds for the surrender of their territory, and they seemed to think the Hudson Bay Company was selling their lands. That was a source of dissatisfaction; and many an Indian had stated his belief to him that the reason why the Government of Canada would only give him \$3 a year was in consequence of their already having had to pay such a

large sum to the Hudson Bay Company. The whole question was a very grave one and deserved serious consideration of the Government.

Hon. Mr. HOWE said the report of the Department would be brought down promptly, and those papers would be included therein. The Government was obliged for any information that would strengthen its hand in preserving the peace of the country. The Hudson Bay Company when they occupied the land did not keep a single soldier in the whole country, but the moment the sovereignty had changed, some person in connection with the Hudson Bay Company, he was sorry to say, had been anxious to multiply the garrisons in the Northwest.

No doubt a garrison at each Hudson Bay Company's fort would be an advantage to persons trading because it would involve a large expenditure in the country. It was the interest of the Hudson Bay Company to aid the Government in preserving the peace of the Northwest; if they could not do it without placing a garrison at every fort, they might as well abandon the country at once.

They could not put a garrison at every fort. They had now at Fort Garry 300 soldiers, but it would not do to distribute these over the country. They had pursued a policy of centralizing the forces, and keeping them ready at any moment to go to any quarter where they were needed to keep the peace. There were also a number of officers surveying the boundary line, who could assist; besides these, the Government was organizing a body of mounted police who could traverse every part of the country where their services were needed.

Already, two very satisfactory treaties had been contracted and the Government had fulfilled these treaties to the letter. Early in the summer Mr. Simpson, according to agreement, met the Indians between Thunder Bay and Fort Garry. He found that in consequence of the discovery of silver and an exaggerated idea the Indians had of the value of the country, he could not buy it at any price, and it was impossible to make a treaty at all. It was late before he could get back to the west country, and what might be there was a gathering of Indians there who were disappointed. The hon. gentleman had spoken of the farce of negotiating the Treaties of 1871, but the expenses of that were paid by the Government. It did not cost the Indians anything.

Some difficulties had arisen in connection with the Sioux, who had come over from the United States and had been guilty of crimes in the United States, and the Government was anxious not to do anything to create the hostility of the United States Government. Still, they had every reason to believe that a fair and full explanation of the matter would be acceptable to the Washington Government, and the Dominion Government had decided to make a provision for the settlement of those Indians in our territory, and a tract of land was set apart for them. They had acted in that spirit which ought always to actuate them in

dealing with the Indians. He did not anticipate any trouble from them.

The House then rose for recess.

AFTER RECESS

QUEBEC COUNTY

The SPEAKER read the return of the election for Quebec County, by which Adolphe Caron was declared duly elected. Subsequently, the hon. gentleman was introduced by the Hon. Messrs. Langevin and McGreevy, and took his seat amid loud cheers.

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PACIFIC RAILWAY

Hon. Sir JOHN A. MACDONALD brought down a return of the correspondence between the Minister of Justice and Mr. Kersteman, in relation to the Pacific Railway.

Mr. SMITH (Selkirk) resumed the debate. He thought no person would be surprised by the expression of opinion which had fallen from the hon. member for Lisgar (Mr. Schultz) for he always made a point of condemning the policy of the Government. He defended the policy of the Hudson Bay Company, and remarked that the Imperial Government had approved of that policy and had recommended its adoption by the Dominion Government. The Provincial Secretary had said he saw no reason why the country should not now be in perfect peace as in the past, but he (Mr. Smith) showed that the state of things was greatly altered.

The Indians and the Hudson Bay Company were formerly a necessity to each other. The one had the furs to sell and the other the necessaries of life to give in exchange. Now, however, the lands which the Indians considered as theirs were used for agricultural purposes, and consequently instead of looking upon the white man as their friend, they were now disposed to look upon him as an enemy. He was of opinion that without an efficient force it would be impossible to preserve peace in the country. At the present moment neither life nor property was safe.

The hon. gentleman also related that a man named Jackson, from the United States, had built a fort called Stand Off Fort, and he defied the Americans on the one side of his fort, because they did not dare to cross the boundary, and the English on the other, because they had no force.

He also showed how little the Hudson Bay Company was likely to profit from the circumstance of troops being sent out.

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He affirmed that the Company did not hold a single contract for the supplying of the troops, and that they had not received a single penny in the shape of rent or remuneration for the building occupied by the troops, or for other Government purposes. He was of opinion that unless the representations of the necessity of sending out military forces were entertained very disastrous results might be brought about.

Hon. Mr. ROBINSON said the Indians of the Algoma district were very intelligent, and many of them had managed to amass an independent fortune, even looking at the matter from our standard of competency. He hoped that in making any future treaty with those Indians the Government would arm their plenipotentiary with the necessary symbols of power, for which they, in common with all uncivilized nations, had great respect and veneration.

Hon. Sir JOHN A. MACDONALD said there could be no objection to the proposed Commission. The discussion, however, had taken a wider range, and had been directed more or less towards the policy which it would be better to observe in connection with the Indians of the Northwest.

He had no objection to the production of papers in connection with the existing Treaty, but if it were to be supposed that no treaty would be made with the Indians except such as they would be satisfied with for all time to come, there would be no end to that sort of thing.

Hon. Mr. MACKENZIE: Hear, hear.

Hon. Sir JOHN A. MACDONALD said the Indians were always anxious to get all they could, either by brute force or bullying; the object of the Government was to meet all their reasonable requests, to promise them all that they deserved, and to carry out these promises faithfully and to the letter.

The Treaty now in existence and which was made in 1871, was as much a treaty on the part of the Indians as on our part. They were free to enter into and free to reject it. There was neither fraud nor guile used towards them to induce them to enter it. The House knew themselves, and they had the testimony of more than one gentleman tonight, that these Indians were fully competent to understand what they were asking for; that they were men of good intellectual ability, as well as of superior physique, and that they had among them half-breeds who, while they threw into their deliberations the advantage of a civilized training, also shared fully the common feelings of the Indians themselves.

It might therefore be fairly believed that in entering into the Treaty with Mr. Archibald, they were quite well aware of what they were doing, and the Treaty itself was fair, just, and honest. It would be a hopeless thing, and unfortunate, if we were called upon to open up this treaty and renew it because the Indians are now not satisfied with it. A bargain was a bargain; and no one knew or—and to their credit he would say it—observed it more faithfully than the Indians. They expected contracts made with them to be fairly and faithfully

observed, and they in their turn faithfully and fairly carried out their share—or, at least, the Government and people of this country had always found it thus.

So far as the Treaty of 1871 was concerned, by which a large tract of country in the immediate vicinity of Manitoba was purchased and obtained, and that it be submitted by the most fair and honest means, he would just say that it was the intention to maintain that treaty and hold that property. (*Hear, hear.*)

As to the other treaties, that was a matter of very great importance. He, for one, thought it was out of the question that the Government of Canada should be called upon to take the responsibility of charging upon the revenue of the country sums of money to be paid to all the tribes from the western boundary of Ontario to the Rocky Mountains. They had all the rights already that they could be permitted to have. The Dominion of Canada must have the right of way for railways and all the lands wanted for the purpose of settlement.

He eulogized the management of Indian affairs by the Hudson Bay Company, and thought that one of the greatest features connected with the policy of that great Company was its treatment of the Indians. He pointed out the peace and prosperity the people there had enjoyed under that regime, compared with those south of the line, and he thought they must be entrusted with the management of affairs as at present for some time to come.

The Government could not possibly be able to protect all the traders in that country, either those moving about or those remaining stationary. It was the duty of the Government to see the frontier protected, to see that the interior was organized and law introduced and enforced, but the idea of defending the traders and trading posts of that country was a task too great for them to undertake, and was not assumed by the Government of the United States.

The country had been ours only some two years and ever since there had been a force of 300 men there, a force by the way of as fine men as there were to be found in all the world. (*Hear, hear.*) The very fact of their presence there in case of anything like war or imminent danger of war was a great security against any outbreak at all.

The Government, however, would go further and would favour a grant of money to organize a mounted police—not a large force, but something after the kind of the Irish country constabulary. This force would have military discipline, would be mounted on the hardy horses of the country, and could be distributed where required. By being a police force they would also be peace officers. A military force would be deficient in the respect that they could not interfere except when the civil officers had failed to keep the populace in proper order, while the proposed force could have the advantage of a military training and the possession of civil power. He hoped this would be the only force which would be required to be placed there by the Dominion, because the country, when settled by the ordinary process, would proceed with the organization of the

necessary protective forces for itself, the burden of which would fall upon the country for whose use it was raised, as was the case in the rest of Canada.

This mounted police would protect the frontier, prevent smuggling, and do other services in connection with the inland revenue; and in case of any outbreak would, in conjunction with the militia, be sufficient for the military purposes of the Dominion.

The difficulty of settling with the Indians, he was afraid, was greatly increased by the injurious advice given by the traders who came across the line. They went to and fro, they had no settlement in the country, and they were therefore under no restraint. They traded with the Indians, and for their furs and other wares gave them arms, ammunition, and strong drink. They flattered the Indian and excited him, advising him to ask unreasonable terms from us. These we had to meet with firmness, and to let the Indians understand that they would get fair compensation for what was asked from them and no more.

The Ministry was fully aware of the difficulties they would encounter and all the responsibility they would incur, when they took the country. The only true way to do this was to be just to themselves and just to the Indians. There was no objection to the appointment of the Commission. (*Cheers.*)

Hon. Mr. MACKENZIE: Is Mr. Simpson not a Commissioner now?

Hon. Sir JOHN A. MACDONALD: No; he has resigned. He (Hon. Sir John A. Macdonald) requested to be permitted to make a remark about that. It has always been the aim that the Governor should be considered the principal in making these treaties, so far as the Indians were concerned. The Indians looked up to him as representative of the Great Mother, the sovereign, with respect and admiration, and the cocked hat and red coat were of considerable importance in their eyes. (*Hear, hear, and laughter.*) If Mr. Simpson had put on a little more of the pomp and circumstance of government he would have been more successful among the Indians.

The plan of the Government with respect to both Manitoba and British Columbia was to appoint a Commission composed of the Lieutenant Governor, the officer at the head of the Land Department (Mr. Lindsay Russell), and an Indian Commissioner, subject to introduction from the Government here, which would consider all matters of importance connected with Indian affairs. They would form a council of advice, and their Indian agent proper would be their executive officer, carrying out the principles laid down to him by the Board and the Government of the country. (*Cheers.*)

Mr. SCHULTZ observed that if Governor Archibald had made promises to the Indians without the authority of the Government, and which he was unable to fulfil, he had committed a very serious error. Above all things good faith should be kept with the Indians. He had been informed by intelligent Indians that, after the Treaty

was signed, the Indians were told that certain things would be given them which were not given them. It was of very great importance that promises made to these Indians should be faithfully kept, because the Crees further west, with whom we would have next to treat, were blood relations of these Indians, and were watching how they were to be dealt with. He hoped the Commissioner to be appointed would enquire into the causes of dissatisfaction at present existing.

Hon. Mr. MACKENZIE hoped there would be no enquiry into dissatisfaction with accomplished treaties. There would be no end of trouble if the Indians got an idea that a treaty could be broken on account of their complaining of it. He agreed generally with the remarks of the leader of the Government (Hon. Sir John A. Macdonald). He hoped the Government would give every attention to the prevention, if possible, of the sale of intoxicating liquors among the Indians. (*Hear, hear.*) He had occasion to notice the reverence with which Indians regarded treaties. He had seen a venerable Chief who showed him a treaty 50 or 60 years old, and had pointed out several clauses under which they had claims, and they looked upon that treaty as a sacred document and had most entire confidence that the Government would fulfil it, that good faith that Government had always kept. The Indian was our real security in the Northwest. (*Hear, hear.*)

He regretted that the hon. member for Lisgar (Mr. Schultz) and to some extent the member for Marquette (Mr. Cunningham) had spoken in such a way as to encourage the Indians to suppose that if they desired to break up the Treaty they might succeed. He was glad to hear the remarks, on that point, of the leader of the Government. It was of the last importance that a treaty already made should be enforced. If we found that we had not dealt liberally enough with the Indians, we might supplement the treaty of our own motion, but not in consequence of any demand on their part.

Mr. SMITH (Selkirk) suggested that one of the Commissions should be a half-breed, having a practical knowledge of the country and of the Indians.

Hon. Sir JOHN A. MACDONALD said it was important that this Board should be composed of Government officials directly responsible to the Government. (*Hear, hear.*) They might obtain very valuable assistance from the half-breeds and others who were acquainted with the Indians and their language, and these services would of course have to be paid for.

The motion was then carried.

* * *

ST. JOHN MORNING NEWS

Mr. PICKARD moved for a statement of monies paid to Mr. Edward Willis, proprietor of the *Morning News*, St. John, New Brunswick. He wanted to find out whether this man was a hireling or not. (*Laughter.*)

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Hon. Sir JOHN A. MACDONALD: The motion may go. Agreed to.

* * *

INDEPENDENCE

Mr. WALLACE (Norfolk South) rose amid laughter to move the following resolutions:

1st. That in future Canadians must look forward to attaining their full status as a people, but while doing so they are alike opposed to independence or absorption into the neighbouring Republic, and desire only to enjoy their rights as full as their fellow subjects in the British Isles.

2nd. That in return for being endowed with their full rights as subjects, the Canadian people will be prepared to assume their share of the responsibilities arising out of them.

3rd. That steam and telegraph having connected London and Ottawa so closely together as were London and Edinburgh at the time of the union between England and Scotland, there ought to be no insuperable difficulties to obtaining an object so much to be desired.

4th. That a humble address be presented to Her Majesty praying that the Imperial Parliament may be recommended to take into consideration the confederation of the Empire, or some other plan that will give Canadians the full rights and privileges of British subjects.

It might be said these resolutions were premature, but when the first journal in England had said to Canada take up your apprenticeship and go, it was time to consider the question of our tutelage. Independence and annexation had been spoken of, he wished none of either, nor desired severance from the parent State, and therefore he thought it better to propose some way by which Canada should become practically independent without severance from Great Britain.

Proud he was of being a Canadian, and hoped she would reach the highest pinnacle of material and moral greatness. His heart clung to his native land, yet proud as he was of being a Canadian, he was prouder far of being a Briton, as every heart that beats with proper pulse must expand with a higher and holier emotion in thinking of those who for conscience sake walked to the stake, than to those who made conquest by force of arms.

It was a boast here in Canada that if we went into the courts our judiciary were not to be bought as they were in the United States, and justice would be done to all; happily in this country we had not mixed politics with judicial appointments. Here, too, the bowie knife and revolver were unknown, and life and property were safe. Therefore he was opposed to absorption by the United States. He was also opposed to independence, as it would involve severance from Britain, a connection of which we should be proud.

He desired this House should sanction an address for confederation of the empire or some other plan that would give to this country full rights and privileges as British subjects; and if it were possible to get all English-speaking people into the confederation he would admit the Americans. (*Cries of oh, oh.*) And if we could not, then let them enjoy their republican form of government. Such a confederation would be worthy of the highest traditions of Canadians. He moved in effect that people of this country were alike opposed to absorption or independence and desired only to enjoy the full benefits of British subjects.

Mr. STAPLES seconded the motion.

Hon. Mr. TUPPER said that admirable and patriotic as were many of the sentiments contained in the resolutions submitted to this House, he trusted the hon. gentleman would be induced to withdraw them. It was only as yesterday this country underwent a great constitutional change, and it was only yesterday the ablest minds of the country were engaged in developing such a scheme of government for British America as they believed would conduce largely to its prosperity. He was proud to say that the results of the great constitutional change had not only equalled but exceeded the most sanguine anticipations indulged in reference to them. He believed those who desired the severance of the country from Great Britain were few and far between and that the people were satisfied with the Constitution it was our pride and glory to possess.

He maintained that it was to the interest of Canada to strengthen the connection between Canada and the Crown. When the time for separation came, he believed it would be by force of circumstances which would be as conducive to our interests as to the interests of the mother country. He affirmed that they, as Canadians, at present held the same position as they would if the proposed change were effected. The connection was as strong as any could exist, and was of the strongest and most enduring and exalted character. How could our status be raised by changing a connection which at present is of the highest character, and yet leaves us in the uncontrolled charge of our own affairs. He deprecated any action on the part of that House that would for a single moment create the impression in the world that Canadians were dissatisfied with the proud position they occupied.

He referred with pleasure to the rapid strides which had been made in Canada within the last five years in a financial, commercial, and political sense. He thought hon. gentlemen, instead of introducing resolutions of this description, should rather turn their attention to the consolidations and extension of those constitutions which had so largely contributed to the increase in the value of property of Canada.

Mr. De COSMOS was in favour of the reception of the motion. He did not think Canadians possessed the privileges they were entitled to. They had no voice in the Imperial Parliament and he thought it was the duty of Reformers to introduce a measure of this description. He, for one, would have liked to have seen a resolution received, asking upon what terms the Union could be

consummated. He wished to see the Canadians equal politically with Englishmen.

Mr. BROUSE desired to foster a thorough Canadian spirit. He took it for granted the people of Canada were satisfied with the position they held with respect to England. Separation from England, he said, would prove injurious and fatal to both countries. He, for one, was prepared to stand by the maintenance of our present relations with England and the existing Constitution. (*Hear, hear.*)

Mr. WILKES considered that the time had not yet come for action on our part of the kind proposed. The time might come when our institutions became more consolidated, our population vastly increased, and our possibilities of government very different from what they are today. The demand would come, he hoped, first from the motherland, for us to take part in all concerns of the Empire, and bear our part not only in the financial burdens of the Empire, but also in its defence. He eloquently advocated the possibility of so glorious a consummation.

Hon. Sir JOHN A. MACDONALD said he did not think the gentleman who introduced the resolution had any cause to regret having done so. For his own part, he was extremely obliged to him for bringing the matter before the House, if for no other purpose than of drawing out from gentlemen on both sides unquestionable expressions of opinion in favour of maintaining the union with the mother country. It was exceedingly pleasant to know that in this House no representative of any portion of the Dominion had risen in his place and expressed any opinion in favour either of independence or of separation. (*Hear, hear.*)

He believed that independence and annexation were the same thing. The only difference of opinion on the subject in Canada was that some distinguished individuals had expressed an opinion in favour of independence. He believed that independence was absolutely impossible in the present state of the Dominion, and he could not believe that any contingency would ever arise involving the necessity of separate nationality. (*Hear, hear.*)

The stronger we became the more we would feel the expediency of continuing the connection with the Mother Country. By slow degree, as expressed by our late Governor General, that connection would be less of an allegiance and more of an alliance. No matter if our population and wealth should become even greater than those of the Mother Country, still the connection would exist. The great British Empire, with the moral support of the United States, would form one great Confederation that would enforce the principle of British law and British freedom upon the consideration of the whole world.

As regards Independence, it was absurd. We could not walk alone; we must either retain our connection or sink into separation, and he cited the condition of small states like Denmark and Belgium as instances of what our position would be under independence. He believed that if we were separated from England,

in five years we would be absorbed in the United States. He did not suppose that the Government of the United States would endeavour improperly to absorb us, but there would be such a rage for the absorption of Canada that the public sentiment of the United States would grow by degrees, and would ultimately reach the Halls of Congress, while there would be a continual state of uncertainty in Canada. Then, if any difficulty occurred between us and the United States, we would have to yield in every respect, or face a disastrous war.

He did not believe that the lion and the lamb could lie down together. The lion might lie down and the lamb too, but, as the Yankee said, the lamb would be inside the lion. (*Laughter and cheers.*) He thought the hon. gentleman had attained the object he desired, and he hoped he would now withdraw his motion.

Mr. RYMAL said he would like to say a word or two upon this matter before the motion was withdrawn. The hon. gentleman who had introduced this resolution—by order, he presumed (*cheers*)—had found himself in too deep water. He was not able to make out a case. The hon. Minister of Customs (Hon. Mr. Tupper) indulged in that loyalty for which he was well known, and also in a little self laudation for which he was also celebrated, but he did not enter upon the merits of the question, and he (Mr. Rymal) fancied that the whole movement had been a ruse on the part of the Government and their seconders to cast a slur of disloyalty upon some gentlemen on this side of the House. (*Cheers.*)

He knew the practice of the Tory party for the past fifteen years (*laughter*), and there never had been a want of confidence motion pending before the Legislature but the Tory party had sought to cast the charge of disloyalty upon their opponents. (*Hear, hear.*) On this occasion the member for Norfolk South (Mr. Wallace) had been made the catspaw of a designing Minister (*cries of Order*), and introduced his resolution according to order, and no doubt the gentleman opposite was very well pleased at the way he had introduced it.

The object they had in view, however, had failed. They had failed to make out a case even for themselves, and now, with shame upon their faces (*laughter*), they were willing that their bantlings should be strangled by their own hands. (*Cheers and laughter.*)

Mr. WALLACE (Norfolk South) wished the hon. gentleman to understand that when he had introduced his resolution he had spoken to no member of the Government on the subject, nor any member of the House. The reason he introduced it was because he had heard sentiments in favour of independence expressed on the floor of the House, and he wished to place something before the country that would have a counteracting effect. When the hon. member for Wentworth South (Mr. Rymal) knew him a little better, he would know that he never became the catspaw of any party. He had succeeded in the object he had in view, and he would now be pleased to withdraw his resolution.

The resolution was then withdrawn.

March 31, 1873

ONTARIO AND QUEBEC ARBITRATION

Hon. Mr. DORION (Napierville) moved for copies of all correspondence which may have taken place between the Government of the Dominion or any member thereof, and the Governments of the Provinces of Ontario and Quebec, or any members of the said Governments, in relation to the arbitration which has taken place for the apportionment, between the Province of Ontario and the Province of Quebec, of the excess of the debt of the late Province of Canada, over and above \$62,500,000 assumed by the Dominion of Canada under the British North America Act of 1867; also in relation to any appeal to the Privy Council from the decision of the arbitrators.—Carried.

* * *

INDIAN RAID ON HUDSON BAY FORTS

Mr. CUNNINGHAM said he had given notice of motion for any communications the Government may have received relative to the reported Indian raid on Hudson's Bay forts in the West; also any communication that may have been received by the Dominion Government from the Government in the West, bearing on a lawless traffic in the North west by American traders; but after the discussion they had had this afternoon on the subject, he need not now press it.

He held that it was the duty of the Government to send at once someone to the Northwest, not only to see what was going on there, but also with power to deal with the Indians, if necessary. As regards the proposed body of mounted police, he observed that a small body of fifty or sixty men would be of little services for so large a territory.

The motion was withdrawn.

* * *

PENALTIES ON RAILWAY OFFICIALS

On motion of **Mr. OLIVER** the House went into Committee to consider the resolution of providing for the infliction of penalties on railway officials or agents who may act in contravention of the proposed Act for the better regulation of the traffic on railways.

Mr. DALY opposed the motion, on the ground that it was impracticable. It would be impossible for the companies to comply with the conditions of the proposed Act.

Mr. OLIVER observed that similar provisions were contained in an Act of 1867 and were not considered impossible then. There was nothing absurd in the resolution, and he was afraid that if it were not carried the Bill might not pass this session. He simply asked the passing of the resolution in order that the Bill might pass to its second reading.

After some further discussion, the Committee rose and reported the Bill with amendment.

The resolution was carried upon the understanding that the whole question should be considered upon the second reading of the Bill founded upon the resolution.

* * *

ELECTION BILL

Hon. Mr. BLAKE complained that the Election Bill introduced on the 21st had not yet been distributed to the members.

Hon. Sir JOHN A. MACDONALD explained, as the cause of the delay, that it was necessary that some of the clauses relating to bribery and corruption contained in the Controverted Election Act should be included in the Bill now being printed. He assured the House that no further time would be lost in issuing the Bill.

* * *

WAYS AND MEANS

Hon. Mr. TUPPER gave notice that the Minister of Finance would, tomorrow, move the House into Committee on Ways and Means.

The House adjourned at eleven o'clock.

April 1st, 1873

HOUSE OF COMMONS

Tuesday, April 1st, 1873

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

Prayers

PETITIONS

Amongst the Petitions presented were a large number praying for the passing of a Prohibitory Liquor Law.

* * *

ELECTION COMMITTEES

Hon. Mr. CAMPBELL from the General Committee on Elections, reported the panels of the members to form the Election Committees.

Hon. Mr. CAMPBELL also recommended a reduction in the quorums for the committee.

The Panels, three in number were placed in a hat on the Clerk's table and drawn out by the clerk one by one and handed to Mr. Speaker, who numbered them one, two, and three respectively.

On motion of **Hon. Mr. CAMPBELL** the panels were returned to the General Committee on Elections.

* * *

BILLS INTRODUCED

The following bills were introduced:—

Mr. CRAWFORD—To incorporate the Dominion Express Company.

Hon. Mr. GIBBS (Ontario South)—To amend the Act respecting the London and Canadian Loan and Agency Company.

Hon. Mr. MITCHELL—To extend for a limited time the provisions of certain Acts relating to the inspection of steam-boats in British Columbia.

Mr. ROSS (Durham East)—To incorporate the Huron and Ontario Transportation Company.

Mr. GEOFFRION—To grant certain powers to the Montreal and Chambly Railway Company.

Mr. TOURANGEAU—To incorporate the Stadacona Bank.

On motion of **Hon. Mr. MITCHELL**, the Bill to amend the Acts relating to port wardens at Montreal and Quebec was read a third time and passed.

* * *

THE BUDGET

Hon. Mr. TILLEY rose to move the House into Committee of Ways and Means—and said: I beg to move that the Speaker do leave the chair.

Hon. Mr. HUNTINGTON: Does the hon. gentleman propose to make his financial statement with the Speaker in the chair?

Hon. Mr. TILLEY: Yes.

Hon. Mr. HUNTINGTON: Will the hon. gentleman permit me to say that in giving notice of the motion which I gave yesterday, I did so with the impression that the hon. gentleman would make his statement in Committee, and consequently I would have had an opportunity of proceeding before the financial statement was made. Of course there are many disadvantages in my making my motion after the financial statement. Under the circumstances it is desirable not to interpose between the financial statement and the very grave question I propose to submit. If the hon. gentleman still proposes to go on with his statement while the Speaker is in the chair, I shall give notice that tomorrow I will, after routine, propose the question of which I had the honour of giving notice yesterday.

Hon. Mr. TILLEY: The course I propose to take is to make my statement as was done last year and the year before, with the Speaker in the chair. I think such was suggested and entirely approved by the leading members of the Opposition; at any rate it was acquiesced in, and it is my intention to proceed in that manner on the present occasion.

Mr. Speaker, perhaps I may be permitted in the first place, before entering on the statement I am now about to make, to offer a few personal remarks. I may say, Sir, with truth and with sincerity, that there is not an hon. member on the floor of this House who regrets more sincerely than I do at this moment that the statement I am now about to submit is not to be submitted by the talented and venerable statesman who has had that privilege for the last three years. (*Hear, hear, and cheers.*) I say that the leader of the Government, my colleagues, and my predecessor, know right well that when he first intimated to the Government and to me his intention of retiring everything I could say and every argument I could present to my

venerable friend and predecessor to induce him to remain in office was made use of, I am sorry to say without success. I did so for two reasons, because I felt that it was in the interest of the country that he should do so. I felt under his administration of the last three years that he had been most successful in securing the confidence of a large portion of the people, and I am sure a large portion of the members of the last House and of many of them who differed with him in politics. I felt it was desirable that he should continue to occupy the position for that reason; but I had other reasons that were of more importance.

It was when I found that, if he retired from the responsible position he then occupied, those responsibilities must fall on my shoulders, shoulders less able to bear them, and upon one who would less worthily and less ably advocate and present the views and opinions of the Government before this Parliament, that I deeply regretted his retirement. And I felt also on personal grounds that following so able and experienced a statesman and with such short notice, I was placed in a very unfavourable position as compared with the position I might occupy under other circumstances. For these and other reasons I said all I could say to my predecessor and to my colleagues to induce him to remain. I am sure that my endeavours were followed up by those of every one of his colleague and every member of the Government in the same spirit and in the same direction; and it was only when he informed me that it was declared by his medical advisers that, unless he retired from active political life it would shorten his days, and involve him in the most serious responsibilities, that I ceased to urge upon him the arguments and inducements I had been presenting.

Now, Sir, leaving this point, I come to the consideration of the grave questions which are to be presented to this House today. It is usual, on such occasions, to take into consideration the period of three years, embracing the preceding year, the current year, and the year that is to come but I desire, by permission of the House, and it is of some importance that I should do so, to extend my enquiries a little further back than the preceding year, and extend them over the first five years of Confederation. I do so because in this House there are a great many new members who have not had an opportunity of studying our financial position, as other members of this House have had who have been here during those five years. One-third of the members are new faces, and I am satisfied that some of them have not had an opportunity of looking into, investigating, and enquiring into the financial condition of the country during the last five years.

I do so also, Sir, because whatever may be said upon this subject outside of Parliament through the press, by the Government or the friends of the Government, or by the leaders of the Opposition or their supporters with reference to our financial condition in the past, still there may be some question as to the correctness and accuracy of those statements so put forth. There might, I say, be some question, because it would naturally be considered from whatever side those statements emanated, that some allowances were to be made; in fact that the gentleman who made them, or the press which

put them forth, were influenced by Party considerations. But, Sir, on the floor of this House, in the presence of the able leaders of the Opposition, with all the facts and figures before them, and they thoroughly and perfectly cognizant with respect to them, I feel that, if the statements made here cannot be gainsaid, if they cannot be shown to be incorrect or unreliable, the country will be in a position to accept those statements as trustworthy and to be depended upon.

Now, Sir, I may say that, rising from the consideration of the past five years, no matter how we view it, whether in a commercial point of view, whether with respect to trade and commerce, its banking operations, its imports and exports, the increase of the tonnage of our vessels, or with respect to the financial condition of the Dominion, in every aspect in which we view it, I rise from the enquiry, feeling the greatest possible encouragement not only with regard to the past, but with regard to the present, and with regard to the future. (*Loud cheers.*)

Now, Sir, with respect to the last five years, let me call the attention of the House to a few facts which are calculated to show what has been the material progress of the Dominion in the period. First, I call the attention of the House to the marvellous and wonderful increase in the capital that is invested in the banking operations of the Dominion. I call the attention of the House to the extraordinary increase in the deposits of the banks of the Dominion. Nothing can show more clearly and satisfactorily the steady and gradual increase in the wealth of the population of this Dominion, than the facts to which I am now about to call the attention of the House.

Let me first refer to the paid up capital of the banks in 1867. In February 1867, the paid up capital of the banks was \$28,692,980; the paid up capital in 1873 was \$49,189,969. We take now the deposits in 1867, and we find the amount to be \$26,103,004, and in 1873 \$59,560,003. Add to these the deposits in the savings' banks, and we have a net increase of deposits, in the ordinary banks of the country and the savings' banks, of nearly \$33,000,000 within the space of six years. With regard to the increase of the paid-up capital of the banks—and this calculation was confined to Ontario and Quebec, because the returns for the other Provinces had not all come in—it amounted to \$20,497,000. This gives evidence of the progress and prosperity of the Dominion.

But I desire to call the attention of the House to the steady progress made in the imports of the Dominion since the Union; and in the exports, I am glad to say as well. First, with respect to the exports. In 1868, they amounted to \$57,567,888; in 1869 to \$60,474,781, in 1870, to \$73,573,490; in 1871 to \$74,173,618; in 1872, to \$82,639,663, and in the first-half of the current year, to \$53,488,968. (*Cheers.*)

Now then, Sir, we come to the value of the goods entered for consumption during the same period. We find that the goods entered for consumption in 1868 were of the value of \$71,985,306; in 1869, of \$67,402,170, a falling off in that year of upwards of \$4,000,000, which might be attributed to the fact that during the

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first year of Confederation, as merchants withdrew from bond more than was absolutely needed for consumption, because they were not certain that the existing rate of duty would be maintained. In 1870, the amount reached \$71,237,603; in 1871, \$86,947,482; in 1872, \$107,709,116, and in the first half of the current year, \$84,364,291. (*Cheers.*) Then there were exports, and goods entered for consumption in the six months ending December 1872, to the amount of \$126,330,636, as against for the whole of the first year (1867-68) \$129,553,194, or a difference of only about \$3,000,000 between the half of 1872 and the whole of 1867-68. (*Cheers.*) Now, I hold that as an additional evidence of the steady and progressive prosperity of the country.

We come to another statement, and I desire to make it here, because I wish to refer to it at a later period of my remarks. I wish, I say, to call the attention of the House to the rate of duty that was collected on the imports during the first five years of Confederation. The percentage of duties on goods entered for consumption in 1867-68 was 12.25; in 1869, 12.31; in 1870, 13.28; in 1871, 13.52; in 1872, 14.11, and in the first six months of the present year on \$72,841,668 worth entered for consumption a duty of \$6,905,010 was collected, or equal to a rate of 9.47. Now this arises notwithstanding the reduction of taxation in 1871, and the proposition was accepted by Parliament during last session, remitting the duties on tea and coffee.

I would for a few moments call the attention of the House to the operations as far as this Dominion is particularly concerned financially during the five years that have ensued since Confederation. Every hon. member who has looked into the public accounts has read the statement of the auditor there, must have read it with the utmost satisfaction. It indicates that during the last five years there has been taken from the surplus revenue, over and above the ordinary expenditure in payment of the interest on the debt, and very large and extensive expenditures for public works and everything of the kind charged against capital, no less a sum than \$9,522,022, which has been contributed towards the construction of public works out of the revenue. The public debt of the Dominion, as is shown by the statements now before the House, was in 1867, \$75,728,000. The net debt in 1872, five years afterwards was \$82,187,000, making a net increase of the debt of the Dominion of \$6,458,000.

And what have we had in return for this? Just let me say that the increase of debt is just in proportion to the increase of population during that period, and no more. The net debt in 1872, as shown by the census returns of 1871, is just within a few cents in the same proportion as it was in 1867.

What have we done during that period? We have expended half the money necessary for the construction of the Intercolonial Railway, and have finished half of that great work. We have purchased the Northwest Territory, for which the Dominion Government gave 300,000 pound sterling and we have spent 300,000 pound sterling in opening up settlement and establishing a Government in that country. We have spent \$1,500,000 on public

works, chargeable against capital. We have expended \$380,000 on the Pacific survey, to be taken out of the subsidy to be given to the Company, and in addition to this we have assumed \$1,600,000 of the debt of British Columbia, which is represented by a population in proportion to the population that came into the Dominion at the Union. This amount might be struck off, but taking that incurred debt of \$1,600,000 for British Columbia, after we have constructed half the Intercolonial Railway, purchased and paid for it, and spent a million and a half in the settlement of the Northwest and after taking into account the other items which I have mentioned, the debt of the Dominion today is not a cent more in proportion than it was when Confederation took place. (*Cheers.*)

The interest may be stated in precisely the same way, as the percentage of the interest paid is about the same as it was in 1867. The interest is about \$1.22 or \$1.23 a head, whereas the public debt is \$22 or \$23 a head. Let us see what had been done under this state of things. But I must first call the attention of the House to two or three extraordinary expenditures that have been made during that period. We had two Fenian raids, that cost us a very large sum of money during the period—nearly half a million. We have expended \$300,000 or \$400,000 in taking the census, which only occurs once in ten years; and yet the net surplus was over half a million dollars. (*Hear, hear.*)

Now let us see what the taxation upon the people has been, taking the average of the population between 1867 and 1872. I wish to call the attention of the House and of my hon. friends opposite to the mode at which I arrive at this. The direct taxation, the taxation of which I refer, is included in the customs, excise and stamp duties. I do not include the money received from our railroads or the revenue derived from our post office, because if our people are travelling over the Great Western or Grand Trunk they pay their fares and that cannot be considered in the shape of taxation. I therefore say that the taxation is composed of what is charged on the customs or excise and in the shape of stamp duties. This amounted in the five years to \$69,937,057. Divide that by 5 and we have \$13,987,411 per annum. Divided that by our population and it comes to a taxation of \$4.09 per head.

Here I may and I do appeal to my hon. friends opposite, who have had a great deal more experience in this way than I have, because they sat in the Parliament of Canada before we, from the Maritime Provinces, had the honour of a seat here, that under the head of capital formerly and for a year or two after Confederation many items were charged against capital which were subsequently taken from the capital account and charged against income, whereas now we find very few items, except those for the enlargement of the canals or the construction of our railways, which may not fairly be charged against income; and yet the whole taxation for the five years, when we deduct the surplus, average \$3.54 per head of the population of this Dominion. I think hon. members generally—though I know that some of them differ very widely as to the mode in which that taxation was levied, especially for a year or two—will all agree that the pressure of taxation upon the people of the

Dominion has not been considered oppressive during the last five years. (*Hear, hear.*)

Let us, before we go from the consideration of the past to that of the future, consider what has been the experience of the past. It is that we have had a moderate tariff averaging only 12 3/4 percent upon the whole of the goods entered for consumption in the Dominion for the past five years. We have paid all interest and charges and expenses, and enormous sums of money for the construction of lighthouses, and in various other ways have afforded facilities to the trade and commerce of the Dominion, and have still left a sum per annum that would have warranted this Government in paying interest on a debt of \$30,000,000 more than the debt upon which we have been paying interest for the last five years.

This is an important starting point in our history. With reference to this matter, I wish it borne in mind, because I do not wish hon. members to forget this point when I bring it up at a future period, that the surplus we have had over and above, not only paying interest on the debt and all charges, but at the same time depositing \$2,300,000 towards the Sinking Fund for the redemption of the debt, would have been sufficient to pay interest on \$30,000,000 of more debt than we have.

I wish to make one or two observations of some importance relative to the receipts and expenditure of last year, under the supervision of my predecessor. On the 13th of April last he estimated the revenue from customs at about \$12,500,000. He made various other estimates with reference to excise, public works, post office and miscellaneous revenue; and I hold in my hand a statement which shows that notwithstanding the estimate made by my predecessor at the time, the customs revenue, instead of being \$12,500,000 went up to \$12,787,982. After paying back from the money received \$200,000, duty that had been paid on tea and coffee, as refunded under an order of the House, the increase on excise was \$185,651, which was extraordinary and unexpected, but it may be explained in this way.

At that time it was supposed that an additional excise duty would be imposed, and just before the statement was made by my predecessor, a large quantity of goods, on which excise duties were paid, was taken out of bond, and a large amount was gained in that year which this year has been lost. We then come to Public Works which realized \$11,729 over the estimate, and there was also an excess from post office of \$92,374, miscellaneous \$95,157, and there was a deficiency in the stamp duty of \$808, making an excess over and above the estimate of \$664,813.

We find that while there was an increase of revenue the expenditure did not come up to the estimate. This has been the case every year. On Public Works, we have had a very considerable deficiency, amounting last year to \$654,852. All these estimates are made liberally, sufficiently large to cover with certainty all that would be required, and then it very frequently occurs that delays

take place in obtaining titles to land required for public buildings, and generally there is an amount unexpended under that item.

I wish to call the attention of the House to a few items in which there has been a reduction. Under the head of Civil Government there has been a reduction of \$25,492. I know there is a very general impression throughout the country that the Government have been most extravagant with reference to the expenditure under this head. I know that an opinion very generally prevails that such is the case but I think if there is any one point in regard to which the Government stand fairly before this House and the country, and are able to defend what they have done, it is in reference to this matter.

Recently I asked the Auditor General to prepare for me a statement of the increase for the five years since Confederation under this head. In the account of 1867-68 there were certain expenditures which were not formerly charged against the Civil Service, for instance in the Board of Works, certain engineers were employed by that Department on outside service, and the works to which they were attached were charged with their services. These, however, are now charged against the Department.

Then the Adjutant General's branch of the Militia Department is another instance. In 1867 the expense of that branch was charged against the Militia Department; now it is carried into the Civil Service item. There was at that time a system prevailing with reference to the post-office service, by which a large amount of printing was performed under the direction and by the orders of the different postmasters in various parts of the Dominion. Under the existing arrangements a large number of the blank forms and returns were sent out by the Department, and the cost of printing them appears under the "Contingencies" of the Department.

Then there is a new department—that of the Queen's Printer and the stationery; both of which branches, though adding to the expenses of the Civil Service list, have been instrumental in saving large sums of money; while under the Post-office Department they have been establishing savings banks in all directions, involving the receipt of \$3,000,000 or \$4,000,000. This has required additional clerks in the Department here and additional post-offices in all parts of the Dominion.

Taking all this into consideration and deducting the salaries of the Governors for the two new Provinces established since 1867, and notwithstanding the increased cost of the Post-office Department, involving an extra expenditure of \$27,000, the difference between the expenditure under the Civil Service head in 1867 and 1872 was \$594,000 in 1867, against \$663,000; but the absolute, actual difference was only \$11,000.

How has this been accomplished? The fact that under the Civil Service Act, \$50 a year was added to the salaries of the clerks would alone bring the sum up to the present amount; but by the reduction of the incidental expenses of the Department the sum has been reduced by an amount equivalent to the addition to the salaries of the clerks. Then there is a reduction of \$13,153 under the head of

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Administration of Justice; \$895,920 for penitentiaries; \$235,000 for legislation; \$9,533 for militia; \$53,331 for fisheries; \$14,189 for lighthouse and coast service and \$654,852 for public works. I have referred to those charges which are carried over to the current year, and which make the expenditure for the current year heavier than it otherwise would be. There is a reduction, also, of \$167,354 for miscellaneous; \$13,666 for customs; \$57,369 for excise; and for public works, railroads and canals, the expenses of running and working, \$33,703.

On the other side there was an increased expenditure last year caused by the increased subsidies for the new Provinces. For instance, there was for British Columbia a sum of \$377,983. Those hon. members who were in the House during the last Parliament will recollect perfectly well that a sum of \$150,000 was voted in addition to the revenues which might be collected in British Columbia to pay the charges and expenses therefore. The subsidies for British Columbia and the Northwest, and the increased subsidies for the other Provinces under the new census taken about that time were not contained in the statement of my predecessor, and had to be added to the estimate which was then submitted.

Then there is an increase of \$199,704 in charges for the management of the public debt. I may say to my hon. friends opposite that this arose from the fact that the Bank of Montreal had two years or nearly two years, payment under the old arrangement made in that year for the engraving and publishing of Dominion notes under the Act of my predecessor. Then there is an amount of \$38,842 for the Sinking Fund, but the result of the last year, notwithstanding the refund of \$200,000, duty on tea and coffee, was a revenue of \$20,714,813, against an expenditure of \$17,589,468, leaving a surplus of \$3,125,345, and adding Sinking Fund, amounting to \$470,606, it makes in all \$3,595,957. (*Cheers.*)

Now, Sir, I come to a more interesting point, perhaps, and that is to the appropriations for the present year. It will be remembered that when my predecessor made his statement last year, he estimated the income at \$20,600,000, and the expenditure at \$19,600,000, leaving a balance of \$1,000,000; but he remarked, and very properly so, that on that occasion and upon every other, and as there will be for all time to come, a supplementary estimate would be brought down, and when that estimate was brought down it was found that the sum voted by Parliament at the close of the session against income was \$400,000 more than was estimated in the first statement, making the total estimates expenditure \$20,000,000, as against estimated income \$20,600,000.

I recollect that my predecessor subsequently asked that a resolution should pass, and that Parliament would assent to the reduction of the duty on tea and coffee, because Congress had decided on that course.

Hon. Mr. HOLTON: Hear, hear.

Hon. Mr. TILLEY: It was considered wiser and expedient, not because Congress had done so, as had been remarked by hon. gentlemen opposite, but because we must necessarily, in looking at

the mode for raising a revenue and the imposition of duties, look also at the laws and legislation of the neighbouring Republic, as also for the purpose of preventing illicit trade. (*Hear, hear.*) I recollect that he stated that if the House adopted the resolution there might be a reduction of \$600,000, because the revenue of 1870-71 from that source was nearly \$1,300,000. He stated that the expenditure might not reach the estimate, but still, for various reasons, he felt himself justified in asking for the imposition of additional duties until they had the experience of nine months, when Parliament would meet again.

What is the position in which we find matters today? After nine months' experience, we find it is probable that notwithstanding the reduction or removal of the duty on tea and coffee, which amounted in 1870-71 to nearly \$1,200,000, there is every prospect that the revenue from customs will reach at the close of this year the sum estimated by my predecessor before that duty was removed. (*Hear, hear.*) In the estimate that is made of the amount that will be derived from customs this year, about \$200,000 on goods taken out of bond in anticipation of an increase of duty went to the credit of the previous year, but the reduced amount of the current year up to the present time, has reached \$3,353,000. Add one-third for the last and best three months of the year and we have a probable income of \$4,470,000.

We come then to the post office and we find that our estimate was \$700,000. The revenue received to date is \$546,000; add one-third for the last three months of the year and you have \$728,000. Then we have railways, canals and other public works. The estimate for this service was \$1,610,000 and the probable receipts \$1,400,000 or \$200,000 less than the estimate.

Hon. Mr. MACKENZIE: Are these gross receipts?

Hon. Mr. TILLEY: They are. The difference arose from the fact that a sum was asked for in connection with these works supposing that the Intercolonial would be open earlier, and, of course, the income was calculated on the same basis that while the receipts were less the expenditure would be less. But, Sir, the result is that, notwithstanding my hon. predecessor's statement that there might be a deficiency supposing that the whole expenditure took place for Public Works of \$1,600,000, it is found that, notwithstanding the supplementary estimate of last year, notwithstanding the supplementary estimate now before the House, covering an expenditure against income of \$200,000, the expenditure for all purposes during the year will not exceed \$19,600,000; and instead of leaving a deficiency as was possible after the reduced expenditure of \$16,000,000 for current year, it is estimated that there will be a surplus of \$765,000 during the present year.

In the reduction of the expenditure there are two or three items which I should mention.

For Public Works there has been \$4,000 carried over to the next year; then Militia expenditure was \$19,000 short of the votes. In the Census Department the expenditure would be \$130,000 less than

the sum voted. That brought the expenditure down to \$19,600,000. Customs, I place at \$12,500,000, which is the same as that estimated before the duty was removed from tea and coffee. Let us see whether we are warranted in doing so. The revenue to date is \$9,400,000. Add to that one-third for the last and best three months of the year, and we have \$12,500,000. As to excise, the amount estimated is \$4,625,000. We now suppose that we will receive \$4,550,000, the reduction arising from a cause to which I have already referred.

I now come to estimates for the year 1873-1874. It will be seen by the estimates before you that the total expenditure is placed at \$30,894,089.

Hon. Mr. HOLTON: Is that exclusive of the amount authorized by the statute?

Hon. Mr. TILLEY: No, it includes the expenditure authorized by the statute for the construction of public works and all other authorized expenses.

I have not in the remarks I have made referred to the expenditure for the Intercolonial Railway, which is charged against capital, as it is known that a return will be made at the end of the year, and that the amount will be a little under \$10,000,000. Of the estimate for 1873-1874, \$9,974,240 will be charged against capital, viz.:—Railways (Intercolonial), \$4,335,000; canals, \$5,277,000; public buildings, including library and grounds, \$362,000, making a total of \$9,974,240. Deduct from this expenditure \$93,000 in favour of debts falling due during the present year, which will leave to be provided for during the present year out of income \$20,826,849. There is an increase of \$404,398 interest on debt, which we have added to the expenditure. There is for the purpose of providing for the interest on the Intercolonial loan, which will have to be put in the market.

Then we have added to the expenditure under the head of Geological Survey, Meteorological Observations, Weather Signals, \$26,792. This latter is for the purpose of providing that most important information for all parties concerned in the navigation of waters of the Dominion. (*Hear, hear.*) Last year a sum of \$10,000 was appropriated to the purpose. It is felt that the great importance of the work demands that a large sum of money should be placed at the disposal of the Minister of Marine and Fisheries, as the \$10,000 was found quite inadequate. The Government has, during the last few years spent large sums in the erection of lighthouses and improving navigation, thus reducing the rates of insurance and increasing the safety of lives and vessels. We have, therefore, estimated for this service with the intention of continuing the same policy.

Coming to Penitentiaries we find an increase of \$91,000, which is principally connected with the penitentiary to be established at Montreal in the Province of Quebec, erecting buildings, maintenance and salaries of officers.

Then we come to the item for Miscellaneous, showing an increase of \$111,736. Now, Sir, in Miscellaneous will be found this year an item of \$144,000, which has been added in payment of the third instalment to the Imperial Government for arms and ammunition transferred to Canada when the troops were removed. This item appeared under the head of Militia formerly. There is an increase of \$50,000 in the estimate for the boundary survey. From the reports of the officers in charge, and from all the information we can obtain, we think it right to ask for an increase vote for this service.

We next come to the expenses of managing the railways and canals and the salaries of officers and servants in connection therewith; but the greater part of it is to be applied to the increased mileage of lines of railway in connection with the Intercolonial, and the payment of running expenses and of the salaries of officers.

We next come to the Post Office service, and I desire to make a few observations in reference to this item. A system has prevailed up to the present time in reference to the mode of dealing with the Post Office Department, varying from that of every other Department in the Dominion. In every other Department, money received by the officers of the Government had to be deposited to the credit of the Receiver General, but not so with the post offices at Toronto, London, Montreal, Quebec, and until during the last year, at Halifax and St. John. The postmasters paid the salaries and expenses of their respective offices from the revenue, and remitted the balance which appeared in the accounts, but was desirable to change the system as the postmasters now have large sums of money passing through their hands in connection with the Post Office Savings' banks, and it is advisable that they should make returns every day and hand over any monies received to the credit of the Receiver General. It is desirable in the interests of the Department, that it should be placed on precisely the same footing as all the other Departments, and this increase of \$200,000 arises from provision having been made for the salaries of the postmaster and clerks at Toronto, London, Montreal, Quebec and other places. Increased compensation will also have to be given to contractors for carrying the mails, and they cannot and will not perform the work as cheaply as formerly.

Still if there is an increase in the expenditure, there will also be a large increase in the receipts; and the progress that has been made, the manner in which the work has been performed, and the facilities given to the public in connection with this Department are something wonderful. I hold in my hand a statement which shows the increases which have taken place during the last five years. The number of Post Offices in 1868 was 3,638; in 1872, 4,135. The miles annually travelled by the mails in 1868 were 10,662,000; in 1872, 12,548,000. The number of letters sent through the Post Office in 1868 was 18,860,000 and in 1872, 24,250. The registered letters in 1868 were 704,000, and in 1872, 1,277,000. The amount received for postage in 1868 was \$1,024,710 and in 1872, \$1,193,062. The expenditure was \$1,369,570. The money orders issued in 1868 amounted to \$3,342,574, and in 1872 to \$5,123,551. The deposits in the Post Office Savings Banks in the first year of

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their existence, 1869, amounted to \$856,814, while in 1872 they had increased to \$3,096,500. Now this shows that although we may have had a very large increase in the expenditure of this department without an equivalent from the other side of the ledger, still there has been a wonderful increase in the amount of accommodation given to the people of the Dominion, and that at a reduced cost.

Now I come to some of our proposed transactions during the next year. Under the head of ocean steam services there is an item of \$90,000. This is under a new arrangement with Sir Hugh Allan, and after conversation with the Postmaster General I think I am authorized to state that it is hoped that in a very short time the receipts from that service will be equal to, if not in excess of the sum paid for the service. The Cunard line, employed by the United States Government, did not make such good time as did the Allan steamers—(*Cheers*) and the result was that persons corresponding within some districts of the United States, particularly the Western States, forwarded their letters by the Allan line, because they found the letters reached their destination earlier than when sent by the American line.

Next we come to the item for Militia, in which there appears a reduction as compared with the estimated expenditure on this account of \$653,887, but fairly there should not be placed as a reduction \$144,000 before this charge against the Department for instalments of arms and now charged to Miscellaneous, and there might fairly be deducted \$93,000, estimated not to be expended in the present year: therefore the difference instead of being \$653,887 was about \$430,000 reduction.

Then with respect to the fisheries, there was a reduction of \$61,900 under this head. There was an expenditure in the current year for the support of the marine police for the vessels to look after and guard against encroachments by vessels belonging to our American neighbours.

Now, Sir, the question arises how is the Government to obtain the means to provide for this increased expenditure? It was estimated last session that it was possible after having made a reduction of \$1,200,000 on duties, that the Government would probably be in a position that they would have to ask the House this session for increased taxation in some direction. Well, sir, I can quite understand that hon. members and the country generally would not be displeased if the Government were to declare on the present occasion that this was their intention. But after having surveyed the whole matter carefully and looked into it with the most rigid scrutiny, the Government have arrived at the conclusion, that it is not wise, nor is it necessary, to ask Parliament at this session to impose any additional taxation. (*Loud cheers from the Ministerial benches.*)

Sir, I know we may be asked—are we not prepared to make some readjustment of the tariff? The Government at the present session are not prepared to touch the tariff in any shape or in any form. (*Hear, hear from the Opposition benches.*) There are undoubtedly some interests in the country in regard to which, if the tariff

question was opened at all, the Government would feel itself justified, nay, would feel it their duty, to make readjustments; not under the peculiar circumstances in which we are placed—(*Opposition cheers and laughter*)—with the certainty of increased expenditure next year, for which some adjustment must then take place, the Government have concluded, as they feel they will have ample means to meet all their engagements, to declare their fiscal policy to be to tamper as little as possible with the tariff, unless some radical changes are necessary.

Now let us see whether we are justified in arriving at the conclusion at which we have arrived as to the means at our disposal being ample for public purposes. It is estimated that the revenue from customs during the next year will be \$12,500,100. I know that hon. gentlemen of the opposite side may say “your estimate is excessive, because during the past year you had larger importations than in the interest of the country we ought to have had; that there were goods lying on the shelves of merchants, on which duty had been paid, unsold, and of course unconsumed, which would take the place of other goods that under different circumstances would be imported during the next year.” But, Sir, on careful examination of the whole matter I have arrived at a different conclusion.

I admit that during last autumn there was an excessive importation. I admit that it is not desirable in the interest of the country to see a very large importation, as compared with the exports of the country; but I still believe that there is no real ground for alarm in connection with this matter.

Let me just for a moment digress and go back upon this subject for the five or six years past, and ask whether we have anything to apprehend on the ground of excessive imports. As compared with the exports during the last five years there appears to be an excess of imports over exports of \$60,000,000, or \$12,000,000 a year; and it is very natural for persons looking at this subject in a cursory manner to believe that this must lead to embarrassment and financial difficulty. But let us examine the subject. Here we have an excess of \$12,000,000 a year. Add to this the interest on the debt of the Dominion, viz., \$4,000,000, and we have here \$16,000,000 to be provided for that our exports do not appear to provide for over imports for the same period. I think, however, that on examination we shall arrive at the conclusion that there is no ground for apprehension so far as the past is concerned.

I have taken some pains to select one city in this Dominion as an instance of this, viz., the city of St. John, which I have the honour to represent. By the most careful examination made by the President of the Board of Trade, I find that the return freights through the Port of St. John to shipowners in the Province of New Brunswick amounted to \$2,000,000 a year. If that is the case in a city such as St. John, we may fairly assume that return freights to the amount of \$5,000,000 to \$6,000,000 come back to shipowners in different parts of the Dominion which may be set off against the excess of imports over exports. But let us go further. If we take the expenses increased in shipping the produce of the Dominion, amounting to \$80,000,000 a year, and the expenditure on account of labour on

board our ships in loading cargoes and in the several expenses connected with it, for which bills of exchange are drawn against agents, we shall find that these two items alone are sufficient to make up the difference between the imports and exports during the last five years.

Let us come to the question whether \$12,500,000 customs are likely to be realized during the coming year. What circumstances are there to lead us to suppose what we shall not obtain as much during the present year as during the same period last year? I have in my hands reports of the revenue collected during the last eight months of the current year, and I have examined them very carefully to see whether we can gather from them that there was a very large importation during that period. I admit that to some extent it was excessive. I find a reduction of \$824,000, on one side of which no less than \$751,000 was on tea and coffee; but I find an increase of \$932,988, or \$181,988 more than the reduction. What are the items? I can quite understand that, looking at \$32,000 for dry goods, for fancy articles, for silks and satins, for jewellery, for articles that are not the necessaries of life, and which come under the fifteen per cent head, I should conclude very naturally that the increased consumption should not be at all in comparison with the increased revenue derived; but such is not the case.

Hon. Mr. MACKENZIE: Has the hon. gentleman the last two month's statement as compared with the two corresponding months of last year?

Hon. Mr. TILLEY: Yes, and to my surprise it shows an increase. I was surprised to find it, because I fully expected a reduction during the next three months, and the estimate I had made of \$1,333,000 was less than the amount received last year. The receipts were in excess of those for February and March last year, which I was surprised to find. We have in this eight months' statement an increase on sugar alone, of \$37,000. I want to call the attention of the House to this very important and significant fact because we all know that the merchants dealing in sugar on a large scale do not pay their duty unless the article is required for consumption. The duty on dry goods or jewellery is paid when the goods are imported, but it is not with reference to sugar, brandy, gin, whisky, ale and porter. Now we find that the duty paid on sugar alone had increased during that eight months by \$371,000 out of the total increase of \$932,000. It cannot be said that this is not consumption, because we know that sugar is not taken out of bond in large quantities unless required for consumption.

Hon. Mr. MACKENZIE: It is for the refineries.

Hon. Mr. TILLEY: Yes, but this is to a large extent refined sugar of the best quality. Then we come to the duty payable on brandy, wines and spirits, and that has increased \$72,000. We find on goods paying fifteen per cent, that the increase is \$386,000, while on that sugar and spirits amount to \$450,000. I think we may fairly infer from this statement that there is a steady and very important increase in the consumption of every description of article in the country; and that though the importation may be, and I

admit is, likely to be on a few articles in excess of what ought to be imported, still the examination of the last eight months, statement leads to the conclusion that we may plainly expect from customs, an amount equal to that which we have received during the present year.

We come now to the item of excise, from which it is estimated that the revenue will be \$4,725,000, a little in excess of the estimate of the present year, because there has been a loss on the present year for reasons to which I have already referred. From the statements I expect a revenue from railways, canals, telegraphs, Dawson's route and other public works of \$2,250,000, only about \$150,000 or \$160,000, more than the estimated expenditure for these works. It may be that a good deal of the estimated expenditure will not take place. There is a sum of \$250,000 in the estimates for the purpose of working a railway from Rivière du Loup down the St. Lawrence, but some other arrangements may be made with the Grand Trunk for this purpose if it is thought desirable or equitable to do so; and therefore that expenditure may not be required. But supposing the Government were to work it, we should expect an increased revenue in comparison with the increased expenditure during the year. The whole of the Intercolonial Railway loan cannot be used, but we think that we ought to get out of that fund \$100,000. The total of our estimated revenue, if based upon correct principles, will amount to \$21,740,000, against an estimated expenditure of \$20,826,849, leaving a surplus of \$913,151. Now Sir, there may be supplementary estimates, and there may be other requirements necessitating the consumption of larger sums than those estimated; but the Government do not think it right to ask Parliament to impose additional taxes upon the country at this time.

I will ask the House to go with me and look into the future with reference to our liabilities and the prospects of meeting them under our estimated income. During the first five years we have had a surplus sufficient to pay all our engagements, to provide for the Sinking Fund, and to pay interest on a debt of \$30,000,000. We have in the present year surplus, without taking into account the Sinking Fund for the present year, of something like \$750,000. I see nothing to prevent a surplus during next year, but we are entering into new and heavy engagements involving a very large sum of money. We have entered into an engagement by which we undertake to pay to the Pacific Railway Company \$30,000,000. The canal system which has been accepted by the Dominion Government will involve an expenditure of at least \$20,000,000.

How are we to meet the annual charge involved by these engagements? We have to fall back in the first place, upon the guarantee of the Imperial Government of 2,000,000 pound sterling, in lieu of the Fenian claims. Then we have the guarantee for the Intercolonial Railway of 2,500,000 pound sterling, and the guarantee of 300,000 pound sterling in connection with the Northwest Territories; and I may state to the House that the Imperial Government have consented to the transfer of the Fortification guarantee of 1,100,000 pound sterling to the construction of our canals and the Pacific Railway. (*Hear, hear.*) These four items, making a guarantee of 5,400,000 pound sterling,

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or \$26,000,000, which certainly can be had at four per cent, with an annual charge of \$1,040,000. Then for the \$34,000,000 estimated at 5 per cent, the annual charge will be \$1,700,000, with the additional provision of one per cent for Sinking Fund, making an annual charge for these works of \$3,367,400. The canals are estimated to be completed in five years from the present time, and the Pacific Railway in ten years. Let us consider for a moment whether we are likely to be able to meet these expenditures in the future without adding heavy and increased burdens upon the people of the Dominion.

I would like to take you with me in imagination to the time of the expiration of the next ten years when the Pacific Railway will be built. I believe that there is too much patriotism in this House, and this country, to allow either personal or political considerations to interfere with the prosecution of this national enterprise. I look to the completion of this work with as much confidence as I do upon any profession that has been made by this Parliament during the last five years.

We will go to the Pacific. We find that the miners now engaged there are paying fourteen cents per pound for all goods they consume, and a man must earn \$4 or \$5 a day to make it an object for him to remain. The House can appreciate the effect that will be produced in that far off colony when the railway is in full operation, and when the miners can be sustained there at a dollar a day. A very large and rapid influx of population will take place and the fertile valleys will be settled by industrious agriculturalists, who will obtain good and ample compensation for their labour. The produce of their lands will be carried to the sea board by Pacific Railway, and a large increase to the revenue of the Dominion will be the result.

Let us come a little way east and visit the Northwest Territories. With this railway completed through it, a territory than which there is no better on this continent, capable of the highest state of cultivation, three times the size of the State of Illinois, is it not to be expected that such a territory, with the same railway facilities that settlers had twenty-five years ago, will have its population increased so rapidly that we may soon expect one or two more provinces between Manitoba and the Rocky Mountains all contributing to the Dominion Treasury.

Let us come a little further with the canal system completed, and the connections made with the Pacific Railway at the head of Lake Superior, and the settlers of the Northwest producing double what they require, the surplus being brought down by the railway, placed on our vessels and sent through our canals. Toronto, the trade of which has doubled in the last five years will be quadrupled by that trade, and Hamilton and London will be equally favoured, and all this will contribute to the revenue of the Dominion.

Let us come further east still to the Province of Quebec, and looking to Montreal. There will be nothing in the world to prevent that city becoming the rival of New York. With reference to the

ancient city of Quebec, with the public spirit shown by her people of late, she would bid fair to come next to Montreal in importance in the Province, and double her revenue.

Then, coming to my own Province, with perhaps limited advantages compared with Ontario and Quebec, but prepared as we shall be with the aid of the railway, we shall fight hard for our share of the shipping trade. Passing to Nova Scotia, I have no doubt that before the expiration of the ten years she will have a railway from Cape Breton to the most westerly point of the Province. Halifax will secure her share of trade as the necessary result of the Intercolonial; and this, with the development of her vast mineral resources, may reasonably be expected to enable her also to contribute more largely to the Dominion. With all these influences may we not expect to derive an income fully able to meet the increased expenditure?

But, Sir, suppose all this is a vain delusion. Suppose, notwithstanding this enormous expenditure, notwithstanding the completion of the Pacific Railway and the opening up of our magnificent system of canals, it does not add to our population beyond the percentage that has been going on for the last ten years. Suppose no increased importations take place in the general trade, which is supposable, but not realized.

Let us see what our position would be if we were to fall back on increased taxation to make up the deficiency. I have stated that in the last five years the average duty collected on imports amounted to 12 3/4 per cent; that for the first six months of the current year it was under ten per cent and that for the expiration of the year it would not exceed 10 per cent. Suppose that it became necessary to impose additional taxation equal to that which has been exacted during the first five years of Confederation. Suppose it were increased from 10 per cent to 12 3/4—has the taxation in the past been oppressive? Have the people felt it grievous and hard to bear? I think not; but let us apply that increased taxation to the imports of the present year, which were \$155,030,000, and it will give \$3,437,500 to meet the interest and sinking fund. (*Cheers.*)

Under these circumstances we could in the last five years have borne an additional debt of \$30,000,000 without materially increasing the taxation of the people, and at the same time opening out our magnificent Northwest to millions pouring in there, increasing the strength and power of this Dominion, and making it, as I trust it will ever continue to be, the strong right arm of our own British Empire.

The right hon. gentleman resumed his seat amid loud cheers from the Ministerial benches, having spoken an hour and a half.

Hon. Mr. MACKENZIE said that every one would rejoice at some of the statement that had just been made, and every one would accept all those statements as being perfectly accurate, unless prevented from being so by mere accident. He wished, however, to ask the hon. gentleman whether in calculating the amount of customs' duties he had included the free goods.

Hon. Mr. TILLEY said the percentage he had named was on the whole imports entered for consumption.

Hon. Mr. MACKENZIE thought so, and in that case the statement made was quite illusory. He was glad, however, to hear the hon. gentleman inform the House that it was not intended to make any change in the tariff during the present year. He recollected, however, that the leader of the Government and the hon. member for Vancouver (Hon. Sir Francis Hincks) during the recent electoral campaign, had made one of their principal charges against him (Hon. Mr. Mackenzie), and those acting with him politically, that they were free traders, and persons likely to be concerned in the representation of any such city as Hamilton, for instance; and the hon. member for Vancouver then expressed himself in favour of incidental protection. But what would the manufacturers of Hamilton and elsewhere say when they learned there was to be no change, no protection, and the policy announced and the promises made during the election were not to be carried out; and though by the prospective revenue the hon. Finance Minister might be justified in proposing no additional taxation, he was not morally justified in doing so as the colleague of the gentlemen who had made the promises he referred to.

The hon. Finance Minister had made a very interesting calculation to show the pressure of present taxation on the people which he had stated to be about \$4 per head; but this was only the taxation imposed by the Dominion Government without relation to the local taxation. In Ontario there was so complete a municipal system that two-thirds of the expense of the administration of justice, for instance, was paid by the local taxation; and as a matter of fact, the local taxation in that province amounted to \$4 or \$5 per head, and though he could not speak of the other provinces from actual experience he had no doubt that the case was the same there. This was exclusive of the revenue made by the provinces from such sources as its woods and forests, which were practically a taxation on the people and would increase the rate of taxation to certainly not less than \$9 per head altogether.

Then again the burden of taxation must always be proportioned to the means of the people to pay, and therefore no comparison could be drawn between England and Canada in this respect, inasmuch as the realized wealth of the former was fully four times as great as that of the latter. He maintained that the most important thing to be borne in mind in Canada was to make living as cheap as possible, and that severe taxation would result in a falling off in settlement and emigration. He looked with great apprehension to the amount of taxation pending in the future; and he believed it would require all our patriotism, to assist the Government of the day in keeping down the taxation, and keeping it within such bounds as would effectually prevent its pressure unduly.

While looking with hope to the fulfilment of the completion of the Pacific Railway, and while he would use his utmost efforts to assist a wise accomplishment of that project, he did not believe that it would materially assist Canada as a means of transporting the

produce of the West to the East, as he believed it to be impossible that agricultural produce could be transported over 3,000 miles of railway with benefit to the producers. The railway would only be of service as a means of settling up the country; and the produce could then be used in maintaining the increased population which might fairly be looked for with wise laws and a proper land system. He believed, however, that the provisions affecting lands made by the Government in the contract for the building of the railway, would probably hamper settlement; and it was his deliberate opinion that unless those provisions were changed the hon. gentleman would neither have the railway completed, nor have the resources which he anticipated would be derived from it.

He agreed with the proposition in connection with the Post Office arrangements that the entire revenue should be paid into the public chest, and the expenses paid out of that chest. As to the reduction maintained in the Civil Service salaries, he did not understand the explanation of the hon. gentleman, for he believed it could be shown that there had been steady and decided increase in the expenses of the Civil Service. Statements of this kind ought to be based on actual and not estimated expenditures.

As to the ocean postage, he desired to ask the hon. gentleman whether in stating that the receipt would shortly equal the expenditures, he had taken into calculation the proportion payable to the Imperial Post Office authorities.

Hon. Mr. TILLEY said he would ascertain that from the Postmaster General (Hon. Mr. Campbell).

Hon. Mr. MACKENZIE resuming, said that as to the militia matters in connection with which a decrease was made, he proposed to call the attention of the House to the matter on a future occasion. He believed that there was a strong opinion that a great deal of the expense at present incurred was unnecessary, and didn't attain the objects proposed. During the past year the Government had established a new force in Ottawa, a mere caricature of the English Household troops. In this they had acted entirely outside of the law; and while he would willingly consent to aid the Government in maintaining the defence of the country, he strongly objected to unwise and unauthorized expenditure, which would only create jealousy and ill-feeling.

As to the lengthy reference made to the difference between the exports and imports, he did not think it at all necessary, for every reader of political economy must know perfectly well that the excess of imports over exports never impoverished a country.

As to the public works expenditure, he did not believe that the canal works contemplated could be done for anything like \$20,000,000. No statement in detail had been furnished on this subject, but he was informed that the case of the Baie Verte canal, for instance, it was the opinion of very competent engineers that Mr. Keefer's estimate would be largely exceeded; and he believed the same would be the case in other works.

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Rumours were heard a few days ago, a few months ago, in fact the air was filled with rumours, that the hon. gentleman opposite proposed some plan in order to provide Better Terms for his own province. The hon. gentleman told them that afternoon that he hoped the province would be able to contribute a good deal more to the revenue than it had been able to previously, but no word was said with reference to the important subject of Better Terms. He did think the hon. gentleman was bound to take the House into his confidence and tell how he proposed to meet the demand made by his province.

They were also told that the Government proposed, whether the other provinces were willing or not, to assume the debt of Old Canada in order that they might be able to pay *pro rata* to the people of New Brunswick, and that this, putting them in possession of so much money at once, would have the effect of silencing their objections and enabling them to give that support to hon. gentlemen which seemed to be constantly slipping from their grasp but they had not had that scheme brought down. Was it true such a scheme was in contemplation? Had the Governments of the other provinces been solicited to enter into the scheme, and was it true that the people of New Brunswick were to be parties to an arrangement which, as they paid a larger import duty per head, would merely give them the privilege of paying a portion of the debt of old Canada? He did not know how this was, and with the utmost humility he thought the hon. gentleman might supplement his statement with this information.

It was quite impossible for him in his (Hon. Mr. Mackenzie's) opening remarks to enter fully into the various points. He would, therefore, venture upon no criticisms except upon the points palpably open to criticism. After looking at the hon. gentleman's statements, he would on a future occasion compare them with what he supposed to be the existing facts in relations to certain expenditures, and then he would address the House on the subject. He then would take no unfair advantage of the hon. gentleman in any part of his speech, but he would endeavour while occupying his present position to deal with the hon. gentleman and his measures as he would expect to be dealt with if he (Hon. Mr. Mackenzie) occupied the hon. gentleman's position. (*Cheers.*)

The House then rose for recess.

AFTER RECESS

The **SPEAKER** took the chair after recess, at 7.20 p.m.

* * *

THE BUDGET

Hon. Sir FRANCIS HINCKS said that but for the remarks of the hon. member for Lambton (Hon. Mr. Mackenzie) which had special reference to himself as Minister of Finance, he would not

have taken up the time of the House upon that occasion. Before, however, proceeding to reply to these remarks, he would express the very great pleasure with which he, in common with other members of this House, had listened to the able and lucid speech of the hon. Minister of Finance (Hon. Mr. Tilley). (*Hear, hear.*) He was not at all surprised at that speech, knowing as he did, by long experience in the Government with the hon. Minister, the amount of information that gentleman possessed regarding the financial questions of the whole of this Dominion. On account of that experience, exceeding over two years, he again asserted that he was not at all surprised that the hon. gentleman had given such a lucid and explicit explanation of our financial position and prospects, and he had no doubt that that explanation was satisfactory to the gentleman on his own side if not indeed to the whole House.

Personally he had to thank that hon. gentleman and several others for the kind way in which they had referred to him. He had taken another opportunity of stating the reasons which had induced him to leave the position which the hon. gentleman now so worthily occupied, and he was gratified to be able to state that the kindly feelings which his hon. friend had seen fit to express were fully reciprocated by him, and there was no difference of opinion between himself and any member of the Ministry. They were as fully in accord now as they every were, but he had no desire to take up the time of the House with any remarks of a personal character, but would just venture to make a few observations on the speech of the hon. member for Lambton.

Every hon. member in this House would agree with him (Hon. Sir Francis Hincks) that the chief point in that speech was an attack upon the late Finance Minister in reference to opinions expressed by him during the late election campaign on the subject of Free Trade and Protection. He denied that either he, or the right hon. gentleman at the head of the Government (Hon. Sir John A. Macdonald) had, during that time, expressed any other sentiments upon that question than they still held and certainly not such as they were credited with by the hon. gentlemen opposite. Besides that the opinions they expressed were strictly in accordance with those principles which the hon. gentleman himself claimed to hold and had frequently laid down. He gave that hon. gentleman every credit for his ability and for the manner in which he managed to keep such a large following behind him in this House as he now had, and that in the face of the most inconsistent policy. He was constantly pursuing a policy the most inconsistent which could possibly be conceived. (*Hear, hear; Oh, oh; and cheers.*) He stated unhesitatingly that the hon. gentlemen opposite entertained the most inconsistent and conflicting views with regard to the financial policy of the country which it was possible to conceive.

What were the sentiments of the hon. member for Montreal West (Hon. Mr. Young) as compared with those of the hon. member for Oxford North (Mr. Oliver)? The last named gentleman was an avowed protectionist, and went to his constituents as such, and in this respect he differed entirely from the majority of hon. gentlemen who sat upon that side of the House. He was at one time, and that not very long ago, one of a deputation who had waited on

him while Minister of Finance, for the purpose of pressing upon him and the Government the expediency of imposing the very duties which members on that side of the House declaimed against so vehemently, and which he was said to have advocated during his perambulations in the West.

Now he did not during the whole course of his career say anything which would justify the statements made by the hon. gentleman. He never was a protectionist, and never pretended to be a protectionist. He had in the course of his life studied political economy, as laid down by several most eminent writers upon the subject, with whose opinions he agreed. He had ever been perfectly consistent so far as that was concerned, and he would have called upon the Minister of Justice (Hon. Sir John A. Macdonald) had that gentleman been in his place to attest that there was nothing said in their western tour which could be construed as protection pure and simple.

What they did say was that if the people desired protection, or incidental protection, it was not for the Government to say they should not have it. He would challenge his hon. friend to lay his finger upon a single statement made by him or the Minister of Justice, in which they had expressed themselves in favour of putting taxes upon the people merely for the purpose of carrying out the principle of protection. He was not going to review the whole of the speech of the hon. gentleman, which he understood, was made for the purpose of eliciting the opinions held by the members of the Government upon that subject. His hon. friend the Minister of Finance pointed out the small taxation imposed upon the people of this country, which was about \$4 per head of the population. The hon. gentleman, in commenting upon this, had compared it with the taxation upon the people of England, and had asserted that there was a very large amount of local taxation, which had to be added to the figures appearing on the statement of his hon. friend the Minister of Finance.

The argument was entirely false, for it was well known that in that respect, England, with her poor rate and other small taxes, would compare very unfavourably with Canada. In this country taxation was stated to be \$4.00 per head per annum. In England it was \$11.50 per head per annum, and upwards of \$7 per head in the United States. In England the taxation necessary to meet the interest upon the National Debt was alone more per head than the whole taxation in the Dominion. He did not understand the budget speech to have meant several things which the hon. gentleman thought it did, and he did not believe that that gentleman put the proper construction on that part of it which related to the export trade of the country.

One of the greatest successes which attended Confederation was the saving which it enabled them to accomplish in the expenditure of the Dominion. He had entire confidence in the state of things which existed at present and had no desire for a change when the necessity for it arose.

Mr. OLIVER defended the conduct of the hon. member for Lambton (Hon. Mr. Mackenzie) in referring to the hon. member for

Vancouver (Hon. Sir Francis Hincks). He denied ever having been or having the intention of ever becoming a Protectionist and had only applied to the hon. member for Vancouver as Minister of Finance as one of the deputation from his constituents, who desired reciprocity with the United States. He utterly denied being a protectionist.

He was well pleased with the statement of the Finance Minister as to the financial position of the country, but he would make one remark in reference to a subject which was not referred to, and that was the increase of expenditure. The expenditure had increased since 1868 by 50 per cent, while the revenue had increased only 25 per cent during the same period. He pointed out the difference of the case in the United States. He inquired if deposits from insurance companies and savings banks were included in the statement made by the Minister of Finance.

Hon. Mr. TILLEY: Yes, they are.

Mr. OLIVER continued to say it was a usual practice of the hon. member for Vancouver to fling something across the floor of the House before he sat down, and endeavoured to justify himself for holding unpopular views by saying some hon. gentlemen did the same.

Mr. YOUNG (Waterloo South) said in the statement of exports and imports the Minister of Finance told the House something they knew from reading the daily newspapers and other public magazines. That the country was prosperous in the whole was an undoubted fact; but this arose not from the economy of the Government, but from the industry and perseverance of the people (*hear, hear*), and that, too, is in spite of the lavish expenditure of the Government. (*Oh, oh, and cheers.*) He commented strongly on the vacillating policy with regard to the tariff. At one time, in the first Parliament, they had told the House it was absolutely necessary that duties should be put upon flour and similar articles. The second session they were told these must be taken off, and in the third they were yet again put on. This time it was said the question was settled for all time. Latterly these duties were taken off by the House not with the concurrence of the Government but in spite of their strenuous efforts. He quite believed that in the heat of debate gentlemen allowed matters of importance to slip from their memory, but he was astonished to find such extraordinary statements made by the late Minister of Finance in the question of protection. He contended that there was no question that that gentleman and the Minister of Justice (Hon. Sir John A. Macdonald) had more largely endeavoured to make political capital out of that this same question during the late election campaign. He referred to the statement made at Goderich by the Minister of Justice, where, as he was reported in the *Mail*, which hon. gentlemen took as a great authority, he had advocated not merely protection to farmers—a gross piece of humbug—but he actually claimed it for sale also. (*Laughter.*) He pointed out that an enormous expenditure over what was actually necessary for the purposes of the Government of the country had taken place. Railways for the present had filled the coffers of the Government, but who was prepared to deny that they had added to the actual debt

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of the Dominion? Just look at the debt contracted by the municipalities, which he contended had reached no less than \$30,000,000.

He reminded the House of the random guesses of the late Finance Minister, which were called by the name of estimates and which sometimes fell two and three millions short of the actual amount necessary. To prove to the House that the assertion of the increased expenditure of the Government was fact, he pointed out that during the time of Sir John Rose, it was \$8,000,000 less per annum than at present, and during the last four years there was an increase of 66 per cent. He commented on the financial policy of the hon. member for Vancouver (Hon. Sir Francis Hincks) and the commercial crisis which took place in consequence. That hon. member had left the country in time to escape from an outburst of public feeling. He had retired from Government this time over the splendid ruins of the Grand Trunk Railway, Municipal Loan Fund Scheme and Bank of Upper Canada.

Hon. Sir FRANCIS HINCKS denied having any connection with the fall of the Bank of Upper Canada, and said he would be prepared to explain his connection with the Grand Trunk and Municipal Loan Fund at the proper time.

Mr. YOUNG (Waterloo South) said the hon. gentleman, as Premier of the country at the time, was at least indirectly responsible for the failure of the Bank of Upper Canada. (*Cries of "No, no"*.) The debt of the country, he said, would soon amount, according to the calculation of the Minister of Finance (Hon. Mr. Tilley) to \$140,000,000, and he thought the sources of revenue upon which the Ministry counted for meeting their proposed expenditures were very chimerical. He contended that in reality the debt of the country would soon assume the handsome figure of \$300,000,000. Wait till money would begin to leave the country, as it unquestionably would, once the construction of railways—from which a false revenue was now obtained—was consummated, then he was afraid that with a large expenditure, the finances would be reduced to the positioning which they were in the days of the old Province of Canada, and it would be fortunate if it did not ultimately injure the progress and prosperity of the country. (*Cheers.*)

Mr. GLASS felt that if he were to remain quiet after the charges which had been made against Hon. Sir Francis Hincks, he would not be discharging his duty to his constituents, and would be allowing a sentiment to go abroad in Upper Canada which was not true. The people of Western Canada justly believed that to no one were they more indebted for the carrying out of the Municipal Loan Fund, the Grand Trunk, and other vast improvements, than the hon. the ex-Finance Minister. The Government, of which he was a distinguished member, had exceeded the promises which they made when Confederation was brought about. That hon. gentleman (Hon. Sir Francis Hincks) had been charged with the later financial stringency. He was as much responsible for this as he was for the

tightness in the money market which had prevailed in the United States and Great Britain.

Merchants and others would remember with pleasure that Hon. Sir Francis Hincks had been the means of organizing a circulating medium which had given thousands and thousands of dollars to the people of this country. He (Mr. Glass) felt it his duty, as an Upper Canadian, with strong patriotism, to express his entire disapprobation of the attempt to throw odium on the ex-Finance Minister and on the distinguished leader of the Government. (*Loud cheers.*)

Mr. CARTWRIGHT hoped that the Minister of Finance, who had just made his first budget speech, would leave no such monument to his memory, if he raised the good opinion of the country. (*Laughter.*) He criticized the financial policy of the Government; and, though he was not prepared to say that the public expenditure could be made much less, he was afraid it was at least as great as it could safely be made.

Mr. THOMSON did not rise to complain of what the Government had done, but of what they had not done. (*Hear, hear, and laughter.*) They took the thing too easy, and thought the machine would run itself. He contended that the circulating medium must be increased before any of the public works, entailing great expenditure, could be proceeded with. Gentlemen on the Government side of the House said the Pacific Railway must be built, and hon. gentlemen on his own side said the same; but he submitted that it could not be built under present circumstances, and that it would not.

He thought too much stress was laid upon the question of immigration, and that more attention ought to be paid to the development of local wealth and manufactures. Before a railway could exist successfully there must be at both ends of it a large and increasing trade, and he considered that plenty of local railways ought first to be built in the several provinces before building the Canada Pacific, so that something by way of traffic might be in existence for it when it was built.

He contended that no Government and no Ministry had a right to use the public money in building a railway or any other public work for the benefit of any individual or any company—it ought to be expended on works that would become public property. Who ever heard of a country giving its navy or its army to any company? And this railroad was of quite as much importance to this country as an army or navy. He had lately been in London, and from his own experience he was enabled to assure the House that not a dollar would be raised for the Pacific Railway in a legitimate manner. (*Hear, hear, and cries of Oh! Oh!*)

Mr. PATERSON complimented the Finance Minister on the manner in which he had delivered this budget speech. He contended that the cry of the Ministry on the stump during the late elections in the western provinces was protection pure and simple for the purpose of enriching the farmers and manufacturers. This he said

unhesitatingly was the policy contended for by the hon. leader of the Government (Hon. Sir John A. Macdonald) and the then Minister of Finance (Hon. Mr. Tilley) and he was more than astonished to find the latter gentleman stand up in his place and deny it. He was glad to see how the Government had agreed to the various principles contended for by the Opposition. They had at one time refused point blank to change the gauge of the Intercolonial Railway, yet now they kindly consented to do the same thing they had refused. A pure election law, and the trial of controverted elections by judges, they had now also kindly consented to give us. They had steadfastly year, after year, refused to sanction the passage of a Dual Representation bill, yet now they also gave way on that question too, saving themselves the disgrace of a defeat by dividing the vote of the Ministry. This was certainly gratifying. He did not propose to criticize the financial policy of the Government, and would not have spoken on the occasion at all were it not for the assertion of the late Finance Minister that in the western part of Canada he had not advocated a protective policy. (*Cheers.*)

Mr. GRANT spoke warmly in support of the policy of the Government and ridiculed the idea of children in Parliament teaching their father in finances such as the late Minister of Finance. He spoke of the Pacific Railway as an imperative necessity for the consolidation of the Dominion, and maintained, in an excellent speech, that with Great Britain at our backs we had nothing to fear in constructing such a road.

Mr. WILKES was glad to be able to congratulate the Finance Minister (Hon. Mr. Tilley) on his speech, but he took exception to the calculation in which that hon. gentleman had entered with reference to our taxation. He proceeded to show that 19 1/5 per cent of the entire revenue was derived from the duty on imported goods, and 37 1/2 per cent from food requisites, such as tea, sugar, coffee, et cetera. The Finance Minister had stated that the total revenue from duties was only 10 per cent of the entire importation, but he (Mr. Wilkes) was prepared to show from that gentleman's own returns that no less than from 35 to 37 per cent was levied on the necessaries of life. The country would learn this with astonishment.

He obtained the figure he had named by means of the classification of ropes and other materials used in ship building with articles of consumption. The true rate of taxation should be estimated on the articles which the people consume and not upon those things which produce our great manufacturing industries. He went on to show that the 10 per cent referred to by the Finance Minister did not apply to the articles consumed by the people upon which there was a much higher rate. The policy of the hon. gentleman and his predecessors had made the country almost entirely dependent upon imports for its revenue, and there was no country pretending to the least degree of economy which derived so large a share of its revenue from imports as Canada. The proportion in 1872 from customs was 61 1/7 per cent, while in Great Britain it was 30 per cent, and in the United States, with its high protective tariff, 52 1/2 per cent.

He went on to point out in detail the heavy duties imposed on the necessaries of life as compared with other imports, and especially as compared with taxation on spirituous liquors, the evil effects of the use of which he depicted. He spoke of the very expensive machinery now in operation for the collection of the revenues, and pointed out by reference to the official returns, that in many cases the expense of collecting was entirely disproportionate to the amount collected. The revenue collected in the six ports of Halifax, St. John, Quebec, Montreal, Toronto and Hamilton, he showed was 84 per cent of the whole revenue of the country. At these places the cost of collection was about 9 1/2 per cent of the amount collected while in other places it varied from 13 1/2 to over the amount collected.

He referred to the increasing quantity of the cloth imported and thought it might be well to give some protection to native manufacturers of that article, especially as to give employment to so many female operatives. He articulated at considerable length the financial policy of the late Finance Minister, and ridiculed the idea of that gentleman endeavouring to throw upon Parliament the responsibility for the effects of that policy. He concluded by urging upon the Government the necessity of reducing the taxation upon articles consumed by the great mass of the people.

Mr. DOMVILLE criticized the speech of Mr. Wilkes, which he said was a repetition of that hon. gentleman's address to the Board of Trade.

Mr. CHISHOLM said that it had not been his intention to speak on the subject before the House, but as the hon. member for Lambton (Hon. Mr. Mackenzie) in his speech, had asked the question, what the people of Hamilton would think of the statement of the Minister of Finance (Hon. Mr. Tilley) that it was not the intention of the Government to disturb the present tariff, he thought it but right to say that in his opinion the people of Hamilton would be pleased, not only with the statement made by the hon. Minister of Finance concerning the tariff, but that they and the people generally throughout the Dominion would rejoice in the financial statement just made, which showed the financial position of the country to be much better than people generally had been led to expect.

The hon. member for Lambton, and the hon. member for Waterloo South (Mr. Young) had referred to the perambulations of the hon. Minister of Justice (Hon. Sir John A. Macdonald) and the Hon. Sir Francis Hincks last summer through Hamilton and other western constituencies, and said that in these perambulations they had made speeches and promised the people in the large manufacturing cities a higher tariff to protect their manufactures. He said it was true that these hon. gentlemen had visited Hamilton previous to the contest there last summer, and they had been well received. He did not understand them to say that they would increase the tariff; but what they did say, or what he understood them to say, was that the protection which they then had should not be taken from them, while the policy of the Opposition was Free

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Trade, and if they should get into power it was quite possible that the protection would be removed.

He said while there might be some persons engaged in manufacturing in the city of Hamilton who would no doubt like to see a higher duty placed upon some articles, yet he thought he was safe in saying that generally they were well pleased with the existing state of things. Hamilton was becoming a great manufacturing city. The population had increased within the past few years from a little under twenty thousand to over thirty thousand, and in all branches of industry there was generally prosperity.

The hon. member for Waterloo South had referred to the perambulations of the hon. Ministers, but if his memory served him right the hon. member was himself given to perambulations of this sort, and during the contest in Hamilton, whether through invitation or not he was not prepared to say, he had visited that city and had undertaken to lecture the electors with regard to whom they should elect. He was not sure but that his colleague and himself owed their election quite as much to the visit of the member of Waterloo South to Hamilton as to the visit of the hon. Ministers, but rather than there should be any trouble as to whom the honour belonged he for one would be quite willing that the honour should be divided between them.

Hon. Mr. TILLEY replied briefly to the various criticisms upon his speech, observing in reply to Mr. Wilkes that if he followed his advice, and increased the duty on imported cloth, it

would increase its price and thereby be a burden upon the poor man.

Hon. Mr. MACKENZIE followed, and replied to several statements made with regard to his own position on the question of free trade. He asserted that it was altogether incorrect to say that he or his party was in favour of free trade, and challenged the member for Hamilton (Mr. Chisholm) to find anything in any speech he had ever made that could be so construed. He touched upon several other points that had been referred to in the course of the debate, and wound up by asserting that he was prepared to prove that in spite of the denial of Hon. Sir Francis Hincks (Vancouver) that gentleman's financial policy had a great deal to do with the disasters the Upper Canada Bank and the miserable state of the Grand Trunk.

Hon. Mr. ANGLIN did not rise to make any lengthened statement, but he just wished it to be understood that in doing so he was not giving his quiet consent. He could not say that he approved in any measure of the policy of the Government, and he would take a future opportunity of expressing his opinions.

The House then went into Committee and adopted one resolution.

The Committee then rose and reported progress, and asked leave to sit again on Friday.

The House then adjourned at 11.30 p.m.

April 2, 1873

HOUSE OF COMMONS

Wednesday, April 2, 1873

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

Prayers

PETITIONS

Among the petitions presented were a number from the Dominion Board of Trade, asking for the amendment on sundry laws.

A large number of petitions were presented for the passage of a prohibitory liquor law.

* * *

ELECTION COMMITTEE

Hon. Mr. CAMPBELL presented a report of the General Committee on Elections.

* * *

BILLS INTRODUCED

Mr. MORRISON introduced a bill to amend the Act incorporating the Erie and Niagara Railway Company; also, a bill to amend the Act incorporating the Detroit River Railway Bridge Company.

Mr. MORRISON introduced a bill to incorporate the Canada Car and Manufacturing Company.

Mr. WITTON introduced a bill to incorporate the Dominion Fire and Inland Marine Insurance Company.

Mr. BEATY introduced a bill to incorporate the Western Bank of Canada.

* * *

NON-CONFIDENCE MOTION

Hon. Mr. HUNTINGTON said he felt compelled by a deep sense of duty to place the motion he was about to make before the House at the earliest possible moment, in view of the very grave question raised. He had already stated in his place that he was credibly informed that arrangements had been made by Sir Hugh Allan and an American gentleman representing certain American capitalists for the construction of the Pacific Railway, in

anticipation of the legislation of last session; that the Government was aware of this, and that subsequently arrangements were made between the Government and Sir Hugh Allan by which a large sum of money was to be paid to the Government for the purpose of influencing the recent elections; in return for which Sir Hugh Allan and his friends were free to receive the contract for the construction of the railway, and that was done.

He therefore moved, seconded by **Mr. FOURNIER**: "That Hon. Mr. Huntington, a member of this House, having stated in his place that he is credibly informed and believes that he can establish by satisfactory evidence, that in anticipation of the legislation of last session as to the Pacific Railway, an agreement was made between Sir Hugh Allan, acting for himself and certain other Canadian promoters, and G.M. McMullen, acting for certain United States capitalists, whereby the latter agreed to furnish all the funds necessary for the construction of the contemplated railway, and to give the former a certain percentage of the interest, in consideration of their interest and position, the scheme agreed on being ostensibly that of a Canadian Company, with Sir High Allan at its head; that the Government was aware that negotiations were pending between these parties; that subsequently an understanding was come to between the Government and Sir High Allan and Mr. Abbott, M.P., that Sir Hugh Allan and his friends should advance a large sum of money for the purpose of aiding the election of Ministers and their supporters at the ensuing general election, and that he and his friends should receive the contract for the construction of the railway; that accordingly Sir High Allan did advance a large sum of money for the purpose mentioned, and at the solicitation and under the pressing instances of Ministers; that part of the moneys expended by Sir High Allan in connection with the obtaining of the Act of incorporation and charter were paid to him by the said United States capitalists, under the agreement with him".

It is ordered: "That a Committee of seven members be appointed to enquire into all the circumstances connected with the negotiations for the construction of the Pacific Railway, with the legislation of last session on the subject, and with the granting of the charter to Sir Hugh Allan and others; with power to send for personal papers and records and with instructions to report in full the evidence taken before, and all the proceedings of the said Committee".

On the motion being put to the House by the Speaker, there were loud cries of "carried" from the Opposition, and "lost" from the Government side.

The motion having been read by the Speaker in English, and by the Clerk in French—

The SPEAKER: Shall this motion pass?

Hon. Sir JOHN A. MACDONALD: Lost.

(Cries of "Lost" from the Government side, and "Carried" from the Opposition.)

The SPEAKER: I think the motion is lost.

(Cries of "Yeas and Nays" and "Lost" and "Carried".)

No person rising to speak.

The SPEAKER: Let the members be called in.

After the members were called in **The SPEAKER** again read the motion in English, and the Clerk in French.

Mr. MACKAY rose to speak.

The SPEAKER: No debate is allowed after the members are called in.

The members were called and a vote taken, resulting as follows:—

YEAS

Messrs.

| | |
|----------------------|------------------------------|
| Anglin | Archibald |
| Bain | Béchar |
| Bergin | Blain |
| Blake | Bourassa |
| Bowman | Boyer |
| Brouse | Buell |
| Burpee (Sunbury) | Cartwright |
| Casey | Casgrain |
| Cauchon | Charlton |
| Church | Cook |
| Cutler | Delorme |
| De Saint-Georges | Dorion (Drummond—Arthabaska) |
| Dorion (Napierville) | Edgar |
| Ferris | Findlay |
| Fiset | Fleming |
| Forbes | Fournier |
| Galbraith | Geoffrion |
| Gibson | Gillies |
| Harvey | Higinbotham |
| Holton | Horton |
| Huntington | Jetté |
| Joly | Laflamme |
| Mackenzie | Mercier |
| Metcalfe | Mills |
| Oliver | Pâquet |
| Paterson | Pearson |
| Pelletier | Pickard |
| Pozer | Prévost |
| Richard (Mégantic) | Richards |
| Ross (Durham East) | Ross (Middlesex West) |
| Ross (Prince Edward) | Ross (Wellington Centre) |
| Rymal | Scatcherd |
| Smith (Peel) | Snider |
| Stirton | Taschereau |

Thompson (Haldimand)
Tremblay
White (Halton)
Young (Montreal West)

Thomson (Welland)
Trow
Wilkes
Young (Waterloo South)—76.

NAYS

Messrs.

| | |
|-------------------------|-------------------------|
| Almon | Archambault |
| Baby | Baker |
| Beaty | Beaubien |
| Bellerose | Benoit |
| Bowell | Brooks |
| Brown | Burpee (St. John) |
| Cameron (Cardwell) | Campbell |
| Carling | Caron |
| Carter | Chipman |
| Chisholm | Coffin |
| Colby | Costigan |
| Crawford | Cunningham |
| Currier | Daly |
| De Cosmos | Dewdney |
| Domville | Dormer |
| Doull | Dugas |
| Duguay | Farrow |
| Flesher | Fortin |
| Gaudet | Gendron |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Glass | Grant |
| Grover | Hagar |
| Haggart | Harwood |
| Hincks (Sir Francis) | Howe |
| Jones | Keller |
| Killam | Kirkpatrick |
| Lacerte | Langevin |
| Langlois | Lantier |
| Le Vesconte | Lewis |
| Little | Macdonald (Sir John A.) |
| McDonald (Antigonish) | McDonald (Cape Breton) |
| McDonald (Pictou) | McDonnell (Inverness) |
| MacKay | Mailloux |
| Masson | Mathieu |
| McAdam | McGreevy |
| Merritt | Mitchell |
| Moffatt | Morrison |
| Nathan | Nelson |
| O'Connor | Palmer |
| Pinsonneault | Pope |
| Price | Ray |
| Robinson | Robitaille |
| Rochester | Ross (Champlain) |
| Ross (Victoria) | Ryan |
| Savary | Schultz |
| Scriven | Shibley |
| Smith (Selkirk) | Smith (Westmorland) |
| Staples | Stephenson |
| Thompson (Cariboo) | Tilley |
| Tobin | Tourangeau |
| Tupper | Wallace (Albert) |
| Wallace (Norfolk South) | White (Hastings East) |
| Witton | Wright (Ottawa County) |
| Wright (Pontiac)—107 | |

The result was announced amid long continued and most enthusiastic cheering from the Government benches.

The motion was then declared lost.

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THE ATLANTIC DISASTER

Mr. TOBIN desired to call attention to a matter of recent occurrence before the business of the House was further proceeded with. It was well known to the House, and by this time throughout the length and breadth of the Dominion and the greater portion of the world, that at about one o'clock yesterday morning one of the most heart rendering cases of shipwreck ever recorded had occurred on the coast of Nova Scotia, within twenty-five miles of the harbour of Halifax, resulting the loss of the steamship *Atlantic* and 750 lives.

Under these circumstances, he wished to ask whether the Government had received any official notification of the disaster, and whether they had instituted any enquiry into the circumstances attending it. A few days ago he had asked a question with regard to the placing of a light-ship, for which provision was made in the estimates last year, and he had been answered that the ship would be placed in position during the present summer. The disaster had occurred almost on the very spot where the ship was to be placed, and he must say, with all due deference to the Government, that he thought so important a matter should have been attended to before. (*Hear, hear.*)

Today the eyes of all Europe and American were upon the spot and causes of the dreadful occurrence, and it could not but exercise a very serious effect upon the character which our coast must bear in the estimation of the world. He would take this opportunity of saying that while the Government had done a good deal for the coast of Nova Scotia, there yet remained much to be done. If this light-ship had been established, this lamentable catastrophe might have been averted. It would be a sad lesson to the Government, and would surely awaken them to the necessity there existed for the protection of our coast, and that a light-ship should be placed there as speedily as it were possible, as well as at several points between Halifax and Yarmouth. It was a matter which required to be attended to instantly.

He would beg to ask if it was the intention of the Government to make any provision for the relief of the sufferers who had been saved off the wreck. The people in the vicinity had rendered every assistance in their power, having made gigantic efforts to save the lives of those who were still on the wreck. He was informed by telegram that the first officer and his wife were still clinging to the rigging and that owing to the roughness of the weather it was so difficult as to be almost impossible to reach them in their fearful position. He would ask the Government if they were going to take any steps to relieve the sufferers or to reward those who had endeavoured to save and were still caring for the sufferers.

Hon. Mr. MITCHELL was rather pleased and glad that the hon. gentleman had taken the opportunity to put the question to the Government, and that he had gone into the details of the occurrence so far as his information allowed him, even though in his remarks he appeared to reflect in some measure upon the conduct of the Government.

He was glad of this because it had given him (Hon. Mr. Mitchell) an opportunity of informing the House that the Government had received information within the last twenty hours of the occurrence of this great disaster. The first information was received by himself in a telegram last night, just after the House adjourned. It was as follows:—"Steamer *Atlantic*, White Star Line, from Liverpool to New York ashore this morning on Meagher's Island, near Prospect. The ship is probably a total loss. It is feared the loss of life will be very great. The captain and first officer are reported lost. The *Delta* from the Cunard Line, and the *Lady Head* go to-night to render assistance." He believed that this place was twenty-two miles south of Halifax.

The next message he received on the subject was from Mr. Johnson, agent of the Department at Halifax, which was as follows:—"The third officer of the *Atlantic*, who swam ashore, reports the captain and about 250 saved. Seven hundred and fifty perished. The first officer and lady are in the rigging, but cannot be got off." The next despatch he received was from Mr. McDonald, Collector of Customs at Halifax, which said:—"It is suggested here that an enquiry should be made into the wreck of the steamship *Atlantic* at Prospect yesterday with such dreadful loss of life. Shall I hold an investigation?" To this he (Hon. Mr. Mitchell) replied:—"Yes, hold a searching preliminary investigation under 32 and 33 Vic., Cap. 38."

He also received a fourth communication, this time from the telegraph operator at Halifax:—"Steamship *Atlantic*, from Liverpool, March 20th, for New York with a full cargo and over 800 steerage and 50 cabin passengers, struck on Meagher's Rock, 22 miles north of Halifax. (This should be south of Halifax.) She went down with the loss of 750 passengers. It being about midnight, most of the passengers were in bed. Two steamers left this morning for the scene of the disaster at one a.m.; nothing more can be heard until they return."

After having read the above, the following telegram was handed in by the Hon. Mr. Howe (Secretary of State for the Provinces) which he read:—"The accounts vary concerning the numbers lost and saved. The latest news confirms the statement that over 700 went down with the ship or were afterwards swept away and drowned. The rescued are now reported to be about 200 men and one child, principally German emigrants, and the crew. As there was no time to save the ship's papers or other documents, the list of the lost cannot yet be obtained. The steamer *Delta* has just arrived this afternoon with the survivors from this wreck, and arrangements are made to have them all cared for. She reports that the *Atlantic* has not broken. The cargo which is large and valuable, was, therefore, not adrift, with the exception of that on deck, which was very little. Several vessels with diving apparatus had arrived at the wreck, and commenced operations for the removal of the dead bodies and cargo. The sea was still rough, but the wind has gone down so that they can approach the locality without danger. The *Carlotta*'s passengers, who got in early yesterday morning, say the night was very dark, rainy and windy, and they were very anxious. They saw nothing of the *Atlantic*. It is not known yet what are the

names of the survivors. It is doubtful if any of the cabin passengers are among them. The disaster was so soon over that hundreds could have known nothing of the danger. Of the 300 women and children the majority were swept out of the steerage, drifting past the vessel on the crest of an immense wave, and carried seaward and seen no more. The bodies recovered will be interred at Prospect village."

He could further state that the moment the intelligence was received at Halifax the officers of the Department, at midnight, set about making efforts on behalf of the perishing passengers, and in the course of a few hours had three steamers dispatched to the scene of the disaster, and an enquiry was instituted into the whole matter. He thought it was a commendable foresight which induced the Government last year to have an appropriation made for the purpose of erecting this light-house to which the hon. friend had referred, and he quite concurs with him in his regrets that it had not been there in time to prevent, if it could have prevented, this terrible disaster; but he entirely denied that the Government was to blame in this matter. Since 1867, the date of the Confederation of the Provinces, they had doubled the number of light-houses along our coast, besides adding some 13 steam whistles. (*Hear, hear, and cheers.*)

Hon. Mr. MACKENZIE said that this was going too far. It was quite out of the question for the hon. Minister to go into a general defence of the Government on this occasion.

Hon. Mr. MITCHELL said he felt it necessary that he should put himself and his colleagues right in this matter, and to give him an opportunity of doing so, he moved the adjournment of the House. Under this motion he then continued, referring to the state of the coast of Nova Scotia at the time of Confederation, when there were some few lights which were mere shanties and utterly inefficient, whereas now the matter was greatly improved and there were twelve or thirteen steam whistles in addition to the lights, and maintaining that the Government had spared no efforts in the work of lighting up the coast of the Province from one end to the other. He was proud to say that not only his colleagues, but Parliament also, had fully recognized the great and paramount necessity of that work. (*Cheers.*)

No one could feel more deeply than he did the responsibility resting on the Government and on Parliament in this matter, and while he entirely agreed that the coast might be still better protected than at present, and he hoped that in a very short time such steps would be taken in this direction that there could be no recurrence of such calamities as that which had just taken place. (*Cheers.*)

He might add that immediately on the receipt of the intelligence of the sad occurrence steps were taken and instructions sent off for an enquiry into the circumstances of the case, and the Government would use every exertion at their disposal in performing such duties as might tend to alleviate the distress and suffering which must necessarily result from this great disaster.

Mr. TOBIN said that instead of feeling at all piqued or annoyed at his observations, the hon. gentleman ought to thank him for

giving him so glorious an opportunity of parading the acts of the Government. While much had been done towards lighting the coast, he repeated that much remained yet to be done. Had this light-ship been placed in the position he had indicated, they had every reason to suppose that they would have been spared the contemplation of the terrible tragedy which had occurred within the last twenty hours. He hoped this lesson would be acted upon, and that before the House rose a provision would be made for the establishment of light-ships along the coast in the track of the Ocean steamers between Halifax and Boston. He was glad to learn that immediate measures would be taken to enquire into the circumstances of this terrible calamity. Such an enquiry was necessary in the interest of humanity and especially of the Province from which he came.

Mr. COFFIN thought they could not come to any conclusion upon the matter without more information. He could not find where the disaster had taken place, and thought it must have been where no light could be possible. If it was on Men's Rock, it was within range of the Halifax light-ship, or if it was on Prospect Rock it would be within the range of several lights. He was inclined to believe that the night must have been so dark and stormy that no lights could be seen, because he knew of no rock near where the ship was reported to have gone down that was not within range of a light. He did not think the Government were to be censured for not having taken more prompt means to light the coast near Halifax. He might say something in connection with the navigation of those ships, but he would reserve his remarks on this point for a future occasion.

The matter then dropped.

* * *

ORDERS IN COUNCIL

Mr. MILLS asked whether Orders in Council, proclamations, and departmental regulations, having the force of law, have been printed and published, and if not, why not.

Hon. Sir JOHN A. MACDONALD said he had made enquiry into this matter, and after a search in all the Departments with great diligence, all the Orders or what he believed to be Orders in Council that had statutory effect, had been collected. The search extended as far back as 1845-46. They were now being arranged, analyzed, and collected, and they would be ready at the end of the session, and would be published with the statutes of this year.

* * *

COLLINGWOOD HARBOUR

Mr. COOK asked why the Government did not spend the money inserted in the estimates last year for the purpose of improving the harbour of the town of Collingwood, and, in asking for a re-vote whether it is the intention of the Government to cause such money to be expended at an early day in the ensuing year in the rebuilding

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of the breakwater, and deepening the said harbour so as to admit vessels of heavy draught.

Hon. Mr. LANGEVIN said the vote given last year was given upon the condition of a similar sum being provided by the Railway Company and the town. The arrangement could not be perfected; but lately his Department had communications on the subject, and re-vote would be asked.

* * *

TEMISCOUATA ROAD

Mr. COSTIGAN asked whether the Government will consider the Temiscouata Road, referred to in the Estimates, as extending from Rivière de Loup in Quebec to Edmunston in New Brunswick, or if the expenditure for such road will be limited to that portion of it lying in the Province of Quebec, thereby making such expenditure purely provincial, to the detriment of that part of the said road lying in New Brunswick and upon which so far no portion of the former and similar appropriation had been expended.

Hon. Mr. LANGEVIN said the vote of last year was given with that object and it was the intention of the Government to use as much of the vote of the present year as was required upon that road.

* * *

IMPROVEMENTS ON THE RIVER SYDENHAM

Mr. MILLS asked whether it is the intention of the Government to ask of the House during the present session an appropriation for the improvement of the navigation of the River Sydenham.

Hon. Mr. LANGEVIN said the Government had not yet decided what they would do on that river.

* * *

PACIFIC RAILWAY TERMINUS

Mr. De COSMOS asked what is the reason that Esquimalt had not been named as the western terminus of the Canadian Pacific Railway in a charter granted to Sir Hugh Allan and others, inasmuch as the Government pledged itself last session to make the said port the western terminus of the said railway, and whether it is still the intention of the Government to make Esquimalt the western terminus of the said railway.

Hon. Sir JOHN A. MACDONALD said the terminus of the Pacific Railway had been stated in the charter in accordance with the Act passed last session defining the terminus of the Railway. The Charter contained an exact description of the Railway, and the two termini that were contained in the Act. The Charter could not properly have any other description of the Railway than that

authorized by the statute. The promises made by the Government last session would be carried out.

* * *

INSURANCE ON THE TORONTO CUSTOM HOUSE

Mr. WILKES asked whether the Custom House building in Toronto was insured previous to the late fire in the adjoining block; if so, in what company, and for what amount; also, if action was made for damages by the said fire, and if so, whether such claim had been paid.

Hon. Mr. TUPPER said the Government had not insured any buildings.

Mr. WILKES: Does that answer apply to the past as well as the present?

Hon. Mr. TUPPER said it applied to the past and to this question.

* * *

SAINT JOHN HARBOUR SURVEY

Mr. PALMER asked whether it is the intention of the Government to have the survey of the harbour of Saint John, New Brunswick, immediately proceeded with, and if not, how soon.

Hon. Mr. LANGEVIN said it was the intention of the Government to proceed with the survey as soon as the vote of money which they were asking Parliament to grant was available.

* * *

SALARIES OF JUDGES

Mr. SAVARY moved for copies of all correspondence which had taken place since the 1st July, 1867, between the Government of the Dominion and the Judges of the Supreme Court of Nova Scotia and New Brunswick, touching the inequality of the salaries of the judges of the same standing in the different provinces. After alluding to the statute affecting the salaries of judges in that Province, he dwelt upon the importance of the question raised by the motion. The judges of the Maritime Provinces had to perform duties as important as the judges of the other provinces, and had the same jurisdiction.

After paying a high compliment to Judge Johnston, who was about to retire from the Bench, he said it had been found that the salaries of the Province of Ontario were inadequate to the duties discharged. He referred to the circumstance of Attorney General Mowat. If this descent had been in consequence of the inadequacy of salary, it became the duty of the Government to give their consideration to the matter.

Mr. PALMER referred to the understanding upon which the people of New Brunswick entered into Confederation, one of which was the revision of the salaries of the judges. He maintained there should be no discrimination between the judges of the Maritime Provinces and the judges of the other provinces. The rights of property of the people of New Brunswick were just as valuable as those of the people of the other Provinces, and they had an equal right to good judges. He showed that the necessaries of life in the Maritime Provinces were dearer than in other portions of the Dominion.

Hon. Mr. McDONALD (Pictou) thought the subject was one involving very important considerations. He had noticed that in none of the Provinces were the salaries of the judge's equivalent to the services performed. (*Hear, hear.*) Upon these men depended to a great extent the character of our institutions, and he hoped that the salaries of our judges would, all over the Dominion, be fixed at such a figure as would be reasonably sufficient. The hon. gentleman showed that a barrister standing well in his profession, by being placed upon the Bench, would suffer in a pecuniary sense. He trusted that a change would be made in order that the most talented men might occupy judicial positions and receive such remuneration for their services as their character, position, and learning deserved.

Hon. Sir JOHN A. MACDONALD said they had no objection to the motion for the production of the correspondence, and had great pleasure in assenting to the production. The question was one to which the Government had given considerable consideration. It was well known by the hon. gentleman who made that motion and by the gentleman who had succeeded him that when a professional man was elevated to the Bench he accepted the position and had no right to expect to ask for a promotion or increase of salary. It was necessary for the independence of the Bench that the principle should be well understood that a judge had no right to hope for promotion. It was true he might be elected to a higher office, but he had no right to feel offended if any other professional man should be selected over him.

At the time of Confederation, it was decided that the judges in the various Provinces should be paid the salaries they had agreed to; therefore, none of the judges could complain. Still, Parliament in its wisdom chose to increase the salaries of certain judges in the Maritime Provinces and had Confederation not taken place, the judges in these provinces would probably have continued at the low salaries at which they found them on the first of July, 1867.

Now, they found quite a different state of things in British Columbia. There the Chief Justice and senior Puisne Judge having been appointed in England, and their salaries being viewed from an Imperial stand-point had larger salaries than had the last Puisne Judge, Mr. Gray, who had been appointed since. He only received the same salary as the Puisne Judges of the other provinces. The salaries of the British Columbia judges had not been reduced since Confederation. They were secured to them at the time, as were the salaries of the other judges.

The whole question rested, in a public point of view, upon the question. Would a larger salary obtain the best talent? There were considerable difficulties in the way of dealing with the question. If it were decided to make the salaries all over the Dominion equal, it would be necessary to raise the salaries of the judges in the rural Superior Courts. They stood upon perfect equality except as regarded salary.

If they looked to the mother country, to which they generally had reference as to such matters, they found that the judges in England had higher salaries than the judges in Ireland, and that the judges in Ireland had larger salaries than judges in Scotland, yet the question was never raised there as to inequality of salaries. A Puisne judge in England received a larger salary than the Lord President of the Court of Session in Scotland, the head of the judiciary system, and he received a higher salary than the Chief Justice of Ireland. The hon. gentleman would see the question was not without its difficulties. There were no greater differences between the smallest and the largest provinces than there was between England and Ireland or Scotland.

The hon. gentleman next pointed out the difference between equality in salary and equality in position, and showed that judges in England, Scotland and Ireland were upon an equal footing. He would not then enter into greater details on this subject. He admitted that the salaries of judges were not equal to their duties and position, and proceeded to explain the hopelessness of giving salaries to judges which would be equal to their incomes as counsel. He showed that in England the incomes of certain judges, when at the bar, greatly exceeded their salaries as judges.

He pointed out the advantages of a judicial appointment over practice at the bar. A salary, he thought, should be paid to judges that would secure the best legal talent and the most efficient judges, and if an equality in salary could be obtained at the same time, it would, of course, be so much better, because the natural feeling of every person living in the smaller provinces was that their men were just as good as other. (*Hear, hear.*)

Hon. Mr. BLAKE observed that in the readjustment of this question the Government should take the opportunity of putting upon a correct footing the judicial salaries in Ontario, which at present he thought were not on a correct footing, in as much as a portion of these salaries, contrary to the Constitution, was provided for by and out of the local funds, susceptible of withdrawal by the Local Legislature, thus interfering with the provisions of the Constitution which, whether wisely or unwisely, are intended to guard the independence of judges from the Local Legislature, by leaving their salaries to be fixed and provided for by this Parliament. He had always regarded with undisguised regret the provisions by which the emoluments of the judges were paid out of local funds.

He quite agreed with the observation that they could not take the salaries of leading counsel as the measure of judicial salaries,

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because as hon. gentlemen observed, it was not very frequently that leading counsel were made judges, and very probably those who are leading counsel would not make the best judges, besides this, the position of a judge, by its dignity and security, and by the fact that there was provision for a pension, was in many respects much more advantageous than that of counsel at the bar. He would not in the slightest degree depreciate the standing and ability of the legal profession in the other provinces, but they must consider the average of professional emolument in the various provinces in considering the amount to be paid. The salaries of judges in his own province were inadequate, and were not sufficient to secure what the hon. gentleman stated ought to be secured, namely the obtaining of the best men.

After a few further remarks, the hour of six arrived and **The SPEAKER** left the chair.

The House rose for recess.

AFTER RECESS

DUAL REPRESENTATION

Mr. MILLS moved the House into Committee on the bill entitled an Act to render members of the Legislative Councils and Legislative Assemblies of the Provinces, now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada;

Mr. GEOFFRION in the chair.

The Bill passed through Committee and was reported without amendment.

Mr. MILLS moved the second reading of the Bill entitled an Act to amend 35 Vic., Cap. 15, entitled "An Act to compel members of the Local Legislature in any Province, where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament, and to make further provisions in case of the election of disqualified candidates." He explained that the object was to make the provisions of the law in this respect uniform.

He referred to the Costigan bill which he considered admitted of many inequalities which the present bill was designed to remove votes given in favour of a disqualified candidate ought to be accepted as votes against the opposing candidate, and the bill took away from the returning officers the power of returning a candidate having a minority of votes under any circumstances. As to the qualification of candidates, the bill would provide that that qualification must be shown to exist on the day of nomination. The bill merely acted in the removal of doubts now existing, and could not be objected to.

Hon. Mr. TUPPER asked whether the hon. gentleman did not see a great objection to his bill in the bill which had just been passed through Committee. That bill provided that there should be no dual representation, and he maintained that the present bill was a retrograde step, as it put it in the power of a member of the Local Legislature to become a candidate for a seat in the House of Commons.

Last session the House provided that members of the Local House must resign their seats there before becoming candidates for seats in the House of Commons, and he believed the House would sustain that view. But pass this bill now before the House, and in Ontario the present Premier might become a candidate for a seat in the House of Commons without affecting his position in the Ontario House, and he thought the hon. gentleman would see that this was entirely inconsistent with previous legislation. There were cases in which votes given for a disqualified candidate ought to be held thrown away, and that was when the disqualification was notorious and well known.

Hon. Mr. BLAKE argued the previous speaker had misapprehended the intention of the measure of the hon. member for Bothwell (Mr. Mills). The hon. Minister of Customs (Hon. Mr. Tupper) had objected to taking anything like a retrograde step, especially with regard to Dual Representation. He was puzzled himself to know how the Minister of Finance (Hon. Mr. Tilley) would vote when the question came up. He could not possibly have been consistent with himself. He had already voted both ways—for the Bill before he was a member of the Government, and against it after he was.

The proposal of his hon. friend from Bothwell did not affect the principle of the first portion of the Bill passed last year, and known as the Costigan Act; that portion of the Costigan Act rendered ineligible for election to the Dominion Parliament any person who was a member of a Local Assembly or Legislature, and was not vouched by the measure under consideration. The argument of the Minister of Customs (Hon. Mr. Tupper) therefore fell to the ground.

What the second clause was intended to do was to hinder the returning officers from taking upon themselves to judge of the qualification of any candidate, if they were pleased to think themselves unsatisfied with his qualifications, and of returning the candidate who has virtually received a vote of want of confidence from the electors.

He had some experience of this himself. Though on the other side of the Atlantic, on the hustings when he was nominated the gentleman who acted as returning officer pretended to doubt his qualification to stand, as he had received no certificate of the resignation of his (Hon. Mr. Blake's) seat in the Local Legislature and was thus prepared to reject summarily the gentleman who received a majority of 1,888 votes.

The inconvenience which was spoken of by the hon. Minister of Inland Revenue did not exist. The clause of the Bill referred to was

proposed simply for the purpose of withdrawing from returning officers the exceptional power which gave them the liberty of declaring any candidate ineligible. Let them do the duty which the law assigned them and leave to the proper tribunal, which he hoped would soon be established for that purpose, the duty of trying whether a candidate was qualified or not. (*Cheers.*)

Hon. Mr. CAMERON (Cardwell) thought the member for Bruce South (Hon. Mr. Blake) was mistaken equally with the gentleman he professed to correct, and he certainly could not have read the bill or he would know that it did the very thing which he said it did not. He read the provision from the bill to prove this. He agreed entirely with the intention of the bill, but the intention was not consistent with the wording of the bill. He agreed that proper notice of the disqualification ought to be given.

He believed, however, that the bill was in no way inconsistent with the measure of last session, and he had prepared an amending provision, which he intended to submit to the House when in committee, that votes given in favour of a disqualified candidate should not be thrown away unless the disqualification were notorious and well known to the voters. He was in favour of the second reading of the bill, but thought it should be amended in committee in the way he had indicated.

Mr. SAVARY thought the member for Cardwell (Hon. Mr. Cameron) was mistaken in the view he had taken of the result of the proposed measure, and in any case he thought a measure on which three hon. gentlemen differed certainly ought not to pass into law. He believed that the measure would practically repeal the Act of last session. It was one attempt to destroy the result of that Act by a side wind. He thought the measure should not be adopted hastily, and certainly the effect of the bill could not have been well considered when there was so great a difference of opinion on this subject.

Hon. Mr. CAMERON (Cardwell) said the object of the amendment he proposed was that if proper notice of the disqualification of a candidate were given, then the votes given in favour of that candidate would be thrown away.

Mr. COSTIGAN expressed his pleasure that the member for Bothwell (Mr. Mills) should have stated himself in favour of the principle of the bill of last session. He had been taunted last session by hon. gentlemen opposite with having introduced a measure to answer the purposes of the leader of the Government, therefore it was a great consolation today to hear those gentlemen expressing themselves in favour of the principles of his measure of last year. He did not think the bill introduced would attain the object proposed.

Mr. BODWELL said the only ground of opposition against the Costigan bill last year was that it did not affect all the provinces similarly. He was in favour of one law for the whole Dominion as regards Dual Representation, and he hoped the member for

Bothwell would extend the provisions of his bill so as to apply to the whole Dominion alike.

Mr. LANGLOIS approved of the intention of the bill and suggested an amendment to the effect that the Returning Officer should not permit the nomination of a former member of the Local House, unless he should produce there and then a certificate from the proper officer that he had resigned the seat disqualifying him, and so prevent a disqualified candidate from being put in nomination.

Mr. JONES said a bill ought certainly not to be allowed to pass unless the legal gentlemen of the House at least could agree as to its effect, and the measure ought never to have been introduced in such a shape as admitted of such a diversity of opinion.

Mr. MACKAY thought the House had already decided against Dual Representation, and thought the Returning Officer ought to be able to state to voters whether a candidate was eligible or not. The bill before the House was not sufficiently clear.

Hon. Mr. McDONALD (Pictou) maintained that the member for Bruce South (Hon. Mr. Blake) was incorrect in stating that the first clause of the Costigan bill was not impugned by the present measure, and that the two measures were inconsistent. He agreed with the member for Cardwell (Mr. Mills) that, as a rule, the Returning Officer should not have the power of determining what candidates were eligible, but there were cases in which he must, from the very nature of things, have and exercise that power.

The intent of the law was to prevent any interference in any way whatever in a Dominion election by a member of a Local House. If such measures as this were to be intruded, it might become necessary to prevent disqualified persons from sitting in the House by the infliction of a severe fine on such persons; but some mode ought to be adopted which would prevent an infraction of the law. The object of the promoters of the present bill seemed rather to protect the breaker of the law than the vindicator of the law.

If a member of a Local House desired to become a candidate for Parliament there was not the least difficulty in proving that he had resigned his seat in the Local House, and the facilities in this respect being so great no danger could arise from giving power to a Returning Officer to state whether the candidate was qualified in this respect.

The bill was then read a second time.

HALIFAX HARBOUR MASTER

The SPEAKER announced that he had received a message from the Senate to the effect that the Bill to provide for the appointment of Harbour Master at Halifax had passed that House without amendment.

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RAILWAY ACCOMMODATION

Mr. MERCIER moved the second reading of the bill entitled an Act to amend the Act, 34 Vic., Cap. 43, entitled an Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their railways, and to amend the Railway Act of 1868. He said the object was to impose a penalty of twenty dollars for the violation of the section of the Act amended, requiring the placing of a notice at railway stations as to passenger trains being overdue, and also to allow action for the enforcement of such penalty against the agent of the company.

Hon. Mr. LANGEVIN thought the penalty should be imposed on the Company, not on the agent.

Hon. Mr. BLAKE suggested that the notice should include the station last left by the train, and spoke of the great difficulty experienced in getting proper information from railway officials.

Mr. SCRIVER said that on many branch lines there was not telegraph communication with every station, and consequently the officials were not always able to obtain correct information respecting the running of trains.

The bill was then read a second time.

* * *

TRIAL OF FELONY AND MISDEMEANOUR

Mr. GLASS moved the second reading of the Act to amend Act 32-33 Vic., Cap. 35, respecting the trial of felony and misdemeanour. He explained that the object of the Act proposed to be amended was to provide for the summary trials. The present measure was to allow such trials to take place as well during the sittings of Courts of Oyer and Terminer as well as to other times.

The bill was then read a second time.

* * *

BAIE VERTE CANAL

Hon. Mr. MACKENZIE desired to ask again when the report of the engineer of the Baie Verte Canal would be brought down. He had asked for it last night, and had been told that it would be brought down today.

Hon. Mr. TUPPER said he had not told his hon. friend, who was not in the House the previous evening when the question was asked.

Hon. Mr. LANGEVIN said that the report had been printed for the Privy Council.

Hon. Mr. MACKENZIE: Is it not intended to present the report to Parliament?

Hon. Mr. LANGEVIN said it was the intention, and it would be brought down in a few days, but it must go before the Council first.

* * *

NEW BRUNSWICK SCHOOL QUESTION

In reply to Mr. Mercier,

Hon. Mr. LANGEVIN said the papers relating to the New Brunswick school question, ordered by the hon. gentleman some time ago, would be brought down tomorrow, or at least in a few days.

The House then adjourned at 9.55 p.m.

* * *

NOTICES OF MOTION

Mr. ROSS (Middlesex West)—On Monday next—Address to His Excellency the Governor-General praying that a detailed statement be laid before this House of the amount expended during the last fiscal year in advertising on behalf of the Government or any public service in any of the public journals of the Dominion, the amount paid each journal respectively and the purpose for which such money was paid.

Mr. TROW—On Friday next—Select Committee to enquire into the most effectual method for promoting colonization in the Provinces of the Dominion; the said Committee to have power to send for persons and papers.

Hon. Mr. MACKENZIE—On Friday next—Address to His Excellency the Governor General for all reports concerning the Baie Verte Canal.

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HOUSE OF COMMONS

Thursday, April 3, 1873

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

Prayers

AFTER ROUTINE

COUNSEL IN ELECTION PETITIONS

Mr. MILLS said he had observed today before Mr. Speaker, a gentleman engaged as counsel in a case, and he also observed that same gentleman's name was upon the chairman's panel, and it might be that he might be called upon to serve as judge in the very case on which he appeared as counsel. A great deal of attention had been directed of late to English precedents, and he thought it was a well settled practice in Great Britain, that in no such case should any member of the House act as counsel. He observed that that was the law as laid down.

In May, it is stated that a member is incapable of practising as counsel before the House or any Committee, not only with a view of being free from any pecuniary influence, but also because it is beneath his dignity to plead before a Court of which he himself is a constituent part, nor is it consistent with Parliamentary or professional usage that a member should advise as counsel upon any private Bill, election petition or other proceedings in Parliament. Not only was that doctrine laid down by May, but a very high authority observed with regard to the trial of controverted elections, in speaking of the conduct of Mr. James, who appeared before the Court since controverted elections had been relegated to the Superior Courts, that his conduct was highly improper.

The same gentleman went on to say that the rule, as he understood it, both at the Bar and in Parliament, was that no member could take a retainer as counsel in any matter of which consideration either in the first or last resource belonged to the House. He cited in support of this view the names of a number of gentlemen of the long robe in Parliament—Sir R. Collyer, Solicitor General Coleridge, Montague Chambers, and others, who had declined such retainers upon the express ground that they were incompatible with their Parliamentary functions. It was also understood that Sergeant Ballantine and Sergeant Parry, for the same reason, had declined being candidates for election to Parliament in 1858. The House of Commons passed a resolution condemning this practice; a resolution was proposed declaring it was contrary to usage and the dignity of the House that any of its members should bring forward any proceeding or measure which he

might have been connected with as counsel, in consideration of any fee or reward.

The mover of the resolution went on to state he had the entire approval of many eminent men of the English Bar in making the resolution. He also cited the opinion of Mr. Secretary Peel, who said that it was inconsistent with the uniform practice of the House that lawyers should take part as members of Parliament in a matter in which they were professionally engaged, because it was incompatible with the discharge of Parliamentary duties. This resolution was carried by a vote of 210 to 27. That was the well settled practice in England, and there could be no difference between gentlemen in this House appearing as counsel before Mr. Speaker on matters connected with election petitions, than their doing the same thing before the Election Committee.

He would, therefore, move the following resolution:—"That it is inconsistent with the dignity of this House, and contrary to the usage of Parliament, that any of its members should be retained as counsel in any proceeding which relates to any election petition, or any proceedings had under the law for the trial of controverted elections before any member or committee of this House."

He might further remark that his position was strengthened by the Bill submitted to the House by the Premier yesterday. He found among the provisions of that Bill the 55th section which disqualified members of Parliament from being retained as counsel in any election case before the courts. If that practice could be condemned when the trial of controverted elections was not before this House—when it was before another tribunal, it should be much more strongly condemned when gentlemen in this House were mixed up in the trial; especially was it to be condemned when hon. gentlemen acted as counsel in a case where his name was upon the Chairman's panel, and he might be called upon to sit as Judge in the very case in which he had acted as counsel.

Hon. Mr. CAMERON (Cardwell) thought notice should be given of this motion and that it could not be brought up without notice.

The SPEAKER ruled that it required notice.

Hon. Mr. BLAKE called Mr. Speaker's attention to the rule of the House (rule 38) which stated that when any matter of privilege arose, it should be taken into consideration at once.

The SPEAKER said English decisions drew a distinction between cases of privilege where there was an emergency, and other cases which were *quasi* questions of privilege. He held that this was a case where notice should properly be given.

Mr. MILLS said he accepted the ruling of the Speaker, and would allow the motion to stand as a notice.

* * *

PACIFIC RAILWAY

Hon. Sir JOHN A. MACDONALD: I wish to give notice that I will, on Tuesday next, ask the House to appoint a Special Committee of five, to be selected by the House, for the purpose of considering the subject mentioned in the motion of the hon. member for Shefford (Hon. Mr. Huntington) yesterday. (*Cheers from the Government benches.*) The Committee can be drawn by the House, and if need be it can have special power to sit during recess, and if need be by a Royal Commission for the purpose of given it additional powers.

* * *

SOUTH RENFREW CASE

Hon. Sir JOHN A. MACDONALD also begged leave to make a personal statement. The hon. member for Bruce South (Hon. Mr. Blake) stated before the Election Committee this morning that Mr. John Queally returning officer for South Renfrew at the last election, was appointed returning officer at the request of the sitting member, the Government having asked him to nominate the returning officer.

Hon. Mr. ANGLIN: No. He did not say that.

Hon. Mr. BLAKE said that as well as he recollected, what he stated was that he believed and believes that he could prove that the Ministerial candidate, the now sitting member for South Renfrew (Mr. O'Reilly) had been allowed to nominate the returning officer of that district.

Hon. Sir JOHN A. MACDONALD said that was the effect of the statement, and he would at once make a statement in reply. Not only was the statement erroneous, but Mr. Queally was selected to be the returning officer long before Mr. O'Reilly was thought of or spoken of as candidate in the Ministerial interests for Renfrew South. The way Mr. Queally's name came before the Government at all was through a Mr. Bonnifield, well known in the riding as the Eganville Squire—and who afterwards voted against Mr. O'Reilly—who mentioned his name to Hon. Sir Francis Hincks, and recommended him as a proper person for returning officer. Hon. Sir Francis Hincks gave his name to him (Hon. Sir John A. Macdonald), and from that time he was selected as the returning officer for South Renfrew.

Hon. Sir FRANCIS HINCKS said that it was proper that he should confirm the statement of the leader of the Government.

Hon. Mr. BLAKE said he desired to say that if a Select Committee was granted, he believed he could establish the

statement he had made in the Committee on Privileges and Elections, and in the House.

Hon. Sir JOHN A. MACDONALD: Let the hon. gentleman furnish his proof in open day before the House.

Hon. Sir FRANCIS HINCKS said it was utterly impossible that the hon. gentleman could produce such proof. He stated unhesitatingly that long before Mr. O'Reilly was spoken of as a candidate, Mr. Bonnifield recommended Queally to him, and he recommended him to the First Minister.

Hon. Mr. MACKENZIE said the hon. gentleman had no right to say it was impossible for the hon. member for Bruce South (Hon. Mr. Blake) to prove his statement, because no man could say that. The hon. gentleman's evidence was no better than that of any other hon. gentleman, and the offensive manner in which he referred to his hon. friend was not to be endured. The leader of the Government had told his hon. friend to produce his proof before the House. Did the hon. gentleman wish to turn the House into a Committee or Enquiry, after having all the session taken the high ground against any such course? Let the Committee be granted, and then they would see if his hon. friend could not establish what he had stated.

Hon. Sir JOHN A. MACDONALD: Mr. Speaker, the Committee will be granted.

Hon. Sir FRANCIS HINCKS said he could speak about a matter which was within his own personal knowledge, that Queally was appointed upon his recommendation, and he stated unhesitatingly that he recommended him, because he was recommended to him by Mr. Bonnifield. The time that took place was when he was in the village of Renfrew, before what the gentleman opposite called his perambulatory mission.

Hon. Mr. HOLTON said it was quite possible that the statements of both hon. gentlemen were correct. It was quite possible that the recommendation of Mr. Bonnifield might have been the same as the recommendation of the sitting member. The hon. gentleman's statement might be true, and it might also be true that Mr. O'Reilly was informed that he could have the nomination of the returning officer, but the hon. member for Vancouver (Hon. Sir Francis Hincks) had convinced the Government of the very charge brought against them—that of nominating a returning officer in the interest of the Ministerial candidate. The nomination of returning officer in the interest of the candidate who happened to be the Minister, was still worse than had it been in the interest of an ordinary Ministerial candidate.

Hon. Sir FRANCIS HINCKS said he could not comprehend what his hon. friend meant. He (Hon. Sir Francis Hincks) was not a candidate for South Renfrew, nor was he spoken of as such candidate. It was long before the issue of the writ that the recommendation was made. It was certainly a most extraordinary thing that a gentleman who had always been known to be opposed

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to Mr. O'Reilly, would have recommended a returning officer with the view to serve Mr. O'Reilly's interests.

Hon. Sir JOHN A. MACDONALD: He could not, for Mr. O'Reilly was not then in the field.

Hon. Sir FRANCIS HINCKS said it was necessary to get some one for a returning officer, and Mr. Bonnifield recommended Queally as a gentleman who had efficiently discharged the duties of Census Commissioner. He (Hon. Sir Francis Hincks) had a very slight personal acquaintance with Queally. He certainly thought that Mr. Bonnifield, from his position and influence, was a very proper person to make such recommendation.

The matter was then dropped.

* * *

LAKE GUNBOATS

Mr. HORTON (Huron Centre) asked whether the Government intend keeping the gunboats in commission on Lakes Ontario, Erie, and Huron during the coming season of navigation.

Hon. Sir JOHN A. MACDONALD said one, the *Prince Alfred*, would be kept in commission, and the other, the *Rescue*, would be sold.

* * *

TORONTO CUSTOMS COLLECTOR

Mr. WILKES asked whether the Government are aware that the Collector of Customs at the port of Toronto is an advertised agent of a Fire Insurance Company, and if so, whether they have granted him special permission to hold this position.

Hon. Mr. TUPPER said that Government were not aware that the Collector of Customs at Toronto was an insurance agent, and their attention had not been drawn to the fact, if it was a fact.

* * *

RECIPROCAL TRADE WITH UNITED STATES

Mr. BODWELL moved for the correspondence between the Government of the Dominion and that of the United States on the subject of reciprocal trade. In making this motion he spoke of the apprehension many felt that our trade would suffer by the failure to renew reciprocity, and how that apprehension had not been realized. Still, however, it was none the less true that reciprocity was of great importance to our trade. He pointed out that the two great levers we had to secure reciprocal trade relations, namely the fisheries and the navigation of the St. Lawrence, had been swept away by the Washington Treaty. If any correspondence had taken place since the passage of the Treaty it should certainly be laid before the House and the country, so that it might be known just how the country stood on that subject.

He did not mean to say that reciprocity was essential to the prosperity of the country, but it was a matter of very great importance to us.

Hon. Mr. TILLEY said no correspondence had taken place between the Government of the United States and the Dominion Government on this subject since the adoption of the Washington Treaty.

Hon. Mr. MACKENZIE asked if there were no documents or correspondence in possession of the Government from individuals or corporate bodies in the United States, such as the National Board of Trade. If there were any such documents, that might fairly be said to represent the public opinion of the United States, it would be well to lay them before the House, to form part of the sessional papers, that the public might be informed of the advance of retrogression of the public opinion in the United States on this subject. This was a subject of very great importance, and its importance could scarcely be overrated.

Hon. Mr. TILLEY said in his remarks before he had referred to the official communication between the two Governments. The only document that reached the Government was a copy of an address, or something of the kind, from the National Board of Trade of the United States, forwarded to the Government of the Dominion through the Dominion Board of Trade. They had received no other communication that he could remember at the present moment. It has not been considered wise for the Government to make any advance to the United States. If the United States made any advance they would be only too happy to meet them half way.

Mr. JOLY said that after the melancholy declaration contained in the papers connected with the Washington Treaty, laid before the House last session, he did not think the House could have any hope of securing reciprocity. The Government, who were now taking great credit for the way in which they had managed the affairs of the Dominion, had themselves confessed in their Order in Council of the twenty-eighth of July 1871, to a betrayal of the commercial interests of the Dominion.

They had sacrificed the only means through which the renewal of reciprocity could be secured and they themselves confessed it, as would be seen from the following extract from the Minutes of Council he had referred to:—"The Committee of the Privy Council may observe that the opposition of the Government of the United States to reciprocal trade in the products of the two countries was just as strong from some years prior to 1854 as it has been since the abrogation of the Reciprocity Treaty, and that Treaty of 1852 was obtained chiefly by the vigorous protection of the Fisheries which preceded it; and but for the conciliatory policy on the subject of the Fisheries which Her Majesty's Government induced Canada to adopt after the abrogation of the treaty of 1854, it is probable that there would be no difficulty in obtaining its renewal."

This was the admission of the Government themselves, after they had been obliged to stoop to a policy which meant the betrayal of the commercial interests of the Dominion, and which had they not

adopted, they admit there would be no difficulty in obtaining a renewal of the Reciprocity Treaty. After this admission, all their talk about the hope of the renewal of the Reciprocity Treaty was so much idle words.

Hon. Mr. TUPPER said he could not allow the remarks of the hon. gentleman to go to the country without an answer, which in justice to the Government ought to be given. The House was aware of the great anxiety which the Government had shown towards bringing about an improved state of commercial relations with the United States. If there was one fact patent to the country it was that the Government had on all occasions used every means possible to bring about reciprocal trade relations with the United States since the abrogation of the Reciprocity Treaty.

There was nothing the old Government of Canada, and subsequently the Dominion Government, could do to secure its renewal that they had left undone. A stimulus had been given to foreign trade in this Dominion as one effect of that arrangement. The sentiment of the Government certainly was in favour of inducing reciprocal commerce with the United States, and the Government had been true to that sentiment.

It was hon. gentlemen opposite who, at a moment when the Minister of Justice was engaged in bringing about a policy at Washington for the interest of the Dominion—it was those gentlemen who at that time, and forgetting what was due to themselves and country, had forced upon the Government the rejection of the national policy, which had been most advantageous to both countries. The exclusion of the Americans from our fishing grounds, and the policy of levying duties upon the imports from the United States, had brought the question to a prominent place in the eyes of the people of the United States; and when the Government of Canada was struggling to bring about the freedom of commercial intercourse—at the very time when this Government had a High Commissioner in Washington, and when there was every prospect that he would be successful in bringing about that free and cordial commercial intercourse which was so much desired at the critical moment in the history of Canada, and the interest of reciprocal trade—the hon. gentlemen opposite forgot what was due to themselves, to this House, and to Canada, and struck down by an unpatriotic blow the freedom of commerce, which was on the point of being secured. (*Loud cheers.*)

Hon. Mr. HOLTON: The hon. gentleman has no right to characterize the action of this Parliament.

Hon. Mr. TUPPER said he did not refer to the present Parliament; he referred to the last Parliament. It was but right that he should show to this House and to the country that the policy of this Government was not what it had been represented to be by the hon. member for Lotbinière (Mr. Joly). The strength of this Government in this House and in the country lay in the fact that

they had to the utmost of their power maintained a steady regard for the commercial interests and relations of the Dominion.

The hon. member had charged them with having forgotten what was due to Canada in bringing about the freedom of commercial intercourse. He denied it point blank, and contended that the reciprocal relations which were lately to have been of immense benefit to Ontario in the sending of their produce to the American market, had been frustrated at the very moment when their success was about to be insured by the action of the last Parliament, despite the efforts of the Government.

There had been some sacrifices of feeling, if not of interest, in endeavouring, by the adoption of the Treaty of Washington, to better these relations with our neighbours, but there was a feeling of bitter political enmity in the minds of our American neighbours towards this country, and the Treaty was the only means left to the Government of Canada for bringing about reciprocal relations.

He was proud to be able to say that the hon. gentleman on the opposite side of the House, in that case, in remembering what was due to the party, had not remembered what was due to his country. He was a gentleman of high character and standing, and the representative of a portion of the great commercial metropolis of this Dominion—he referred to the hon. member for Montreal West (Hon. Mr. Young). He was also glad to say that his hon. friend from Châteauguay (Hon. Mr. Holton) had also stated to the people of this country that the interests of Canada demanded that Treaty.

He (Hon. Mr. Tupper) declared the sentiment of this country was in favour of the Treaty, because, in common with the Government, they say in it the only means of bringing about these reciprocal relations which would be of such immense benefit to both countries. Did the hon. gentleman from Lotbinière (Mr. Joly) fail to see the indications ever since the hour that the Parliament had adopted that Treaty? Did any man who looked upon the signs fail to see that from the very hour of the adoption that Treaty had accomplished the great object which was contended for by its supporters? That it had removed all the political bitterness and asperity which had previously existed on both sides of the line?

Look at the change that had already taken place; look at the action taken by the National Board of Trade of the United States; then Congress did not rise after the adoption of the Treaty was insured, till they had shown that a very different sentiment pervaded that body from that by which it had been animated in previous years, and it reduced largely the duties upon a number of articles imported from the Dominion into the United States. A similar proposition had been ignominiously thrown out before by the very same Congress but action under the genial spirit and sentiment which flowed from the patriotic course of the Parliament of Canada, they determined to make a large reduction of duty upon such articles as agricultural products, lumber and salt.

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This was followed up by a declaration by the Board of Trade of the United States, made at the meeting at which the hon. member for Montreal was present, in favour of the renewal of reciprocal relations between the two countries, and the equally unanimous resolution to memorialize Congress for the appointment of a Commissioner to negotiate with us for that purpose. The Board of Trade of Canada had in the same spirit memorialized this Government to apply to the Crown to appoint a Commissioner to act with the Commissioner of the United States to the same end.

This Government had come to the conclusion not to exhibit too much anxiety about this matter, as to induce them to think that it was a question of necessity with us, that we should have free intercourse with them, or otherwise we must become a part of themselves. The Government did not, therefore, think it necessary to take any action on the matter, although they still held the same opinions in regard to the matter, but as soon as the United States took into consideration the means of making effectual the plan that had been submitted to them by their own Board of Trade, the Government would be prepared cordially to act with them to the end.

In view of all this he did not think any one could consistently come forward and say that the obtaining of reciprocity was a hopeless matter. On the other hand, he believed that all the people of Canada and the United States desired would seem to be consummated. (*Hear, hear, and loud cheers.*)

Mr. JOLY said he would get up in his place and speak his mind at any time, and state his opinions freely and frankly. He did not think there was anything in his remarks calling for such language as had been used by the hon. member. He would tell that hon. gentleman that he would dare to get up and speak his mind when at any time or any place his moral conviction called upon him to do so, and he would also dare to get up and tell the hon. gentleman that he and his colleagues had sacrificed the commercial advantage of the country in order to keep themselves in power. (*Cheers.*)

It was all very well for the hon. gentleman to get up and raise his fist like a hammer (*laughter*), as if when he brought it down it were to crush to pieces all those who dared to take opposite view from his own. (*Laughter and cheers.*) He took the liberty of telling the hon. gentleman that it was not to be so, even if the gentlemen on this side were in a minority of the House. (*Hear, hear, and cheers.*) He (Mr. Joly) did not care whether he was with the majority or minority; but when he saw the way in which the majority in this House treated the proposals of the minority, he was proud to belong to the minority.

He had always maintained in that House the position of a man who desired nothing more than what rightfully belonged to him in his honourable position as a private member. As a leader had never put down a member of the other side by asking him why he dared to state his opinion upon any subject. (*Hear, hear.*) What he had to say he said like a man, and what he had stated as his opinion he again repeated; that the canal policy of the present Government was inimical to the best interest of the Dominion.

In answer to the question of the hon. member, who wanted to know if after his blatant exhibition, and after the tremendous force with which he brought his fist down upon the desk (*laughter*), he still had no hope of the renewal of the Reciprocity Treaty, he had the reply that he saw little more sign of it than before, notwithstanding the personal interest the hon. member had exhibited in it.

Hon. Mr. HOLTON again took exception to the course adopted by the hon. Minister. He was characterizing the action of this Parliament in terms not consistent with the rights of this House and it was for this reason he had called him to order.

Hon. Mr. TUPPER: I referred to the last Parliament.

Hon. Mr. HOLTON said the House knew no distinction between the Parliaments, as Parliament was always supposed to exist. He was infringing the rights of Parliament, and that in a very offensive way; and what was his charge? It was that Parliament had dealt a very unpatriotic blow to the best interest of their country at a critical moment, when the Minister of Justice (Hon. Sir John A. Macdonald) was at Washington in the capacity of serving these same best interests. He gathered from the remarks of the hon. Minister that he had reference to what was known as the National policy, which had been rescinded by this House against the will of hon. gentlemen opposite.

He (Hon. Mr. Holton) held that if that were unpatriotic in the last Parliament, and opposed to the ideas of the hon. gentlemen opposite, their first endeavour should have been to get Parliament to revise that vote, and if they had not been able to receive support to have resigned the positions they held as responsible Ministers of the Crown. (*Hear, hear, and cheers.*) He gave, he confessed, a certain measure of support to the Washington Treaty, but he would not have submitted to the surrender of the St. Lawrence by the Minister of Justice in which he maintained was thrown away the only official weapon he had in his hand for obtaining the much desired reciprocal free trade from the United States.

Hon. Mr. YOUNG (Montreal West) said that in 1848 he was at Washington and again in 1853, at both of which times he had made efforts to secure such a reciprocity as would be beneficial to both countries. In 1864 he again made efforts to secure the continuation of the Treaty, and put himself in communication with the British Minister at Washington, and through him with Mr. Stewart, the Secretary of State, with a view to the same and, as well as taking the trouble to speak to every member of Congress, holding in his hand the speech of the Governor General stating that our canals were enlarged so that vessels of one thousand tons could go through them. He also said the western members were in favour of the establishment of reciprocity to a man.

In an official letter addressed in 1855, to the late Mr. Lemieux, Chief Commissioner of Public Works, he said, "I believe it is in the power of the people and Government of Canada to adopt measures which will enable us to compete successfully for the carrying trade of the West, and make our public works a source of great and

growing revenue to the country. I believe it is possible to attract trade from the American to the Canadian channels to the great benefit and interests of Upper Canada, and instead of our having some ten per cent of that trade we should have the greater part of it, and when I filled the position you now fill I urged and now urge on you the carrying out of the enlargement of the Welland and St. Lawrence Canals, and the canal to connect the St. Lawrence with Lake Champlain. Buffalo has attained her prominent position as a depot for the western commerce by the employment of large vessels which cannot pass through the Welland or St. Lawrence canals; but what will be the result on Canadian trade over the St. Lawrence when these 1,000 ton vessels can go down the St. Lawrence to Montreal and Quebec and on to Lake Champlain?

It is scarcely possible to conceive the magnitude and importance to the whole of Canada of such a trade flowing through such a channel. As surely as water seeks a level and a lower level till it reaches the ocean, so surely and steadily will commerce find out the cheapest and easiest channels. The instinct and necessities of commerce must sooner or later open upon and fully develop the magnificent water communications with which Providence has favoured this part of the world. It rests with us to say how far and how speedily we shall contribute to secure this end; more especially does it rest upon you as the head of the department of Public Works, and upon the Provincial Government, to consider whether it is not the imperative duty, in the interests of the people of Canada, to lay before the Provincial Parliament, without delay, a well considered scheme for at once opening up such a communication."

This, Mr. Speaker, is a document published seventeen years ago, and a great responsibility has rested with the Government until now of going on with these works as suggested by me in 1855 and indeed four years before, which the Government, by their present action, declared should have been done long ago. My hon. friends (Messrs. Holton and Dorion) who sit on my left, while in the Government of 1864, were the first to introduce the matter in the Governor General's message of that year. Lord Monck made the subject of canal enlargement a feature of the Government policy. When I had the honour of being at Washington on the subject of the Reciprocity Treaty, it was the fact that the Government had decided on enlarging the Welland and St. Lawrence canals which induced every member of Congress, whom I met, to declare that if this was done they would vote against any repeal of the Reciprocity Treaty, yet the present Government eight years after, are now only moving in the same direction, and in my opinion, the Government are greatly to be blamed for their delay in perfecting our water communication. (*Cheers.*)

Hon. Sir FRANCIS HINCKS said he was not as sanguine as the member for Montreal West (Hon. Mr. Young) as to the influence of the National Board of Trade in the United States in procuring a renewal of reciprocity. The difficulty was in Congress, and so long as the prohibitionist party was able to control Congress these Boards of Trade might pass just such resolutions as they pleased but the object would not be accomplished. What we had to depend on was the progress of public opinion in the United States in favour of

free trade. He believed it was making progress at a very slow rate, and therefore he was not sanguine of any speedy result.

There was one point referred to by the hon. gentleman which he wished to make a few observations upon because it was one of the questions which was largely entertained throughout the Dominion. He knew there was a party in this country that was very anxious for us to have the right of making treaties with Foreign Powers. The hon. gentleman referred to a letter of Secretary Fish, who said that everything rested with the British Minister at Washington.

Hon. Mr. YOUNG (Montreal West): That everything had to be done through the British Minister at Washington.

Hon. Sir FRANCIS HINCKS said he rejoiced that we had to carry on these negotiations through the British Minister at Washington. His influence and the influence of Great Britain in regard to treaties with foreign States was infinitely greater than the interests of Canada would have been, and he knew the influence of the British Minister would always be used to carry out Canadian objects, wherever Canadian objects were consistent with the interests of the Empire. He did not believe that any Canadian Government would endeavour to get the influence of the British Minister were the object sought not for the interest of the Empire at large.

The hon. gentleman referred to former times, and to his (Hon. Sir Francis Hincks') course on this subject, but all he could now say upon that was that it was not till Lord Elgin went as special Minister to Washington to negotiate a treaty that a treaty was secured. The hon. gentleman complained that the navigation of the St. Lawrence had been conceded to the Americans, but it was perfectly well known that for many years previously the Americans practically enjoyed it. In point of fact, no one would stand upon the floor of this House and endeavour to restrict them from navigating the St. Lawrence, and he was astonished that hon. gentlemen should attack the Government upon that ground.

Hon. Mr. YOUNG (Montreal West) said what he meant was that the St. Lawrence should have been placed in the same position as Lake Michigan.

Hon. Sir FRANCIS HINCKS said he did not intend to go into the Treaty of Washington. The British Commissioners did everything in their power to get all they could, but unfortunately they could not get all they wanted. In such negotiations neither side could get all they wanted. It was so in their own Provincial negotiations and one of the heavy charges made against the Government was that they had made disadvantageous terms with British Columbia.

All he could say was that he did not believe it would have been possible to have effected the arrangement without yielding something. If you go into making treaties, you must expect to make very considerable concessions. With reference to differential duties upon canals, he was bound to admit that it was unsound policy to

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concede everything to the United States when they give us nothing in return. (*Hear, hear*). However, there was no use in discussing the question now.

Hon. Mr. MACKENZIE said he was really surprised to hear the Minister of Customs (Hon. Mr. Tupper) take the line of argument he had taken today, because he must have recollected he himself was largely concerned in producing the result he deemed so injurious. He had charged gentlemen on this side of the House with having procured the repeal of these duties, which acted, in his estimation, so injuriously at Washington. Now, if the hon. gentleman would examine the division list upon the occasion, he would find that of the 102 members who voted on the 22nd of March for a repeal of these duties, 64 were Ministerialist, and 38 Oppositionists (*cheers*), and yet the hon. gentleman said that the 38 upon this side forced this obnoxious measure upon the Government. Could anything be more preposterous? He might state further that amongst the names of those who voted for the repeal of these duties he found the names of Messrs. Tupper (*cheers*), Tilley, Robitaille, Morris, Sir Francis Hincks, Howe, Langevin, and Dunkin. (*Cheers*.)

The question was brought up on another occasion, when Mr. Bowell moved the following resolution. This was on the 4th of April, thirteen or fourteen days after the first vote, and nine days after the offer was alleged to have been made by the Commission of the United States at Washington to allow certain kinds of produce to come in free. The resolution was to the effect that in view of the negotiations now pending at Washington between the representatives of the British Empire and the United States, touching the question which may lead to the renewal of the Reciprocity Treaty, it is the opinion of this House inexpedient to repeal the duties now imposed upon certain articles enumerated in section 2 of the bill as amended; and that it be hereby resolved that the bill do now pass but that it be referred back to the Committee of the whole for the purpose of expunging those articles. The question was voted down, 38 being for it and 110 against it, of these 110, 68 were again ministerialists and 2 who were classed as independents, leaving the entire number of Opposition members who voted against it 40, and yet these 40 were accused of using the ministerial majority very tyrannically.

It was they, forsooth, who forced them to do this extraordinary thing, and the hon. leader of the Government did not think it beneath him in his famous perambulation tour, when there was no one there to answer him, to make use of this language:—"In the struggle at Washington I had every chance of success, when judge of my surprise, my horror, when I found that in my absence the Parliament then sitting in Ottawa, in defiance of the remonstrances and the earnest entreaties of my colleagues, proposed and forced upon Parliament the repeal of the laws passed in the previous session." The Opposition, they were told, proposed and forced upon the weak and helpless ministerial majority of nearly three-fourths of the House, and yet when they looked at the record they would find that every one of his colleagues voted for the repeal of the duties, although they had a majority in the House large enough to have

overborne the Opposition two to one, but even if the Opposition had done it all he claimed credit for the vote.

The absurd and preposterous idea that by imposing duties to the extent of \$200,000 we could force a nation of 40,000 000 people into reciprocal trade relations, was really the most childish thing he had ever heard of; further, he had during the elections heard the Minister of Customs (Hon. Mr. Tupper) tell the people that but for the action of the Opposition the United States Government and the Commissioners would have conceded something in the direction of reciprocity. Well, he could produce authority that would not be questioned upon that point.

The member for Bothwell (Mr. Mills) finding these statements circulated in pamphlets and speeches, addressed a letter to the Secretary of State at Washington, to which Mr. Fish replied as follows:—"Your letter dated July 5th was not received till within the last three days. You ask whether the action of the Canadian Parliament in March 1871, in repealing the Act of the previous year, imposing duties on coal, salt, flour, et cetera influenced the action of the Government of the United States in declining to admit salt, coal, and lumber free of duty. Your reference is undoubtedly to the proceedings of the Joint High Commissioners at Washington.

I have no hesitation in saying that the determination of the American Commissioners with regard to the duties on articles of produce of Canada was not in the slightest degree influenced by any action of the Canadian Parliament in repealing the Act imposing duty on American products." (*Cheers*.)

He thought he had now produced evidence enough to satisfy those gentlemen who were not members of the last Parliament that in the first place it was the Ministerial majority themselves who carried this measure in the House, and he applauded their patriotism and wisdom in doing so; and secondly, it was absurd to suppose that we could influence the action of the United States Government by imposing a duty on coal. He mentioned coal simply because no revenue could be derived from the duty on grain.

We were an exporting people, not an importing people, except for the purpose of trade, and he always took the ground that to impose a duty upon the article of produce or commerce which was simply an article of commerce, and not of consumption, in our own country, was not only not beneficial to trade, but of great injury to it, and he had proved that the United States Government themselves never for a moment dreamed of being influenced by a decision which it now appeared they were as ignorant of at the time as was the Commissioner for Canada himself.

We know, further, that this action was taken on the 22nd of March, and the offer of the American Commissioners that was rejected by the British Commissioners was made on the 25th of March, three days after the offer was made, and they were told by the Minister of Militia, whose absence they all regretted, that the Government were in daily communication with their Commissioner

at Washington, and that matters were progressing satisfactorily. They never had the slightest intimation that tidings of their having repealed the so-called national policy had the slightest influence upon the negotiations at Washington. It was an electioneering ruse and the hon. gentleman's speeches now were an electioneering ruse. He fancied that he could by a cloud of words and with his peculiar style which was more remarkable for sound and noise than for argument (*laughter*) gloss over the guilt of the Government in conceding on any terms without any consideration whatever, the very things that had we possession of would force them to grant some measure of reciprocity.

He might quote from the celebrated pamphlet of the member for Vancouver (Hon. Sir Francis Hincks), and show that the position he then took was entirely inconsistent with the position he now took; but the inconsistency of the hon. gentleman was of so frequent occurrence that no person was surprised at any fresh instance. The hon. gentleman at one time or other had placed himself in a position to believe his own principles, and advocated views which were entirely opposed to those with which he entered public life.

With regard to the question before the House, he had nothing to say, because there were no papers to be produced, and he was not at all disposed to question the action of the Government since the passage of the Treaty, because he believed that we had by our own action absolutely shut the door, and it was quite useless for us to go through the farce of attempting to open it. (*Cheers.*)

Mr. JONES would merely refer to a few remarks which had been made, which appeared to him to place gentlemen claiming to be free traders in a very inconsistent position. The member for Montreal West (Hon. Mr. Young) had stated that he resigned his seat in the Canadian Cabinet because the Premier of the day (Hon. Sir Francis Hincks) was in favour of placing a deferential duty on American vessels passing through the Welland Canal. He would ask, if we are not to impose duties why should we object to give up the navigation of the St. Lawrence.

The hon. gentleman had also said that Canada did not offer inducements to emigrants equal to those offered by the United States, and in the next sentence stated that the farmers in many parts of the United States had been burning corn for fuel for want of means to take it to market. The hon. member for Châteauguay (Hon. Mr. Holton) had charged the Minister of Justice with having surrendered the only weapon we had through which we could secure reciprocal trade, but he (Mr. Jones) as a protectionist, hoped to show, when he moved for a Committee, that we still have sufficient inducements left to induce the Americans to agree to the renewal of the reciprocal trade.

Hon. Mr. TILLEY suggested that the motion should be amended to include the correspondence with the Dominion Board of Trade.

The motion was then carried.

BREAKWATERS AND PIERS

Mr. TREMBLAY moved for a statement showing the breakwaters, landings, and piers belonging to the Dominion Government, the respective locations of these several works, the tolls and other charges paid on each of them; also the amount received by the Government on each of such works by the way of rent or otherwise, together with the names of the tenants or occupants. He urged upon the Government the necessity of looking to the condition of these works in the St. Lawrence, especially where the trade of the river necessitated such action and where these works were in a state of proper repair. He also spoke of the propriety of doing away with tolls on bridges, et cetera, as they did not bring in much revenue and impeded trade.—Carried.

* * *

NEW BRUNSWICK SCHOOL ACT

Hon. Mr. ANGLIN moved for copies of all Acts passed by the Local Legislature of the New Brunswick during the present session, and assented to by the Lieutenant-Governor of that Province, on Tuesday the 25th inst. He said it was of some importance in his opinion that copies of these Acts should be brought down as early as possible. It would be in the recollection of many members that the House almost unanimously passed a resolution with regard to the School Act in which it was stated that it was not satisfactory to a portion of the inhabitants and in which it was hoped that the Act might be so modified during the following session as to remove any grounds of discontent that then existed. The House of Assembly of New Brunswick had disregarded the wishes expressed by the House, and not only had they refused to pass an Act modifying the Act in operation, but they had gone much further in the contrary direction, and had passed a number of Acts so altering the law in that respect as to make that Act more unjust and oppressive.

The hon. gentleman then explained the action taken by those residents in the Province of New Brunswick who were opposed to the Bill. Some of them obtained orders from judges of the Supreme Courts of the Province proscribing the enforcing of the collection of rates, which were being collected under the objectionable Act, and they finally succeeded in obtaining in many cases judgements declaring the assessments to have been illegally made. This was the state of things when the House of Assembly met, and they almost immediately proceeded to pass a number of laws remedying a number of errors in these laws. These were the Acts which he (Hon. Mr. Anglin) asked should be publicly brought before the House. They were of a most extraordinary nature.

The paper he then held in his hand was, he believed, a correct copy of one of these Acts. It was a Bill to legalize the assessment for school purposes made in and upon the city of St. John for the year 1872. In the preamble it recited that the assessment had been declared invalid, and proceeded as follows:—"Be it therefore enacted by the Lieutenant-Governor, Legislative Council, and

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Assembly as follows: The assessment heretofore made and ordered by the Common Council of the city of St. John for the year of our Lord 1872 under the Common-schools Act of 1871 for school purposes in the city, by the Board of Assessors of taxes, is hereby absolutely legalized and confirmed and declared to be valid and effective in law to all in all intents and purposes, as if the same had been in all respects duly ordered, made, levied, and assessed, and may be collected, reserved, and enforced accordingly; and every person assessed, as appears by the record book or list of such assessment for school purposes, is hereby declared to be and is made liable to pay the amounts and sums of money assessed upon him as appears in the said list; and the receivers of taxes for the city of St. John shall immediately upon the passing of this act proceed to collect and enforce the same Act accordingly, as provided by the laws relating to collecting of rates and taxes in the city of St. John, without any notice or notices or demand being required to be made or given.

Under the laws relating to municipal government in the city of St. John, it was required that all taxes levied in the city either for municipal or other purposes, should be paid up before the day of election, or the person having the franchise will be disqualified to vote." Now this Act, a portion of which he had read, gave the former illegal assessment all the force it would have possessed had it been legally imposed, and he was informed that 2,600 ratepayers of the city of St. John were absolutely disfranchised at the late election. And that was not all; this Act was assented to on the 25th of March, and the election in the city of St. John for the whole body of members of Common Council took place on the following Thursday, just one week after the day the Bill received assent, and yet it was declared by that Act that those who had not paid the assessment that had been made by the following Friday, would be disqualified from voting at the Election to take place on the Tuesday following. The result of this was that 1,000 electors who had paid all other rates and taxes were disfranchised and prevented from voting at the elections last Tuesday.

There was another point of importance. The members of the House of Commons not only expressed their regret that such an Act was in existence, but hoped it would be modified so as to meet the wishes opposed to the Act and meet the ends of justice. The matter was also referred to the Judicial Committee of the Privy Council, and two parties from the Province of New Brunswick were invited to take part in that proceeding; and it would only have been common courtesy and common decency, if, when this was pending in this matter, to have allowed it to remain for a time without further action.

There was another point to which he wished to direct attention, and in which he thought that not only had propriety been violated, but the spirit and letter of the Constitution. It was required that all Acts passed by the Local Legislature should be forwarded as soon as assented to the Dominion Government. That Bill was assented to on the 25th of March, and he did not know whether or not it had been forwarded to Ottawa. He was satisfied that no opportunity was given to the Governor General in Council to examine these Acts

and to determine whether they were Acts that should be left in operation or not; therefore he believed the spirit of the Constitution had been outraged by this proceeding. It was the duty of the House to mark their sense of such conduct.

There was also another consideration, namely: that one of the provisions of this extraordinary Act was that the Receiver of Taxes for the city of St. John should, immediately upon the passing of the Act, proceed to collect the sums due under the Act as provided by the laws relating to the collection of rates and taxes, without any notice, et cetera. If the Receiver was carrying out that law, he was at that moment issuing distress warrants, compelling the people who resisted payment of these taxes last year to make instant payment. Now, if there was any cause—and he believed there was ample cause—why the Government should interfere, they should therefore interfere instantly.

He urged upon the Government to obtain copies of these Acts and lay them before the House, and he did so for the purpose of moving, if it were necessary, that the Governor General ought to disallow these Acts. He hoped that after the Government had considered the nature and character of the Acts, and after they had ascertained how grossly the Constitution had been violated in spirit and letter, that they would be able to announce that they had recommended His Excellency to disallow the Acts. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD presumed that the Acts had not been received. In fact he was quite sure they had not or he would have been informed of the circumstance. It was not the practice of the different Provinces to forward the Acts until they were printed. However, as the hon. gentleman had moved specially on to these Acts and they had not arrived, he would communicate with the Lieutenant-Governor, and would take care that certified copies of these Acts should be laid upon the table.

It being 6 o'clock the House rose.

AFTER RECESS

DUAL REPRESENTATION

On motion of **Mr. MILLS** the Bill to render members of the Legislative Councils and Legislative Assemblies of the Provinces now included or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons, was read a third time and passed.

* * *

FELONY AND MISDEMEANOUR

Mr. GLASS moved the House into Committee on the bill to amend the law respecting the trial of felony and misdemeanour; **Mr. SCATCERD** in the chair.

At the request of Hon. Mr. Mackenzie, the Minister of Justice and Hon. Mr. Blake being both absent, the Committee rose, reported and asked leave to sit again.

* * *

BALLOT BILL

Mr. TREMBLAY moved the second reading of the Bill to provide for taking votes by ballot at elections of members of the House of Commons of Canada.

Hon. Mr. TUPPER asked, as the Minister of Justice (Hon. Sir John A. Macdonald) was absent, to allow the matter to stand over.

Hon. Mr. MACKENZIE said this was not a Bill that the Minister of Justice was concerned with. It was a political measure to provide for a certain mode of taking votes, and there was no possible reason why it should stand over for a representative of Government.

Hon. Mr. HOLTON said the object of the motion was simply to get the opinion of the House upon the principle of the Bill, upon the principle of voting by ballot. If the House affirmed the principle, then it would be the duty of the Minister of Justice to acquiesce in the decision of the House and include the clauses in his Bill.

Mr. YOUNG (Waterloo South) thought that as the hon. gentleman would be present in a few minutes, they might go on with the consideration of the Bill as it would last some time.

Hon. Mr. MITCHELL thought the hon. gentleman opposite might extend that courtesy which had been extended to them by the Government and allow the second reading of the Bill to stand over.

Hon. Mr. TUPPER said he had been misinformed as to the arrival of the Minister of Justice. It was probable he would not return that evening.

Hon. Mr. HOLTON held that the motion should be proceeded with. The measure was purely a political one, and it was only necessary that they should get the sense of the House, and they could do this as well in the absence as in the presence of the hon. gentleman. Hon. gentlemen would admit that unless this stage was pushed this evening there was no probability of their again reaching it for a week. It was more convenient to take the opinion of the House on the second reading than at any other time.

Mr. SAVARY thought that as the Minister of Justice had brought in an Election Bill, that was a sufficient reason for the Bill being laid aside.

Hon. Mr. MITCHELL rose to a question of order.

The SPEAKER at this point said the motion being upon the notice paper he had a right to bring it forward.

Mr. TREMBLAY then, in moving the second reading of the Bill, said this measure was for the protection of the poorer classes, who under the present system of voting were often obliged, through fear of consequences, either to abstain from voting altogether or to vote against their convictions. In England the ballot had been tried, and, judging from the opinions expressed by the leading journals of that country, had given general satisfaction. He read extracts from the *Daily News* and other leading journals, and from the speeches of Gladstone and other leading statesman of the Mother Country, to show that it met with general approbation among all classes but the favoured few, whose privileges might be endangered by the untrammelled expression of public opinion.

The open system of voting had proved detrimental to the interests of the working classes, not only in England, but in this country. He himself had been the victim of the antiquated system and he could speak feelingly on the subject. In New Brunswick it was true, there had been some dissatisfaction expressed against the ballot, but it arose from the scrutineers not discharging their duty correctly, and not from any defect in the system.

Mr. YOUNG (Waterloo South), after a few preliminary remarks, said the ballot had been a success in Australia, Great Britain, the mother of free lands, also adopted that system and this country, one of the freest countries in the world, was the only one that might be said to lag behind. It was contended that they had not so much violence or intimidation here as in Great Britain, and therefore it was needless to adopt the Ballot system. Whether this statement with regard to violence and intimidation was true or not, they had a larger amount of intimidation, violence and bribery than was admitted.

He referred in detail to the violence which took place during the late general election, and dwelt particularly upon the scene at Quebec. He maintained that the violence at the nomination was manifested with the view of preventing the attendance at polls, and that intimidation and bribery were increasing. At every election electors were more or less intimidated, and in proof of this assertion he related his experience in his own country last year. It was not right that people could be intimidated in the exercise of the franchise according to their conscience. Bribery also was greatly on the increase, and at the last election the amount of bribery practised was larger than was ever known before. He did not think the system of voting by ballot was perfect, but he claimed that voting by ballot would almost entirely put an end to violence and intimidation, and would put a very serious check upon bribery and corruption.

It had been experienced in those countries where the ballot had been adopted that it had almost put an end to violence at elections, for it was impossible to distinguish friends from opponents. Before the Imperial Government brought in the Ballot Bill, passed last year, they took occasion to send to the Australian Colonies and obtained from the Governor there his opinion upon the ballot

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system in those colonies where it was in operation. He held in his hand returns of those governors which were presented to the British Government. The evidence given by every one of those functionaries was, so far as he was able to learn, all to the effect that the ballot system prevented bribery and intimidation. These documents were of the highest importance and proved that the passing of a ballot system would have the result anticipated.

After reading from portions of this evidence, with regard to bribery the testimony was not so clear that it would be possible to check that evil, on the country it was admitted that more bribery than usual would take place on the passing of the Ballot Bill. The United States had been referred to as an instance of this, but that was not a fair comparison. The United States functionaries were accustomed to accompany electors to the poll and they could see how the voter was about to vote. The system that would be adopted in Canada was of a different character, and would be entirely of a secret nature. The Bill at any rate, if passed, would check the bribery that usually takes place on the afternoons of elections. It would, at any rate, be a great advantage to secure this reform.

It had been asked if secret voting was applied in one instance, why it should not be introduced into the House. The two cases, were, however, different. The members of that House were responsible to the people, having obtained the confidence of the people by certain representations and the people had a right to know how their representatives voted, but with an elector it was entirely different. He was not responsible to his fellow men. He had, to a certain extent, a moral responsibility. The franchise was a trust which it was not absolutely necessary should be exercised openly. The jurymen, for instance, exercised his duty secretly in the exercise of which the lives of fellow men frequently depend and a vote, he believed, would exercise his trust secretly better than otherwise.

The ballot would give the real political opinions of the country and the weak and dependent voters who were open to many influences under the present system would be able to record their votes according to their opinions. The ballot would be a protection in every way and as nearly all free Governments in the world had adopted the system, he hoped the Canadian Government would not long remain behind. (*Cheers.*)

Mr. FINDLAY said he considered it his duty to uphold this measure if it were for no other reason than for the purpose of giving a poor man the advantage of full expression, and at the same time afford him protection from the effect which the conscientious use of the privilege might be exercised upon him by his neighbour. It would give, he contended, the effect of inducing both love and confidence between the candidate and electors.

Mr. WITTON said that he was anxious to have the House express its opinion as to whether it should alter its present system to that of the ballot. So far as the ballot was concerned he believed that the House was not a debating club for the discussion of the pros and

cons of the matter. Anyone desiring to study the question had only to turn over the pages of *Hansard* to find all he required. He did not think that Acts of Parliament would change the character and habits of the people, but he did believe that the measure would tend to improve the character of our elections, which was at present a stigma to our people. Elections were now characterized by lavish expense, debauchery and drunkenness, which were a disgrace to the nation.

He thought that the example of England should be made the subject of all consideration. He had no doubt but that the ballot would be found to be a complete success in England, and it would be a cause of wonderment that it had not been adopted long before. He quoted extracts from the records of Commissions appointed in England to investigate the result on the Colonies in which the system of the ballot prevailed. In these countries, where the ballot had been in use, the elections have been freer from bribery, intimidation, or drunken debauchery, while the utmost order had prevailed, and expenditure has been materially lessened.

The Governor of Tasmania reports that he believes that bribery has ceased with the introduction of the ballot. Reports from other Colonies were equally satisfactory. The good order which generally prevailed in these Colonies was remarked by all. In this House, no less than one-fourth of the members had had petitions presented respecting their seats. There was no such thing in the Colonies to which he referred as a member being unseated for bribery. He did not think that the introduction of the ballot would Americanise Canadians, or make them less distinctively national.

He (Mr. Witton) having referred to the action of the British Parliament in adopting the ballot, asserted that our elections were a disgrace to our country, and any system which had the remotest chance of improving matters ought to be hailed with satisfaction by this House. He referred at considerable length to the Parliamentary Committee which some years ago was sent to examine into the state of the Election Law and voting system in Britain and although he confessed that there was not the same occasion for it in this country, yet he thought it was anything but unworthy of the consideration of the House.

He quoted at considerable length from the evidence adduced before the Select Committee of the British Parliament and in which leading statesmen of both shades of politics had expressed themselves very strongly regarding the necessity of a change of system in favour of ballot. The very fact that so many of the members of the House, at least 14 of them, had been petitioned against, was sufficient to induce a larger majority of this House to give the measure their cordial support.

Some might object to it because of its tendency to Americanize our institutions, that the system was unmanly and un-British. For his part he was not at all affected by the Yankee phobia. He gave his cordial support to the measure.

Mr. BEAUBIEN objected to the system and said that in Montreal, where it was used at the municipal elections, it was going to be done away with.

Mr. ROSS (Middlesex West) contended that the system of voting was not the cause of corruption, but because it was the interests of individuals and parties to exercise an influence which they could not have done under a system of secret voting. The simple fact of the Premier having made the statement, he, acting upon the British principle, was at liberty to have secret service money expended as he pleased, had made many a poor man hold over his vote in the expectation it was worth something to him if recorded for the supporters of hon. gentlemen on the Treasury benches.

He referred to the difference between the vote in the Province of Ontario for the supporters of the Sandfield Macdonald Government and those of the present Government. He did not assert that the Government had used secret service money, but he asserted that it was expected they would, and he showed that the Railway policy of the Government exercised an influence on the electors which otherwise they would not possess. He denied that the ballot had a tendency to make voters hypocritical, and asserted that hypocrisy was more prevalent and more malignant than that which would exist under the ballot.

He contended that the ballot would tend to a freer and fuller expression of public opinion; that it would prevent bribery and corruption; and that no man need fear under it any pecuniary or personal loss from recording his conscientious vote. It would also tend to do away with the influence of money, wealth, and power. It would also prevent what was known as afternoon corruption on the day of the election, when men waited to see how the vote was going and were finally purchased at the best price. Men would be left to act more freely. He did not think that the experience of one ward should be placed in the balance against the evidence from so many great countries of the world. He heartily supported the ballot. (*Cheers.*)

Mr. COSTIGAN contended that the ballot would not prevent bribery and corruption, but, on the other hand, would increase it; and he also contended that no expression of opinion had been given by the electors in favour of secret voting. The great body of the electors desired no change, and the majority of them were not in need of any protection of any kind. It would benefit only those men who had no principle and would give their services to whomsoever paid them best. He predicted that in England the secret system of voting would prove a failure in less than two years and asserted that in both Nova Scotia and New Brunswick it had already failed.

Mr. ALMON opposed the measure very strongly, and said it had been a failure in Nova Scotia.

Hon. Mr. DORION (Napierville) replied to the statements of the hon. member for Hochelaga (Mr. Beaubien) respecting the

working of the ballot in Montreal. He observed that before the ballot was introduced, violence at elections was very prevalent, and frequently people were killed, and although at that time the feeling of the House was hostile to the ballot, yet it was granted for the municipal elections in Montreal simply as a matter of necessity. Since that time which was two years ago, there had not been a single petition presented in favour of repealing the ballot, not even by men who at the time resisted it, while there had been very little violence since then. It had been said that the ballot did not secure perfect secrecy, but that was not the object of the ballot. The object was to secure to a man perfect liberty of conscience to vote as he pleased, and more especially to prevent intimidation.

He would remind the hon. gentleman from Hochelaga that at Point St. Charles, in that constituency, he had seen 11 electors, employees of the Grand Trunk Railway, come up in succession and vote for the same candidate, being driven by their foreman. He, himself, had heard two employees of the Grand Trunk Railway say the day before the election that they were not going to the work shops tomorrow, because if they did they would receive an order to vote for his opponent. They, therefore, abstained from going and lost their day in order to vote for him. The ballot would enable such people to vote without fear of consequence.

He went on to say that before the introduction of the ballot in Montreal no respectable man could go to the poll without danger of having his coat torn off his back. The ballot had put an end to that, and surely it was worth while to apply the same system to Parliamentary elections. He was satisfied the experience of Montreal had proved that the ballot was the best system yet devised, for large constituencies at all events, to prevent violence and intimidation. As to bribery, he did not think the ballot would entirely cure it, but he thought it would do a great deal to prevent it. He had heard gentlemen on the floor of this House say that ballot was an immoral system because when a candidate bought votes he was not sure that the man would remain bought. That, in his opinion was the very strongest reason why the ballot should be introduced.

So far as the ballot in Montreal was concerned, it had been a very great success, although the ballot there was not what he would wish to have it. In Montreal the people had to sign their ballot, and after the election the way they voted might be known. But, imperfect as it was, it had been a great boon. It had done away with violence and intimidation, and even bribery to a certain extent. The only country that had abolished the ballot after having tried it was Nova Scotia.

Mr. MACKAY contended the ballot was not desired by the people. In Nova Scotia it had not given satisfaction to the electors, who would prefer to know how every man voted. In his opinion the ballot did not prevent intimidation, and if it was a correct principle of voting, why not apply it to juries? He held that it was desirable to wait and see how the ballot operated in England before introducing it here, especially as the people had not petitioned for it. For these reasons he would oppose at the present time the introduction of the system of secret voting.

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Mr. BEAUBIEN desired to reply to the remarks of the hon. member for Napierville (Hon. Mr. Dorion). He said he had found by his own experience in the last election that employees of the Grand Trunk were thoroughly independent. In many cases they had voted against him, and that he considered was the best evidence they were independent. (*Laughter.*)

Hon. Mr. SMITH (Westmorland) rose to a point of order. The hon. gentleman had already spoken, and could now only make a personal explanation.

Mr. BEAUBIEN moved the adjournment of the House.

The SPEAKER ruled that he could not make a motion having already spoken.

Mr. BOWELL moved the adjournment in order to give the hon. gentleman an opportunity to proceed with his explanations.

Mr. BEAUBIEN went on to say that there had been a great deal of trouble at the municipal elections at Montreal since the ballot was introduced, and he observed that a petition would be very soon presented against it by the City Council.

Hon. Mr. YOUNG (Montreal West) said he could corroborate the statements of the member for Napierville (Hon. Mr. Dorion) in regard to the operations of the ballot in Montreal. He had lived longer in that city than the hon. gentleman from Hochelaga, and could assure him that there had even been considerable loss of life at the municipal elections prior to the introduction of the ballot, but none since. At the Parliamentary elections a system of open voting prevailed, and during the last forty years a great many lives had been lost and it was only since polling places had been divided that there had been anything like order at elections. He would vote for the ballot with a great deal of pleasure.

Hon. Mr. SMITH (Westmorland) said he had seen elections under the ballot, and while the ballot had not abolished bribery and corruption altogether, it had certainly diminished them. By no system could they entirely prevent bribery and corruption, but the great use of the ballot was that it unquestionably did away with violence and intimidation and left every man free to vote as he pleased. He hoped the Government would not oppose the ballot. After seventeen years' experience of ballot, he believed that nineteen twentieths of the people of New Brunswick were in favour of the ballot.

Mr. PALMER moved the adjournment of the debate.

Hon. Mr. YOUNG (Montreal West) hoped it would not be adjourned, because if so the evening would thus be wasted. There was much work before the House, and there was no saying when it would be done, and he saw no objection to voting upon the

principle of the Bill tonight. If there were members who wished to speak upon the measure they would have an opportunity of doing so at a future stage of the proceedings.

Hon. Mr. TUPPER was in favour of an adjournment.

Hon. Mr. MACKENZIE said if there were gentlemen in the House who wished to speak upon the question, it would be desirable to agree to the motion to adjourn the debate; on the other hand it also was desirable that if this were agreed to, it should be made the first order of the day for Monday, and that would have to be embodied in the motion.

Hon. Mr. YOUNG (Montreal West) agreed to this.

Mr. PALMER included the suggestion of Hon. Mr. Mackenzie in his motion, which was carried.

The House then adjourned at 11.15 p.m.

* * *

NOTICES OF MOTION

Mr. YOUNG (Waterloo South)—That he will move the following resolutions:-

1. That under the naturalization laws of Great Britain, Germans and other persons of alien birth naturalized in and under the laws of the Dominion of Canada lose their acquired rights and privileges as British subjects if they pass beyond the boundaries of the Dominion.

2. That this is regarded as a great hardship and grievance by naturalized Germans who have become citizens of Canada, who justly claim that after being legally naturalized they should be recognized as British subjects in any part of the world so long as no act is done by them to forfeit such allegiance.

3. That by an Act passed by the Imperial Parliament in the 33rd year of Her Majesty's reign, entitled the Naturalization Act of 1870, it is provided that Great Britain will thereafter recognize and protect all persons legally naturalized as British subjects, in any part of the world, provided they ceased by the laws of their native State to be subjects thereof in changing their allegiance, or when a Treaty has been made between Great Britain and the said State to that effect.

4. That under the provisions of the Act aforesaid, such a Treaty was negotiated between Great Britain and the United States in the year of our Lord 1871 and a further supplemental treaty in the following year, 1872.

5. That an humble address be presented to her Majesty, setting forth the aforesaid grievance, and praying that her Majesty will be

graciously pleased to take such steps as may be necessary for the redress of the same by the negotiation of naturalization treaty between Great Britain and the German States, so that legally naturalized Germans in Canada may not thereafter be subjected to the disabilities of a divided allegiance, but be entitled to all the rights, privileges and protection of British subjects in any part of the world, and in as full a measure as if they had been subjects of Great Britain by birth.

Mr. SAVARY—On Monday—Enquiry whether the Government intend to take any steps for the erection of a beacon light at Church Point, Port Acadia, in St. Mary's Bay, county of Digby, in accordance with the prayer of the petition for that object.

Mr. SAVARY—On Monday—Enquiry whether the Government intend to place a bell-buoy on Dartmouth Ledge, at the entrance of the Grand Passage, Bay of Fundy, during the coming season.

Hon. Mr. YOUNG (Montreal West)—On Monday—Enquiry whether the survey of the Baie Verte Canal and the improvement of the Welland Canal have received the sanction of Mr. Page, chief engineer of the Department of Public Works.

Mr. HARVEY—On Monday—Enquiry whether it is the intention of the Government to constitute the town of St. Thomas, in the county of Elgin, a port of entry, and to provide for the erection of a suitable custom-house there.

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HOUSE OF COMMONS

Friday, April 4, 1873

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

Prayers

PETITIONS

Several petitions in favour of a prohibitory liquor law were presented.

* * *

STANDING ORDERS

The report of the Standing Orders Committee was read.

* * *

RETURNS BROUGHT DOWN

Hon. Mr. LANGEVIN presented the return to an address containing all petitions presented to His Excellency the Governor-General praying him to sanction the construction of a canal on the north shore of the St. Lawrence; also the supplementary annual report of the Minister of Public Works, containing the report of Mr. T.C. Keefer on the Baie Verte Canal, and a letter of Mr. C.S. Gzowski, approving of the same.

Hon. Sir JOHN A. MACDONALD presented the following returns:—

Returns showing the number of applications filed with the Government for the lands and territory claimed by the Province of Ontario, lying west and north of Lake Superior; the names and residences of the applicants; the quantity of land applied for by each person or company; the amount deposited by each person or company; the cases in which the applications have been accompanied by plans and surveys, and an abridged description of the location so applied for.

Correspondence relative to Judge Bossé.

Correspondence in reference to the arbitration between the Provinces of Ontario and Quebec.

Papers in *re* the suit against Mr. Taylor, the Parliamentary and Departmental printer.

BILLS INTRODUCED

Mr. COCKBURN (Muskoka) introduced a bill to amend the Act respecting the representation in the House of Commons. He explained that the object of the bill was merely to define more accurately the limits of the County of Muskoka.

Mr. CRAWFORD introduced a bill to incorporate the Empire Fire and Marine Insurance Company.

Mr. MORRISON introduced a bill to amend the Act incorporating the Freehold Permanent Building and Saving Society.

Also, a bill to incorporate Date's Patent Steel Company.

Also, a bill to incorporate the Exchange Loan and Trust Company of Manitoba.

Also a bill to legalize and confirm the letters patent of invention granted to one James McNabb, of Sarnia, for a Horizontal Railway Car Coupler.

Also, a bill to incorporate the Land Financiers Company of Canada.

Mr. RYAN—To incorporate the Insurance Company of Canada.

Mr. DOMVILLE—To incorporate the King's County Board of Trade.

Mr. BEAUBIEN introduced a Bill to empower the Montreal Northern Colonization Railway Company to extend their line from Three Rivers to Deep River, and also to extend it to the Georgian Bay or Lake Superior, to connect with any other lines.

* * *

VITAL STATISTICS

Hon. Mr. POPE (Compton)—To provide for the registration of Marriages, Births and Deaths, and for the collection and publication of statistics.

Hon. Mr. MACKENZIE asked for some explanation of the Bill. Was it proposed to make use of the existing machinery in one of the Provinces?

Hon. Mr. POPE (Compton) said it was first proposed to add this office to the Department of Agriculture, the Minister of Agriculture being Registrar General. There would be a superintendent of registration in each of the districts into which the Dominion would be divided. That officer would have under him

several registrars for subdivisions. In Ontario there would be nine divisions, in Quebec eight, in each of the Lower Provinces four, and in Manitoba and British Columbia two. Under these superintendents of registration would be several registrars, who would be partly paid by fees, but would also receive stated salary from the Government for collecting agricultural and other statistics. The Bill provided that certain parties should be bound to furnish information, and shall be paid by the Registrars and Superintendents for doing so. It was not intended by the Government to use any existing machinery. These were the main features of the Bill.

Hon. Mr. MACKENZIE asked if fees would be paid by the parties making registration.

Hon. Mr. POPE (Compton): No, by the Government.

Hon. Mr. MACKENZIE asked if the Provincial machinery in Nova Scotia would be used.

Hon. Mr. POPE (Compton) said it would not. The machinery would be entirely new. The Bill was similar to the Irish Act.

The Bill was then read a first time.

* * *

EASTER HOLIDAYS

Mr. PALMER asked the intention of Government in reference to the Easter Holidays.

Hon. Sir JOHN A. MACDONALD replied that it was the intention of the Government to consult the pleasure of the House in the matter. He would ask the House when it adjourns on Thursday to stand adjourned until Saturday, make Saturday a Government day, and on Saturday night adjourn until Tuesday.

* * *

KENT, NEW BRUNSWICK ELECTION CASE

Mr. MACKAY—From the Committee appointed to try the Kent, New Brunswick election case asking leave to adjourn till the 24th of April, as witnesses were required from New Brunswick. He moved that this leave be granted.

Some discussion followed, in the course of which,

Hon. Mr. BLAKE suggested the propriety of the Government passing a short Bill at once, providing for a Commission to take evidence in New Brunswick, in order to save the great expense of bringing witnesses to Ottawa.

Hon. Sir JOHN A. MACDONALD said he did not suppose the Government would introduce such a Bill unless one of the parties interested should make application for it. He suggested that the

motion stand over till tomorrow to allow them time to look up the law on the point of adjournment.

The motion was finally carried.

* * *

ADJOURNMENT

On motion of **Mr. MACKAY** it was resolved that the House adjourn from six till half-past seven o'clock today, to enable the Kent Election Committee to meet.

* * *

QUEBEC HARBOUR

Hon. Mr. MITCHELL gave notice of a resolution declaring it expedient to provide for the better management of the Harbour of Quebec.

* * *

PRIVILEGE: PERSONAL EXPLANATION

Hon. Mr. BLAKE: Before the Government notices are called, I claim the privilege of the House to say a few words with reference to a personal matter that occurred yesterday when the statement was made with reference to the Renfrew South nomination of the returning officer. I was unable to accept the statement made by the Minister of Justice (Hon. Sir John A. Macdonald) and the hon. member for Vancouver (Hon. Sir Francis Hincks). As I propose before I close to accept this statement, I desire to make a short statement to the House of the reason why I do so.

The reason why I was unable to accept the statement yesterday was this: I had in my possession as a justification for having made the observation I did make in Committee, and which the hon. gentleman gave me credit for believing to be correct, a communication representing, what I have no doubt is true, that about the end of July last a colleague of the hon. gentleman, not the member for Vancouver, had sent a communication to Mr. O'Reilly in these terms:—"Writ will be delayed; you can name returning officer." I, of course, did not assume when the hon. leader of the Government and the hon. member for Vancouver made their statement that they had any personal cognizance of that communication having been made, but I assumed the statement was made in ignorance of that communication, which I believed referred to this particular case, addressed as it was about five days before the issue of the writ for Renfrew South to the ministerial candidate for that Riding.

I felt and have always felt upon matters which are, as I regarded this one to be, of a personal character, that it is the bounden duty of the members of this House, if they can at all see their way to doing it, to accept the statements made upon such questions; but I was unable yesterday to accept that statement, because I did not see how it was consistent with information I had that such communication

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should not have taken place. I anxiously considered the matter this morning, and it appeared to me that it was possible from the tenor of the communication that it might refer to some other election, inasmuch as it did not mention for what county the writ was to be issued, and for what county Mr. O'Reilly was to have power to name the returning officer.

That being the case, it appeared to me after mature reflections that the information I had was not absolutely inconsistent with the statement of the hon. leader of the Government and the hon. member for Vancouver. As the question was practically of a personal character, I did not feel it otherwise than my duty under these circumstances to withdraw my statement. I felt that unless I had information which was absolutely inconsistent with the statement made by the hon. gentleman I should accept that statement in all its fullness; and believing as I do that the information I have referred to some other returning officer and some other writ than that for Renfrew South, I felt that just as it was my duty at the earliest convenient moment to withdraw the statement unreservedly.

Hon. Sir JOHN A. MACDONALD said he was gratified at the statement of his hon. friend. It was what they all expected from him. The statement he (Hon. Sir John A. Macdonald) made was within his own cognizance and within the cognizance of the hon. member for Vancouver (Hon. Sir Francis Hincks). In this particular instance the returning officer had been selected long before he went West, therefore he was a little surprised at the positive manner in which his hon. friend (Hon. Mr. Blake) had stated in Committee that the returning officer in this case had been named by the Ministerial candidate, for the simple reason that before, to his knowledge, Mr. O'Reilly was named a candidate, Queally had been selected as returning officer. He had to say again that his hon. friend had only taken the course which they all expected from him. It was creditable to him, and of course satisfactory to the House.

Hon. Sir FRANCIS HINCKS desired to say a word on the subject. He was also very much gratified at the course taken by the hon. gentleman. When he spoke yesterday, he stated he had a personal knowledge of the facts. He really took no interest whatever in the appointment of any returning officer in any part of the country, but he happened to be at Pembroke long before the issue of the writ. He happened to meet there Mr. Bonnifield. He did not ask him about the returning officer, but Mr. Bonnifield came to him and asked him if he would recommend Queally, and as he knew Mr. Bonnifield to be a proper man to make such a recommendation, he did recommend Queally.

He would add that after he returned to Ottawa he was in communication with another gentleman who many friends of the government in Renfrew South wished to become a candidate. That gentleman declined to become a candidate, and Mr. O'Reilly's name at that time was not mentioned at all. It was three or four weeks afterwards, when he was in the West, that he heard

Mr. O'Reilly's name, and at the same time he heard that Mr. Bonnifield was opposing him.

Mr. FINDLAY asked if Mr. O'Reilly was not spoken of as the Government candidate for Renfrew South on the very day on which the hon. gentleman visited Pembroke.

Hon. Sir FRANCIS HINCKS said he would not say that. Mr. O'Reilly's name might not have been spoken of among many others, but there was no proposition to ask Mr. O'Reilly to be the candidate at that time, so far as his knowledge went.

Hon. Mr. HOLTON said his hon. friend from Bruce South (Hon. Mr. Blake) had in this manner done what they all would have expected of him in withdrawing a statement in respect of which there could be any possibility of a shadow of doubt. He had, in doing so, showed that the statement he made was not rationally made but that there might have been a misapprehension as to the applicability of the information to the particular case referred to; for his own part, having been a good many years in Parliament and having been witness of some unpleasant passages between members, it was always a source of very great satisfaction to him when the cause of disagreement and personal pleasantness was removed in the way that had been done on this occasion. (*Hear, hear.*)

Hon. Mr. HOWE said he heartily endorsed the sentiment of the hon. member for Châteauguay (Hon. Mr. Holton). He was an old member of Parliament, and perhaps used intemperate language as frequently as most people; but he was always sorry for it and glad when members could bring their differences to a happy termination. He would suggest that, considering they had a great deal to do, they had almost enough of these petty squabbles.

Hon. Mr. BLAKE said he thought the hon. gentleman might have spared that last observation. It was not he (Hon. Mr. Blake) who had introduced the matter into the House, and he did not think he had spent much of the time of the House in treating it.

The matter was then dropped

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QUEBEC TRINITY HOUSE

Hon. Mr. MITCHELL moved the House into Committee on the resolution declaring it expedient to amend the Act relating to the Trinity House of Quebec, by increasing the number of wardens thereof. In doing so he asked to be allowed to add to the resolution the words "that one officer shall be the Chairman of the Board of Directors of the Harbour Commission."

The resolution was adopted, and **Hon. Mr. MITCHELL** introduced a Bill founded on the resolution.

PILOTS AND PILOTAGE

Hon. Mr. MITCHELL moved the House into Committee on the resolution declaring it expedient to make one law common to the whole Dominion of Canada respecting pilots and pilotage. In making the motion, he said that after long and serious consideration and after having consulted with deputations from the pilots and mercantile bodies he had come to the conclusion to introduce this resolution, upon which he had founded a Bill. It proposed to amend the law of the whole of the Dominion and in Nova Scotia, New Brunswick and British Columbia.

It proposed to create certain authorities who shall examine pilots before they receive licences, enquire into their conduct, and control and regulate their proceedings. At the same time, they would fix the rates and fees payable, subject to the approval of the Governor in Council. There would also be certain changes recommended with regard to the pilotage of the St. Lawrence, which, while protecting the rights of the pilots, would, he hoped, in some measure meet the views of mercantile men, and recommended themselves to both parties. He would further defer the explanation till the Bill was before the House.

Hon. Mr. MACKENZIE said the hon. gentleman had said too much or else too little. He had told them that something had taken place of which he did not fully inform the House. He had told the House that there were certain difficulties to be encountered which had required very serious consideration, and a certain course had been taken in regard to them; but he had neither said what these difficulties were nor how they had been met.

He (Hon. Mr. Mackenzie) was not disposed at this stage to demand any explanation regarding the Bill. Now, however, since the hon. gentleman had said so much, he hoped he would go further and explain the matter. The House was informed that the Bill was going to affect the commercial interests of the country and the hon. gentleman was bound to say in what manner. With regard to the other portions of the Bill, he fancied they were simply a consolidation of the pilot laws. The whole matter had formerly been discussed in the House.

Hon. Mr. CAUCHON said the only question before the Committee was that contained in the resolution, whether or not a change in the pilot laws was expedient. The matter contained in the Bill could not be discussed at present until the Bill was introduced.

Hon. Mr. MITCHELL said he was quite prepared to give a full explanation. He referred to the rights which had been reserved by the pilots under the old corporation, to some of which the Government had consented, while they proposed that all vessels under 250 tons register shall come into port free of pilotage if the owners choose to take the risk. This was a provision which he thought the country wanted, and which he considered would be of great benefit in the coasting trade. There would be no decrease in the existing rates of pilotage, and the pilotage of the St. Lawrence would be placed under the supervision of the Trinity Board.

Mr. Le VESCONTE enquired whether the hon. gentleman had taken under consideration the fact that masters and mates who had passed the necessary examinations could under the existing law in Nova Scotia take a ship into port without a pilot, irrespective of tonnage. It seemed from what the hon. gentleman said that he meant to limit this matter to ships under 250 tons.

Hon. Mr. MITCHELL said that where the trade required, the ports could be declared free ports, and no pilotage would be compulsory. This did not apply to the St. Lawrence.

Hon. Mr. YOUNG (Montreal West) said that undoubtedly the measure was one in which the commercial population felt a very great interest. The proposition in regard to 250 tonnage was one which was desired by the mercantile community, (*hear, hear*) and it was one which would be hailed with satisfaction. (*Hear, hear.*) At present a captain or mate acquainted with the St. Lawrence need not take a pilot on board while coming up the river, while a stranger was obliged to do so. At present, too, though the pilots were a most worthy set of men as a class, it was to be remembered that by a law passed in 1860 it was enacted that the whole body of pilots should be a corporation, and should have one common purse into which all their earnings were put. There was thus no distinction between the clever, energetic and successful pilot and the unskilled pilot and unenergetic. He had no objection to their being paid the very highest figure for their services possible, but he had objection to a principle which precluded the possibility of labour which he considered a necessity.

The principle which put the good and the bad workman upon a level was not sound, and had never been acknowledged in any country. The merchants had no objection to make to the charges, but they complained that many ships were lost through the incompetency of some of the pilots. He had brought this matter before the Dominion Board of Trade.

Hon. Mr. CAUCHON objected to taking up the discussion until it came properly before the House.

Hon. Mr. YOUNG (Montreal West) said his hon. friend was right in this.

Hon. Mr. ANGLIN suggested that when the Bill was printed a number of extra copies should be struck off and forwarded to parties in the Maritime Provinces whose interests were affected. He said there had been great differences between the merchants and pilots of St. John with regard to this same matter, and so far as he understood the principle of the measure as laid down by the hon. gentleman who moved the resolution, the pilots would be placed under the control of the very men whom they had thus differed with. He need not point out how unsatisfactorily such a provision was likely to work. He had never heard any complaint as to the competency of the pilots of St. John.

The motion was carried and the **Hon. Mr. MITCHELL** introduced a Bill founded upon the resolution.

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INSPECTION OF CANADIAN PRODUCE

On motion of **Hon. Mr. TILLEY** the House went into Committee on the resolution declaring it expedient to amend and consolidate and to extend to the whole Dominion the law respecting the inspection of certain staple articles of Canadian produce.

Hon. Mr. TILLEY introduced a Bill founded thereon.

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THE QUEEN'S PRINTER

Mr. YOUNG (Waterloo South) asked when the papers would be brought down which he had asked for in relation to the amounts advanced to the Queen's Printer upon and over the amount of the contract.

Hon. Sir JOHN A. MACDONALD said he was under the impression that he had laid the papers on the table some days ago, but he would see, now that he found that he had not, that they were brought down at once.

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INTERCOLONIAL RAILWAY CONTRACTORS

Mr. YOUNG (Waterloo South) also asked if the papers had been brought down relating to the claim of the Intercolonial Railway contractors who had given up their contracts.

Hon. Sir JOHN A. MACDONALD said that would be attended to.

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KEEPING ORDER ON PASSENGER STEAMERS

On the orders of the day being called,

Hon. Mr. MITCHELL moved that the House do go into Committee on the Bill entitled an Act to provide for keeping order on board passenger steamers.

Mr. MILLS said there was some very extraordinary provisions in that Bill, and he instanced the first clause which he said made a provision relating to civil rights, and upon which the Government had no right to legislate. He also took exception to the fifth subsection of the second clause, and also to the fourth clause, and complained of the extraordinary powers placed in the hands of officers of vessels. They might use these powers at the instance of persons on board, who were instigated to call for their intervention simply to annoy the party with whom they quarrelled, and it would be in the power of these officers frequently to disappoint persons whose business urgently required that they should proceed at once. He took this exception to the clause which placed in the hands of officers of the ships the power to detain any party whom they might have any occasion to suspect was not a proper person to go on board, or had endeavoured to do so from any wrong motive.

Mr. OLIVER pointed out that in the second subsection of clause 2, a penalty was imposed upon passengers for drunkenness, while the supply of the alcohol which made the passengers drunk was allowed without restriction. He also pointed out that while there was such a provision in reference to the passengers, there was no such restriction upon the officers of the vessels. Surely what was a crime in the one was a greater crime in the other. Now that the laws were going to be organized anew, and in view of the strong expression from all parts of the Dominion in favour of Prohibition, he felt the hon. gentleman should have shown that he respected that feeling by prohibiting the sale of liquor on board ships. If it were necessary on land, surely it was much more necessary on sea. (*Hear, hear.*)

Hon. Mr. MITCHELL denied that the question of civil right was one which could be raised, as had been done by the hon. member for Bothwell. It was a question in relation to trade and navigation, which this Parliament only could deal with. With regard to the power conferred upon officers of vessels, he said we had British precedent for it, in 24 Victoria, and he thought that in this instance it should be accepted as good. With regard to the 4th section, which the hon. member had described as extraordinary, he confessed it was so, but the enormity of the case required it, and for this also there was British precedent. In reply to the hon. member for Oxford North (Mr. Oliver) he would say that the question of Prohibition must be dealt with under another head, and the hon. member would have a chance of bringing the matter up again.

It being six o'clock, the debate was formally adjourned.

The House then rose for recess and, according to the resolution adopted during the afternoon, adjourned until 7.30 p.m.

EVENING SITTING

At half-past seven **The SPEAKER** again took the chair, but the reporters were for some time excluded from the gallery.

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ORDER ON PASSENGER STEAMERS

The House again went into Committee on **Hon. Mr. MITCHELL's** bill to provide for maintaining order on board passenger steamers.

Some slight amendments were made and the Committee rose, reported, and asked leave to sit again.

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CARRIAGE OF DANGEROUS GOODS

Hon. Mr. MITCHELL moved the House into Committee on a bill respecting the carriage of dangerous goods in ships.

The bill was amended by striking out the word "petroleum".

The Committee rose, reported, and the bill was read a second time.

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THE MONTREAL TRINITY HOUSE AND HARBOUR COMMISSIONERS

Hon. Mr. MITCHELL moved the second reading of the bill respecting the Trinity House and Harbour Commissioners of Montreal.—Carried.

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RUPERT'S LAND CUSTOMS DUTIES

Hon. Mr. TUPPER moved the House into Committee to consider the following resolution—

1. *Resolved*, that it is expedient that the 27th section of the Act 3, Vic. 33, entitled an Act to amend and continue the Act 32 and 33 Vic., Cap. 3, and to provide for the Government of the Province of Manitoba, sanctioned on the 12th of May, 1870, be amended in so far as it limits to three years after the passing of that Act, the term during which the Customs Duties now by law chargeable in Rupert's land shall be continued.

2. *Resolved*, that whereas the said term of three years expires on the 12th day of May next, 1873, and therefore prior to the full opening of trade communications with the said Province of Manitoba and the Northwest territory in the said section of the said Act, referred to as Rupert's Land, it is just and expedient that such Customs laws had been continued in force until the 30th day of June next inclusive, and that upon, from, and after the first day of July following, that is to say, the first day of July, 1873, the tariff of Customs then in force in the Dominion of Canada shall be and come into full force and effect in the said Province of Manitoba and the whole of the Northwest Territories.

In moving the resolution he said it had been thought desirable that the tariff of Canada should not be applied to Manitoba for three years after that Province joined the Dominion, and the Manitoba Act provided that the old tariff of Manitoba should apply until May the 13th next, when the Canadian tariff would come into force. One of the principal reasons for this course was the great importance of inducing a large amount of emigration into the Province, where the cost of the necessaries of life was exceptionally high, owing to the want of sufficient facilities for transport. It was not represented that the objects of this provision had not been attained, that the immediate introduction of the Canadian tariff would cause a great increase in the cost of living. The Government, which had been making strenuous efforts to improve the means of communication between the old Province of Canada and Manitoba, believing that the Dawson route would be ready by the first of July, proposed an extension of the time to that date.

Mr. SMITH (Selkirk) thought the reasons given for the extension of the time to the first of July would justify a still further extension. He gave statistics of the cost of living in Manitoba, and the great cost of conveying clothing and many other necessaries of life to that Province. He trusted the time would be extended at least a year beyond the time mentioned by the Minister of Customs.

Mr. SCHULTZ regarded the extension of the privilege to Manitoba not as part of the better terms but as a right. He argued that by right the three years did not expire till next October.

Mr. CUNNINGHAM thought the exceptional character and position of Manitoba justified the House in granting an extension of the privilege to July, 1874. The cost of everything purchased in Canada was doubled before it reached Manitoba. Another reason why an extension to July, 1874, should be granted was the loss which the province sustained from grasshoppers in 1872.

Mr. MASSON suggested that the time be extended to July, 1874.

Hon. Mr. MACKENZIE argued that this being a Government measure a private member ought not to interfere.

After some discussion on the point of order,

Hon. Sir JOHN A. MACDONALD said that as no objection had been raised to the amendment, and as the Government were desirous of meeting the wishes of the people of Manitoba, he would ask an adjournment of the question so that they could consider what course they would follow, and he would at some future sitting announce to the House whether they had accepted the amendment or not.

The Committee then rose and asked leave to sit again.

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OCEAN POSTAL SERVICE

The adjourned debate was resumed on the proposed motion of the **Hon. Mr. TUPPER** that the House do resolve itself into a Committee of the whole to consider the following resolution:—

That it is expedient that the provisional contract entered into between Sir Hugh Allan and the Postmaster General of Canada under the authority of an Order in Council dated the 8th day of January, 1873, for a weekly service of Ocean Mail Steamers, on the terms and conditions set forth in the said contract, a copy whereof and of the said Order in Council has been laid before Parliament, should be sanctioned and authorized by Parliament as required by the terms thereof, in order to its becoming valid and binding.

Hon. Mr. TUPPER regretted that other papers were not in the hands of the members. They were laid on the table in the early part of the session, and the Government were not responsible for the delay in printing. He would state for the information of the

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members that the contract under consideration was substantially the contract negotiated by Hon. Mr. Holton when Minister of Finance in 1863, with the difference that in that year, 1863, the subsidy was \$208,000 per annum, whilst in the recent one the subsidy was only \$126,000 per annum.

The grounds on which the contract of 1863 was negotiated were elaborately set forth by Mr. Mowat, the Postmaster General of the day, who stated with great clearness that in order to secure the object so desirable to Canada it was necessary that there should be a contract between the Government and Mr. Allan for the carriage of the mails. He (Mr. Mowat) then pointed out that the great object was to maintain an efficient line of steam connection between Canada and Great Britain, inasmuch as mail matter would necessarily be directed to the shortest and quickest route, and in order to compete with the New York route steamers of the best description would be required.

Mr. BODWELL objected to the consideration of the resolution until the papers were before the House, as many members were not aware of the facts connected with the contract of 1863.

Hon. Mr. TUPPER had no desire to press the resolution, but could not hold himself responsible for the papers not having been printed, as they were laid on the table fully a fortnight ago. He thought that by explaining that the contract was substantially the same as that of 1863, with the exception of the subsidy having been reduced, coupled with the information which Hon. Mr. Holton, who negotiated that contract, would be able to give the House, that the House would consent to allow the resolution to pass.

The discussion was taken up by members of the Printing Committee, and finally the Hon. Mr. Tupper withdrew his motion until the papers were printed and distributed.

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SUPPLY

The House then went into Committee of Supply, **Hon. Mr. CAMPBELL** in the chair, and the following items were carried.

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|--|------------|
| Governor General's Secretary's Office | \$5,982.50 |
| The Department of the Queen's Privy Council for Canada | 11,650.00 |
| The Department of Justice | 4,550.00 |
| The Department of Militia and Defence | 30,480.00 |
| The Department of Secretary of State | 27,727.50 |
| The Department of Secretary for the Provinces | 16,920.00 |
| The Department of Receiver-General | 17,247.50 |

| | |
|--|------------|
| The Department of Finance | 45,460.00 |
| The Department of Customs | 24,835.00 |
| The Department of Inland Revenue | 19,776.00 |
| The Department of Public Works | 42,560.00 |
| Post Office Department | 66,410.00 |
| The Department of Agriculture | 30,630.00 |
| The Department of Marine and Fisheries | 20,015.00 |
| Treasury Board Office | 3,150.00 |
| Marine and Fisheries Department Agencies | 15,200.00 |
| Dominion Lands Officer, Manitoba | 48,000.00 |
| Public Works Department, British Columbia | 4,000.00 |
| Departmental Contingencies | 150,000.00 |
| Stationery Office for Stationery | 15,000.00 |
| To meet the possible amount required for new appointments by an extension of the staff or other change | 10,000.00 |

The Committee rose, reported on the item voted for Civil Government, and asked leave to sit again on Tuesday.

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ADDITIONS TO COMMITTEES

Hon. Sir JOHN A. MACDONALD moved that Messrs. Church and Haggart be added to the Committee on Railways; and that Messrs. Boyer and McDonald (Cape Breton) be added to the Committee on Building and Commerce.—Carried.

Hon. Sir JOHN A. MACDONALD moved the adjournment of the House.

The House adjourned at 11.40.

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NOTICES OF MOTION

Mr. BROUSE—On Monday next—Enquiry of Ministry whether it is the intention of the Government to adopt the recommendations of the Adjutant-General with regard to the medical grades of surgeons connected with the militia service, and, if so, will action be taken immediately?

Mr. LITTLE—On Monday next—Enquiry of Ministry whether the Government intends to appropriate a sum of money for the repair of the several drill sheds that were erected under the sanction and authority of the Ministry of Militia, many of which are in a dilapidated condition.

Mr. LITTLE—On Monday next—Enquiry of Ministry whether it is the intention of the Government to make the town of Collingwood, in the county of Simcoe, a port of entry.

Mr. YOUNG (Waterloo South)—On Monday next—Address to His Excellency the Governor General, for a return showing the total amount of revenue derived from the postage on newspapers, and distinguishing, if possible, the amount derived from newspapers sent from the office of publication and those otherwise sent through the mails.

Hon. Mr. MITCHELL—On Tuesday—Committee of the Whole to consider the following resolution: That it is expedient to amend the acts relating to the improvement and management of the harbour of Quebec, and to provide that the Corporation of the Quebec Harbour Commissioners shall hereafter consist of ten members, three of whom shall be appointed by the Governor, two shall be elected by the Quebec Board of Trade, one by the Levis Board of Trade, two by the holders of bonds of the Corporation, and two by the payers of tonnage dues on vessels from or to ports beyond the seas, with provisions for supplying vacancies or defaults to elect; that the Commissioners may impose additional dues not exceeding two and a half cents per load of fifty feet on wood goods, and two and a half cents per ton weight or measurement on other goods imported or exported from Quebec from or to places out of the Dominion; that the Commissioners may borrow money to an amount not exceeding \$500,000 to the payment of the interest and sinking fund on which loan the revenues derived from property to be acquired by means of it, and the additional dues under this Act, shall be appropriated; and that the revenues and dues under existing Acts shall be applied to the payment of existing bonds of the Corporation.

Mr. SCRIVER—On Monday next—Bill to explain and amend the Patent Act of 1872.

Mr. BOYER—On Monday next—Will address His Excellency the Governor General for copies of all letters, accounts receipts, papers or documents, whatever, addressed by Michael Mathieu, Esquire, the member representing the electoral district of Richelieu in this honourable House, by the Hon. J. B. Guévremont, Senator, or by any other person, whomsoever, to all or any of the Public Departments, namely, the Customs Department, the Militia Department, Department of Agriculture, the Department of Public Works, the Privy Council Office, the Post Office Department, the office of the Intercolonial Railway Commissioners, or any other public department, in relation to any bargain or contract with Her Majesty, or to any order emanating from any of the said Departments respecting the publication of advertisements

published, being published, or to be published in a newspaper called *Le Richelieu*, in another newspaper called *Le Messager du Sorel*, and in another newspaper called the *Sorel*, between the 1st January, 1870, and the 20th March, 1873; copies of all money warrants issued by any of the aforesaid Departments to the said Michael Mathieu, Esquire, to the said Hon. J. B. Guévremont, Senator, or to another person, in payment for the publication of such advertisements in any of the said newspapers; copies of all correspondence between the said Michael Mathieu, or other and all or any of the said Departments, during the said period, in relation to the publication of the said advertisements; copies of all documents whatsoever setting forth the undertaking or the execution, directly or indirectly, by himself or through a third party, of any bargain, contract or order for the publication of the said advertisement in any of the newspapers aforesaid, with any of the said Public Departments, in virtue of which bargains, contracts, agreements, or orders, public moneys have been or are to be paid as aforesaid; copies of any documents setting forth the transmission or payments of any sum of money for the publication of such advertisements; also copy of the letter or commission appointing the said Michael Mathieu, Esquire, then sheriff of the District of Richelieu, stamp distributor for the judicial district of Richelieu, or any other district, the said officer of stamp distributor being then under the control of the Government of Canada; copy of the resignation of the said Michael Mathieu as such stamp distributor, with a statement showing the precise date of the receipt of the said letter of resignation and whether the same was addressed to the Government of the Dominion of Canada.

Mr. BEAUBIEN—On Monday next—Enquiry of Ministry whether it is the intention of the Government to cause to be removed, by dredging or otherwise, the banks of the old canal, which now obstruct the approach to the wharves constructed for the use of manufacturers and situated below the macadamized road bridge at Cote St. Paul, near Montreal.

Mr. THOMPSON (Haldimand)—On Monday next—Enquiry of Ministry, whether it is the intention of the Government to constitute the town of Cayuga, in the county of Haldimand, an independent port of entry and to provide for the erection of a suitable Custom-house at that place.

Mr. THOMPSON (Haldimand)—On Monday next—To enquire of the Ministry, whether the purchasers of the Hamilton and Port Dover road have paid all instalments of purchase money as they became due; if not, whether any steps have been taken to collect the same, and if the original sureties are still held responsible.

April 7, 1873

HOUSE OF COMMONS

Monday, April 7, 1873

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

Prayers

AFTER ROUTINE

ELECTION PETITIONS

The **SPEAKER** announced his decision as to the recognizance in election petitions concerning the following sitting members:— Mr. Shibley, unobjectionable; Hon. Mr. Carling, objectionable; Hon. Mr. Cameron (Cardwell), objectionable; Mr. Smith (Peel), objectionable; Mr. Horton, objectionable; Mr. Edgar, objectionable; Mr. Ross (Middlesex West), objectionable; Mr. Cook, objectionable.

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THE NORTHWEST TERRITORY

The **SPEAKER** read a message from His Excellency, transmitting the Order in Council of the 12th of February, 1873, authorizing the Lieutenant Governor and Council of the Northwest Territories to make provision for the administration of justice and establishment of laws, institutions, and ordinances for the peace, order and good government of these territories.

* * *

REPORTS OF THE PRINTING COMMITTEE

Mr. **STEPHENSON** moved the adoption of the first and second reports of the Printing Committee.

Hon. Mr. **MACKENZIE** observed that he had seen from the newspapers that the Committee had omitted the report of the Clerk of the Printing Committee, and it was presented to the Committee. It has been changed, or something omitted, and the House ought to be in possession of what the Clerk did write before they were asked to adopt this report. He asked that the motion stand as a motion.

Mr. **STEPHENSON** said the original report was printed in the proceedings of the House, and the report as amended was acquiesced in by the Clerk of the Committee on Printing.

Hon. Mr. **MACKENZIE** said he did not see the original report of the Committee, and he hoped the hon. gentlemen would agree to postpone his motion.

Mr. **STEPHENSON** consented to withhold the motion.

Mr. **BOWELL** said there had been no departure from the ordinary course of procedure.

Mr. **YOUNG (Waterloo South)** said it was necessary that the action of an officer of the House should be sustained if the House expected him to be able to perform his duties.

The motion was withdrawn.

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REPORTS SUBMITTED

The **SPEAKER** also submitted a report of the shareholders in the Bank of British North America and the Merchants' Bank of Halifax.

Hon. Mr. **LANGVIN** brought down a return showing the occasions on which leave of absence had been granted to the Deputy Adjutant-General of Militia, and other salaried staff officers of Militia, since October the 1st, 1868, and the duration of their absence from duty on such occasions.

Also, copies of all surveys, plans and estimates of the proposed canal at the Culbute rapids.

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BANKING AND COMMERCE

Hon. Mr. **TILLEY** presented the second report of the Committee on Banking and Commerce.

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BILLS INTRODUCED

The following Bills were introduced.

Mr. **BROUSE**—To incorporate the Warrior Mower Company of Canada.

Mr. JETTÉ—To incorporate the Canadian Metal Importation Company.

* * *

PROHIBITORY LIQUOR LAW

Mr. BODWELL moved that the Select Committee on the Prohibitory Liquor Law have leave to report from time to time—Carried. He then introduced the first report, asking that the quorum of the Committee be reduced to five members.—Carried.

* * *

PRIVILEGE

Hon. Mr. DORION (Napierville) desired, before the orders of the day were taken up, to bring under the notice of the House a matter which he thought particularly affected the internal arrangement of the House itself. He was informed that among the employees of the House there were several who were in the habit of writing for newspapers, and in some of these papers he found articles reflecting upon members of this House in a manner in which he could not characterize otherwise than outrageous.

He found in *Le Courier d'Outaouais* of the 4th of April an article headed "Le Masque est Levé" reflecting upon several members of the House. Speaking of Mr. Tremblay (Charlevoix) it said—"This man has never been known to sign a written engagement in favour of the Ministerial party, the better to secure his election by acclamation, but afterwards he votes for the Opposition; but this game is played out, and the county of Charlevoix will supply him with the proof of it, for it must despise traitors and imposters." Further on, the article speaks of Mr. Prévost (Deux-Montagnes) thus:—"We admit that of all these traitors, he is one who inspires us with the greatest disgust."

This paper bore on its title page the name of Elie Tassé as chief editor, who he understood was translator in the House of Commons, so it appeared that one of the officers of the House had the indecency, for he could call it by no other name, to write such articles, calling traitors those who had to be in constant communication with him, and whose servant he was.

He found upon enquiry that another translator was Mr. Decelles, who up to the very eve of the session was assistant editor of *La Minerve*, the Ministerial paper in Montreal, and he did not know whether he was so now or not. He found that Joseph Tassé, who was also assistant editor of *La Minerve*, was a translator in this House. He also observed that Mr. Langer was an employee of the House, and he was considered one of the assistant editors and correspondent of *Le Canadian*, a newspaper, published in Quebec in the Ministerial interest.

He believed that every member could not consider this otherwise than as a breach of privilege of the House. It was the practice of

several of the Quebec Ministerial papers to attack young members, especially with a view to intimidate them and force them to vote with the Government. If it were proved that this was done by officers of the House, the House would be wanting in its sense of dignity if it did not at once visit such conduct with proper punishment.

He found the House of Commons in England had never hesitated to visit with punishment those who published libels even outside of the House. He could not find a single instance where an officer of the House had dared to do so. He cited from Earl Grey's work on Parliamentary practice a passage against officers under the Government meddling in political contests by writing in newspapers.

He intended to follow his remarks by the usual motion, that the article he had quoted from be read by the Clerk of the House, and that Elie Tassé be brought to the Bar of the House to answer such questions as might be put to him. In bringing this matter before the House, he did not wish to cast any reproach or suspicion upon the Speaker, who was only one of the five Commissioners appointed to look after the internal arrangement of the House. The other Commissioners were Hon. Sir John A. Macdonald and Hon. Messrs. Tilley, Langevin, and Tupper.

The hon. gentleman who led the Quebec section of the Government must certainly have known that the three or four sessional writers and translators appointed were connected with newspapers in Quebec, and it was his duty to have severed any such connection before recommending them to be appointed. He hoped the House would make such example upon the occasion as would show that officers of the House were not to interfere with members by attacks upon them in the press. He moved that paragraphs nine and eleven of the article in question be read.

The motion was carried, and the article read by the Clerk.

Hon. Mr. DORION (Napierville) then moved that Elie Tassé of the City of Ottawa be ordered to appear forthwith at the Bar of this House.

Hon. Sir JOHN A. MACDONALD said unfortunately he was out of the House when his hon. friend from Napierville (Hon. Mr. Dorion) commenced his observations, and therefore he had been deprived of the advantage of having heard all he said on the subject. With respect to those remarks of his hon. friend which he had heard, he must say that in their general tenor he thoroughly agreed, and he was the more bound to do so inasmuch as he, however unworthy, held the position of the leader of a majority in that House, therefore it was especially his duty to see that every hon. member, whatever his political opinions or tendency might be, should be fully protected according to the law and the Constitution.

In the first place, it was exceedingly improper for officers of the House to be engaged in political discussions in the press. (*Hear,*

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hear.) He thought, whatever their proclivities might be, they must sever their connections with the press during the time they were engaged in the House. This was necessary for the obvious reasons that were given by the hon. gentleman who made the motion that it was undesirable that servants of the House and who were to a certain extent the servants of every member of the House, with whom they were in daily communication, should attack members in the public press. He thought this rule should be rigidly observed, at the same time he was bound to say that he thought the practice introduced by his friend was a rather inconvenient one.

He (Hon. Mr. Dorion) had looked up authorities upon the subject, had prepared himself for the statement and had quoted authority he (Hon. Sir John A. Macdonald) would not presume to question. He had taken the course which he was satisfied was correct; but it occurred to him (Hon. Sir John A. Macdonald) that, except in case of urgency, the House should have an opportunity of considering what really was the best mode of protecting the dignity of the House and punishing any breaches of its privileges.

He thought his hon. friend should have acted in a manner less liable to exception, one, at all events, not open to the exception which he (Hon. Sir John A. Macdonald) now took. He should have merely had the paragraph read, and allowed the present motion to stand as notice.

He thought that the practice should be generally adopted. It might be right to call upon the House to act immediately, but after the House had taken that step they could not well retrace it. He only mentioned this, because it occurred to him that his hon. friend would have acted in a manner that would have been the least liable to exception.

As the motion had been made they must deal with it, and if the hon. gentleman passed the motion, he (Hon. Sir John A. Macdonald) would vote for it, throwing upon him the responsibility that the motion was really the one which, according to practice in similar cases, had been adopted.

While he was up, he would say however, that he did not agree with the general doctrine that officers of the House should not write upon politics. He might say, though it might seem somewhat presumptuous to say so, that he did not agree with the doctrine laid down in the paragraph the hon. gentleman had read from Lord Grey in reference to permanent officers not expressing any political opinions. Lord Grey, while very able, was exceedingly peculiar, and his opinion was not sustained by the practice of the present day.

No man had written more strongly on political affairs of the day than Sir Erskine May, the Clerk of the House of Commons, in his constitutional history.

Hon. Mr. HOLTON: That is historical.

Hon. Sir JOHN A. MACDONALD: He writes up to the present day.

Hon. Mr. DORION (Napierville): Not upon daily topics.

Hon. Sir JOHN A. MACDONALD: Then, Mr. W.R. Gregg, the head of the Stationery Department in England, wrote the most clear-minded articles in the *Pall Mall Gazette* under the initials "W.R.G." on current political topics. Sir Arthur Helps had written a very interesting if not a very strong book on the forms of Government and the changes hanging over the present political affairs. He protested against the idea that because men were political employees they were not to exercise the intellect which God had given them, and would be very sorry if they were to be disbarred from the discussion of political events.

But that was quite different from attacking individual members and using the language employed in this case—(*hear, hear*)—which it was impossible to justify in any way or even to excuse. He did not know the gentleman in question, or anything about him; did not know when he was appointed or how he was appointed, or by what influence he was appointed. If he had placed himself in this position, he must take the consequences.

Hon. Mr. DORION (Napierville) said Earl Grey did not mean that public officers should be deprived from writing on political events, but said he regarded with alarm their meddling in political contests, by being concerned in Party newspapers, or writing in newspapers on the disputed political questions of the day. His object to bringing this young man, whom he did not know by sight, to the bar was to put a few questions to him, in order to identify him with the newspaper, and then, if the House required time for consideration he should have no objection to postpone the matter till Wednesday.

Hon. Mr. MACKENZIE said it had better be disposed of today.

Mr. JOLY said that upon hearing his hon. friend was about to bring forward the matter he thought it his duty to look into the subject of the right of public officers to take an active part in political struggles by writing in newspapers. He referred to the opinion of the Duke of Newcastle, Lord Grey, and Mr. Laws, all of whom were of the opinion that public officers should not engage in public political controversy. He (Mr. Joly) thought as this was the practice in England, that it would be better for the public service and better for the public officer, if he were given to understand what his position was, and that he was paid to do his duty and not to abuse members of that House.

Mr. CUNNINGHAM said he wished to say one word relative to this matter. He held that if the Government officials were to be allowed to correspond with newspapers, the line which they could not overstep ought to be distinctly marked out for them. (*Hear.*) He had intended making some remarks on a case not exactly parallel to the one before the House, but somewhat similar.

Some time ago, a man named Urquhart had been sent to Manitoba as Clerk of the Northwest Council, but he seemed to devote his time almost entirely to writing letters and sending telegrams to the *Mail* newspaper. Every one in the House knew that they had had their troubles in the Northwest, but happily these difficulties were rapidly disappearing, old animosities were dying out, and the people were settling down into their old state of friendliness and amity, but this man Urquhart, acting in the capacity of a Government official, was writing letters to the *Mail*, powerfully calculated to revive all the old animosities and open up all the old scores; and his very position as a Government official gave weight to his words which the merits of the letters, as letters, otherwise would not gain.

The same official sent to the *Mail* a telegram accusing him (Mr. Cunningham) of abusing the military stationed at Fort Garry, as well as Lieutenant Colonel Smith, the commandant. Now he took this opportunity to deny the statement, and he asked the House to bear him out that since he took his seat in the House he had not said one word, good, bad, or indifferent, regarding either Colonel Smith or those under his command. (*Hear, hear.*) Government officials would do well to abide by their official duties and leave newspaper writing to men with more brains and judgment than Providence had granted them. (*Hear, hear, and laughter.*)

The Sergeant-at-Arms then, at the direction of Mr. Speaker, proceeded to inform Mr. Tassé that his presence was required at the Bar of the building.

In a short time he returned and announced that Mr. Tassé was not within the precincts of the House.

Hon. Mr. DORION (Napierville) then moved that he be summoned to appear at the Bar of the House at half-past seven.

The motion was carried.

* * *

RAILWAY ACCIDENT

Mr. TOBIN asked if the Government had received any official information of an accident which occurred on the Government Railway between Truro and Halifax the latter part of last week, and which resulted in loss of life and serious injury to several persons and great damage to property. He said that several New York reporters and artists of Frank Leslie's paper with others were in the train and were seriously hurt.

Hon. Mr. LANGEVIN thanked the hon. gentleman for giving him an opportunity of stating what had occurred, and the action the Government had taken in the matter.

On Saturday morning he received a telegram from Mr. Taylor, Assistant Superintendent of the Government Railway in the Lower

Provinces, stating that on the previous evening, he thought about eight o'clock, a collision had taken place between an express train from St. John to Halifax and an accommodation train from Halifax to Truro. The accident took place some ten or twenty miles east of Truro. One person, the conductor of the express train, was killed, and a number of passengers and other persons were injured. The Assistant Superintendent in his letter said he believed, though he had not made enquiries, that there had been neglect of orders on the part of some officials on the train.

He had instituted an investigation, and in the meantime the Government had directed that a commission should be specially appointed to enquire into the working of the railways in Nova Scotia and New Brunswick, and to enquire specially into this accident. He had given directions for the dismissal of any officer or employee who had violated any order that he had received.

* * *

INTERCOLONIAL RAILWAY

A message was received from His Excellency transmitting the report of the Commissioners of the Intercolonial Railway, and the minutes of the Council founded thereon, in reference to the claims made by the contractors for sections one to seven of the Railway.

* * *

LACHINE CANAL IMPROVEMENTS

Mr. RYAN enquired whether the Government intends to ask for tenders immediately for the construction of the proposed outlet lock for the Lachine Canal to the harbour of Montreal, and for the deepening of the Canal basin as proposed.

Hon. Mr. LANGEVIN: It is the intention of the Government to ask for tenders.

* * *

ST. LAWRENCE RIVER CHANNEL

Mr. RYAN asked whether the Government intends to deepen and improve the channel of the St. Lawrence between Montreal and Quebec. If not, does the Government intend to confer the necessary powers on the Harbour Commissioners of Montreal to enable them to do it?

Hon. Mr. LANGEVIN: It is the intention, Mr. Speaker, to ask for an appropriation to deepen the channel of the St. Lawrence between Quebec and Montreal; and in reply to the second section of the question, a full explanation may be found on reference to the report of the Minister of Finance.

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BAIE VERTE CANAL

Mr. McDONNELL enquired whether any tenders have been called for by the Public Works Department for the construction of the Baie Verte Canal.

Hon. Mr. LANGEVIN: No tenders have been asked for the work in question.

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DOMINION BOARD OF AGRICULTURE

Mr. BEAUBIEN enquired whether it is the intention of the Government to create a Dominion Board of Agriculture.

Hon. Mr. POPE (Compton): It is not.

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SLIDE-MASTER HARVEY

Mr. FINDLAY enquired whether John Harvey, lately Slide-Master at the mouth of Madawaska River, has resigned or been dismissed from that position, and whether he is now employed in any other position by the Government.

Hon. Mr. LANGEVIN: The gentleman in question has not resigned or been dismissed by the Government, and is not employed in any other position.

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PROPOSED CANAL, VICTORIA HARBOUR

Mr. NATHAN enquired whether it is the intention of the Government to cause an examination to be made of the tongue of land between Esquimalt and Victoria Harbours with a view of ascertaining the practicability of constructing a canal to unite them.

Hon. Mr. LANGEVIN: It is the intention of the Government to instruct the Local Engineer to make an examination into the same.

* * *

UNIFORM RATE OF INTEREST

Mr. TOBIN enquired whether the Government intends to introduce any measure for establishing a uniform rate of interest throughout the Dominion.

Hon. Mr. TILLEY: It is not the intention of the Government. (*Hear, hear.*)

INTERCOLONIAL RAILWAY

Mr. TOBIN enquired whether the Government intends making any arrangement to place Pullman palace cars on the line between St. John, New Brunswick, and Halifax, and if so when such arrangement is likely to take effect; also whether it is the intention to run light trains between the aforesaid cities, and if so when such trains will commence.

Hon. Mr. LANGEVIN in reply stated that the Government intends to make arrangements for placing Pullman palace cars on the line between St. John, New Brunswick, and Halifax, as soon as convenient. (*Laughter.*) It is also intended to run night trains, but he was not in a position to say when.

Hon. Sir JOHN A. MACDONALD: Night trains will be run at an early day. (*Laughter.*)

* * *

PERSONAL ENQUIRY

Mr. MERCIER enquired whether J. Adolphe Chicoine of the City of Saint-Hyacinthe, in the district of Saint-Hyacinthe and Province of Quebec, an advocate, is an employee of the Dominion Government, or whether he has been such during the last two years, and if so in what position and with what pay?

Hon. Sir JOHN A. MACDONALD: As far as I can learn, he is not an officer of the Government, and has not been for the past two years.

* * *

BOUNDARY OF ONTARIO

Mr. BLAIN enquired whether the Government has taken any, and if so, what steps to ascertain or fix the northern and western boundaries of the Province of Ontario.

Hon. Sir JOHN A. MACDONALD: Correspondence has been had with the Government of Ontario on this question, and a proposition has been made by the Dominion Government that the question of the western and north-western boundaries of Ontario should be submitted to the Judicial Committee of the Privy Counsellor for an authoritative adjudication on the point, but it has not resulted in anything as yet.

* * *

CANADIAN PACIFIC RAILWAY LANDS

Mr. De COSMOS enquired whether it is the intention of the Government to define before the 20th of July next the route of the Canadian Pacific Railway from Esquimalt to the eastern boundary of British Columbia; and if the whole route be not defined before

that time, will the route of the railway on the east coast of Vancouver Island, and from Bute Inlet to the North Forks of the Thompson River be defined; and if only part of the route of the railway be defined from the 20th July next, will the Government make provision by that time for the sale of its agricultural, mineral, and timber lands within the portion of the railway lands with the said Province that may be defined, to cause the lands to belong in future to the Canadian Pacific Railway Company, to be offered for sale on such conditions as not to retard the settlement of the Province?

Hon. Sir JOHN A. MACDONALD said that until the Government received the report of the Engineer-in-Chief of the Pacific Railway Survey, as to the line of the Pacific Railway, he could not answer the first clause of the question. The Government hoped to receive such information from that official as would enable them to arrive at some conclusion as to the line, at least so far as to enable them to answer the question of his hon. friend. This was all the answer he was able to give at present, but he would have another opportunity of reviewing the question before prorogation. With respect to the land under the control of the Government, it was desirable that as soon as possible it should be put in a position which would open it up for settlement.

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CANAL IMPROVEMENTS

Hon. Mr. YOUNG (Montreal West) enquired whether the survey of the Baie Verte Canal and the improvement of the Welland Canal have received the sanction of Mr. Page, Chief Engineer of the Public Works Department.

Hon. Mr. LANGEVIN: The Surveys of the Baie Verte Canal have been received, and will be submitted to two engineers, of whom Mr. Page will be one, who shall report to the Government finally. The improvement of the Welland Canal has been under the consideration of Mr. Page, Chief Engineer of the Public Works Department, and will be reported upon.

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PORT OF ENTRY: ST. THOMAS

Mr. HARVEY enquired whether it is the intention of the Government to constitute the town of St. Thomas, in the county of Elgin, an independent port of entry, and to provide for the erection of a suitable Custom-house therein.

Hon. Mr. TILLEY—An Order in Council has been printed constituting it a port of entry as an out-port of the port of London, but Parliament will not be asked to vote a sum of money for the erection of a Custom-house there.

MEDICAL GRADES OF SURGEONS

Mr. BROUSE enquired whether it was the intention of the Government to adopt the recommendations of the Adjutant General with regard to the medical grades of surgeons connected with the militia service, and if so whether any action will be taken immediately.

Hon. Mr. LANGEVIN: The Government has delayed any action in this matter until the return of the Minister of Militia, which is expected next month.

* * *

REPAIRING OF DRILL-SHEDS

Mr. LITTLE enquired whether Government intends to appropriate a sum of money for the repair of the several drill-sheds that were erected under the sanction and authority of the Minister of Militia, many of which are in a dilapidated condition.

Hon. Mr. LANGEVIN: The Government intends furnishing for the repair of such drill-sheds as may require it a sum equal in proportion to that which in the first instance was expended on building them.

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PORT OF ENTRY: COLLINGWOOD

Mr. LITTLE enquired whether it is the intention of the government to make the town of Collingwood, in the county of Simcoe, a port of entry.

Hon. Mr. TUPPER: It is a port of entry already, and the question is under the consideration of the Government whether it should be an independent port of entry.

* * *

CÔTE SAINT-PAUL CANAL

Mr. BEAUBIEN enquired whether it is the intention of the Government to cause to be removed, by dredging or otherwise, the banks of the old canal, which now obstruct the approach to the wharves constructed for the use of manufacturers and situated below the macadamized road, the bridge at Côte Saint-Paul near Montreal.

Hon. Mr. LANGEVIN: It is the intention of the Government to do so.

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PORT OF ENTRY: CAYUGA

Mr. THOMPSON (Haldimand) enquired whether it is the intention of the Government to constitute the town of Cayuga in

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the county of Haldimand, an independent port of entry, and to provide for the erection of a suitable custom-house at that place.

Hon. Mr. TUPPER: No. Application has been made to make it an independent port of entry, and there is no intention to erect a Custom-house there.

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HAMILTON AND PORT DOVER RAILWAY

Mr. THOMPSON (Haldimand) enquired whether the purchasers of the Hamilton and Port Dover Road have paid all instalments of the purchase money as they became due; if not, whether any steps have been taken to collect the same, and whether the original sureties are still held responsible.

Hon. Mr. TILLEY said the payments had not been all made as they fell due, and so far as the Government was concerned no change was proposed in the mode of procedure in so doing. The Government had been in correspondence with those who are in arrears, but so far had not succeeded in collecting all the payments due. The securities were still in the hands of the Government.

* * *

QUEEN'S COUNSEL

Mr. MILLS moved for all correspondence between the Government of Canada and the Government of any of the Provinces relating to the appointment of Queen's Counsel, and also for any opinion expressed upon the subject by the law officers of the Crown in England which may have been communicated to the Government.

He observed that the importance of the questions involved in the motion was not limited by the interests of gentlemen of the legal profession. If this were so, he was not sure that he would be justified in taking up the time of the House in moving for this correspondence. The general principle which lay at the basis of the proceedings upon the part of the Government herein advising His Excellency to confer upon certain gentlemen the rank of Q.C. was very comprehensive, and he was of opinion that where the action of Ministers in this matter was carefully examined, it would be found to draw with it numerous other powers to which as yet the right hon. gentleman and his colleagues had made no claim.

He understood that the general grounds upon which the right hon. gentleman defends his action in this matter was this; that executive powers possessed by the various Lieutenant Governors were statutory powers only, and that all prerogative powers of the Crown were vested in the Governor General alone. He would now say here at the outset that he dissented from this doctrine as inconsistent with and disruptive of our federal system, a doctrine which if it were fully carried out would prove utterly subversive of the power and authority of the Provincial Governments.

Now, he was disposed to maintain that in the division of powers between the local and federal Governments, the Executive power was in general terms divided by the same line which divided the legislative powers, and in determining where the power is located in any given case, we must look at our constitution and not the constitutional history. It was the channel in which these powers now flow and not the foundation from which they spring that now concerns me. It was the subject matter and not the historical origin which must decide in whom this power was vested.

The view which he hoped to be able to establish was this: that whenever a Government is established in any province or colony, that the Governor or whoever may for the time being be called upon to administer the Government, has *jura regalia* to such an extent as might be necessary to make the Executive power he possessed commensurate with the legislative power of the colony, and that any other view of the matter would lead to inextricable confusion.

It might not be amiss to notice the constitutional doctrine in Great Britain's tending to throw some light upon the question. He would refer in the first place to the palatinate counties of Chester, Durham and Lancaster. The rights of the two first were prescriptive rights, but the palatinate powers in Lancaster were conferred by royal charter and confirmed by Act of Parliament. The Lords palatine had in these counties *jura regalia* as fully as the King had in his own palace. All offenses were said to be done against their peace and dignity, and all prosecutions took place in their name. They did not act for the Crown. The executive power they possessed was not a trust, but rather a prescriptive right or a grant. They pardoned felonies, they appointed Judges and Justices of the Peace. They appointed the counsel, whether ordinary or extraordinary, who prosecuted criminals in their names. They were vested with the prerogative of pardon.

In fact, in all the ancient Courts of England having peculiar jurisdiction, offences were said to be done against him in whose Court they were tried; and if the Executive power in any colony was severed from the Crown, as might have been done by the British North America Act, so that the Courts in which the offenses were tried were named after the Government who sanctioned their establishment, no one could doubt for a moment where the power to appoint counsel to conduct to the prosecutions rested; for he presumed that no one would deny that the power to constitute a court and conduct the business for Her Majesty carried with it the power to appoint an officer for the purpose.

He would say that there was no difference between the position of a prosecutor for the Crown upon circuit and Queen's counsel. The one was a temporary, the other a permanent officer; the one an ordinary, the other an extraordinary counsel to Her Majesty. To show that he who was vested with the rank of Queen's counsel did not hold merely a position of honour, it was only necessary to say that he was sworn to counsel the Queen in all matters where he shall be called; that he will truly minister the Queen's causes after the course of the law, and that he will take no wages or fee of any man for any cause where the person is a party against the Queen.

It was stated in a note in Carrington and Payne, 404, that a Queen's Counsel could only appear where the Crown was nominally concerned by licence from Her Majesty, but where his patent was one of precedence merely, he might appear against the Crown without the Queen's licence. This shows conclusively that the appointment of Queen's Counsel was not primarily an honour merely, but a substantial office which made the person who held it Standing Counsel Extraordinary.

Sir Francis North, afterwards Lord Keeper Guilford, was the first of the modern order. His appointment was due to his advocacy of the King's cause in the case of Densell Hollis and others. Sir Jeffrey Palmer, the Attorney General, being an assistant in the House of Lords, could not argue the case himself, nor could he prevail on any of the sergeants or other eminent practitioners to do it, as it was against the Commons of England. The Duke of York, who was present and heard the argument, was so much pleased with it—and we were informed that as able lawyers with loyal principles were rare at that time—that he persuaded the King to make North one of His Majesty's Counsel. The Benchers of the Middle Temple refused to call his Lordship after he was King's Counsel up to the Bench, as tending to destroy the Government of the society. The Judges reprimanded them for their insolence, as if one whom His Majesty had thought fit to make one of his Counsel Extraordinary was not worthy to come into their company, and the Benchers were told that until they did their duty to Mr. North they must not expect to be heard as counsel in his Majesty's courts.

He had stated that this power was conferred by the British North America Act upon the Lieutenant Governor, and he would endeavour to make this plain to the House. The 65th section of that Act read as follows:—"All powers, authorities, and functions which under any Act of Parliament of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union, vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the advice or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils or with any number of members thereon, or by those Governors or Lieutenant Governors individually, shall, so far as the same are capable of being exercised, after the Union, in relation to the Government of Ontario and Quebec, respectively be vested in and shall or may be exercised by the Lieutenant Governors of Ontario and Quebec respectively, with the advice or with the advice and consent or in conjunction with the respective Executive Councils or any members thereof, or by the Lieutenant Governor individually as the case requires, subject, nevertheless, except with respect to such as exist under Act of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland, to be abolished or altered by the respective Legislatures of Ontario and Quebec."

He thought it was clear when they looked at all the provisions of the British North America Act that the division of powers extended to every department of the Government, legislative, administrative, and judicial, except in so far as the Act expressly stated the

contrary. The administration of justice belonged to the Provinces. The Attorney General in each Province was the chief law officer of Her Majesty. It was upon his advice that persons were appointed to prosecute in her name. He could advise the appointment of extraordinary as well as ordinary counsel. It would be monstrous were it otherwise. The Bar was provincial. This Government in all matters which were Provincial was to the Provinces as a foreign Government. The Minister of Justice did not only not stand at the head of the Bar, but it might be that in all Provinces, except his own Province, he was not a member of the Bar at all, about the rank and fitness of whose members he proposed to advise the Crown. He had no more power in the Provinces, so long as there was no Canadian Bar, than the Attorney General of England.

He had already referred to the legal principle asserted in the case of *Newland vs. Claffe*, 3 B. and A.D. 630, in which it was laid down that the power to constitute a Court and to conduct the business was Her Majesty's, and carried with it power to appoint an officer for that purpose. No one could doubt that the power to constitute Courts and to administer justice carried with it the power to appoint every officer necessary to this end, and were it not that the Constitution expressly provided to the contrary, this power would draw along with it as a necessary incident the appointment of the judges. By giving to the Government power to appoint judges, a new principle was introduced that had in this House often been forgotten—that, however reasonable it might seem, no power expressly vested in one legislative body could by implication be held to be an incident to the power expressly vested in another legislative body.

In the celebrated case of *Jewison vs. Dyson*, when the question before the Court for adjudication was whether the charter of the 23rd Edward the Third to the Earl of Lancaster, granting him the return of all the rights of the King and his heirs, the attachment, as well as all pleas of the Crown, or of other pleas whatsoever, gave to him and his heirs the exclusive appointment of Coroners, and it was held that it did. Now when such powers were granted by Royal charter, no one doubted that they carried with them the *jura regalia* so far as it might be necessary to their exercise.

Well, if this was undeniable in the case of a charter, could it be for one moment supposed that it was not equally undeniable where similar powers were conferred by statute? The prerogative of the Crown might not only be denied by an Act of Parliament, but they might be transferred or conveyed away by Act of Parliament as completely as if done by Royal charter. For no one, he supposed, would contend that the power of Parliament was less than the power of the Crown. If, says Attorney General Crosswell, in the case he had just referred to, if an instrument grant the power of exercising certain functions and discharging certain duties, which are properly to be discharged by an officer bearing a particular title, it necessarily gives the power to appoint an officer for that purpose. Thus, a person having the return of writs has, without any express authority for that purpose, the power to appoint bailiffs to execute the writs and make the return.

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He had looked at the instructions to and the commission of the Governor General recently brought down to this House by the Minister of Justice, and he must say that he thought that they had been framed without due consideration of the provisions of the British North America Act, and in ignorance of the legislation of the various Provinces of this country, which could not be abrogated by Royal instructions. He would venture to affirm that not one of the things referred to in Article Seven of His Excellency's Commission were now in the prerogative rights of the Crown.

It was true that in a colony, apart from any Imperial or Local Legislation, the Governor-in-Chief had the custody of the Great Seal; it was true he had the same powers as the Lord High Chancellor, and he had vested in him some of the functions that belonged to the Ecclesiastical Courts, but no instructions or commission could now vest these matters in the custody of the Governor General. He had nothing to do with the letters of administration and probate of wills. He had nothing to do with the custody and management of idiots and lunatics and their estates. All those vast powers were by law vested in the Court of Chancery or some other judicial body. If such powers were not embraced by the expression "property and civil rights", he knew not what they embraced. Will any one believe that the local authorities were not by the Constitution authorized to deal with all those matters? Would any one suppose that, notwithstanding the provisions of the British North America Act, that if the Act constituting the Court of Chancery were repealed, that these powers would rest in the Governor General? If they could so rest, they would not be taken away by local legislation.

Suppose, Sir, the right hon. gentleman, in looking at this commission, must hold that certain supposed prerogatives were assumable and in the commissions of the Lieutenant Governors, he assumes to vest them with some of the powers here assumed to be coffered upon the Governor General. He would here refer to another matter, the issue of marriage licences. By the British North America Act of 1867, while the subjects of marriage and divorce were to be dealt with here, the solemnization of marriage was a subject to be dealt with by the Local Legislature. The Local Legislature might say what the form shall be, they might declare that licences shall be dispensed with altogether. We here determine between whom the contract might be made, and the statute establishing what shall be the form of that contract is decided elsewhere. Now, as marriage licences had to do with the form of solemnization alone, that they could only be issued by the Crown, as represented by the Lieutenant Governor, he thought it is clear that the British North America Act dealt with many matters which might have been matters of prerogative, and that the only safe rule we could adopt was this—that all powers, legal as well as statutory, were divided by the Act between the respective Governments.

It seemed to him scarcely possible that the law officers of the Crown could have expressed the opinion that certain newspapers in the interest of gentlemen opposite had attributed to them, and he thought it well that the House and country should know precisely what had been said.

Hon. Sir JOHN A. MACDONALD said the papers would be brought down, but he hoped the hon. gentleman would excuse him if he declined to enter into the discussion of the question now. The motion was carried.

* * *

AGRICULTURAL INTERESTS OF THE DOMINION

Mr. JONES moved for a Select Committee to enquire into the agricultural interests of the Dominion. He spoke of the very great importance of the question, and regretted that the matter had not fallen into abler hands. He denied that Free Trade existed in any country, and, referring to the Free Trade movement in England, said Sir Robert Peel had maintained that the best Government was that which acted with a view to the greatest benefit to the greatest number. The agricultural interests of Canada, being of such paramount consequence, deserved every possible attention.

It being six o'clock, the House rose.

AFTER RECESS

PRIVILEGE

The Sergeant-at-Arms reported that Mr. Elie Tassé was in attendance at the bar of the House.

He was examined in the usual way.

In answer to a question put by **Mr. GEOFFRION**, in the absence of the Hon. Mr. Dorion (Napierville), he stated that he was employed as a translator in the House of Commons, that he earned \$4 a day for that service, that he was not proprietor of the *Courier d'Outaouais*, but knew who was the proprietor; that he was on the fourth of April and was still Editor-in-Chief of that paper; that Mr. L.A. Grison was one of the proprietors, Adolphe Grison & Co., were the names published in the newspaper as proprietors; that he could not take upon himself the responsibility of giving any other names as proprietors than those published by the paper.

Q: Do you refuse to answer otherwise the last question?

A: I respectfully decline to answer this question for the reason I mentioned, namely, that I will not assume the responsibility of giving the names of persons whom it might happen should not be proprietors of the said journal.

The witness was then permitted to retire.

Mr. GEOFFRION then moved that further evidence of the witness be postponed till Wednesday at 3 o'clock.

Hon. Sir JOHN A. MACDONALD did not see what object there was in postponing the matter. Why was Mr. Tassé brought here at all? If there was any charge brought against him, let him be

examined as to this charge. He either ought not to have been brought here at all or the examination ought to be proceeded with.

Hon. Mr. MACKENZIE was surprised at the course taken by the hon. gentleman. A little before the House rose for recess, the hon. gentleman suggested that, after putting questions, time should be given for further consideration, and Hon. Mr. Dorion (Napierville) acquiesced in that view, and this motion was now made in accordance with that view. He was surprised that the hon. gentleman should now object to the very course he had himself suggested. Some of the questions had not been answered, and it was a matter now for consideration whether the House should insist upon answers to them. The hon. member for Napierville (Hon. Mr. Dorion) who had instituted this enquiry, was absent, under the firm conviction that the suggestion of the hon. gentleman as to the postponement would be carried out.

Hon. Sir JOHN A. MACDONALD said he had not stated anything of the kind. What he had suggested was that, after the examination had established some charge as a basis for some action, the matter might be postponed. What he now complained of was that the witness had not been examined as to the charge brought against him, and there was no foundation for further consideration. The witness was not to be brought here to be treated as a dog.

Hon. Mr. MACKENZIE said the witness had admitted he was editor-in-chief of the paper containing the objectionable article, and being so, he was responsible for that article.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman had sat in Parliament with the Hon. George Brown, editor-in-chief of the *Globe*, and he knew that George Brown had again and again said he was not responsible for articles in the *Globe*. The fact that this person was editor-in-chief of the newspaper in which this objectionable article appeared was not sufficient evidence to convict him with it.

Hon. Mr. HOLTON said it was very much to be regretted that the hon. gentleman had entirely changed his ground since recess. Before recess, the hon. gentleman admitted that language had been used in this paper that was not to be tolerated coming from a servant of the House, but the hon. gentleman who sat behind the leader of the Government (Hon. Mr. Langevin) had stimulated him to take up the defence of this person. (*Ministerial cries of "Order"*.) He was perfectly in order.

The hon. gentleman had since recess become the champion, and protector, and defender of this servant, who had been at the Bar. If the hon. gentleman had anything to complain of in the proposition from this side as to the line of procedure, then it was his duty as leader of the House to indicate what should be done, and move what he desired to be moved in the premises. The hon. gentleman knew the testimony, and he knew that if he wished to proceed to

judgment they on the Opposition side were ready to proceed to judgment.

Hon. Sir JOHN A. MACDONALD denied that he had any communication with Hon. Mr. Langevin whatever on the subject. He would not allow such language to be used without a distinct contradiction. The hon. gentleman, he hoped, would be more guarded in making statements in the future. He did not know the person who had been at the Bar, and had nothing to do with his appointment.

Hon. Mr. HOLTON said he, of course, accepted the statement of the hon. gentleman, but he was bound to find a reason for the extraordinary change of position taken by the hon. gentleman. He was bound to suggest a reason for change from the dignified and befitting position the hon. gentleman had taken before recess to the unbecoming position now assumed, which he would not say was utterly unworthy of the hon. gentleman, but unworthy of the position he occupied in this House. The hon. gentleman was a leading member of the Commissioners for the internal economy of the House, and was therefore responsible for this appointment. What did the hon. gentleman now propose to do in this case?

He called upon him to say whether the privileges of the House were or were not invaded by this servant of the House, who was a nominee of the Commission of whom the hon. gentleman was chief. He called upon him to say whether this person ought to be dealt with or not. If he was opposed to the postponement, let him indicate what he will do.

Hon. Sir JOHN A. MACDONALD again rose but the Speaker interposed.

The SPEAKER desired to say that it was a mistake to suppose that the Internal Economy Commissioners made those appointments. The responsibility for the appointment of the officers and employees of the House rested entirely with the Speaker, and he must be responsible to the House for any impropriety in the conduct of this officers. He was very much distressed to hear the charge that was brought before the House today. If the present proceedings had not been taken, he had intended to say to the House what he would now say, that he would feel it his duty to suspend this person until and unless he could give satisfactory explanation of the charge preferred against him. That, of course, had nothing to do with the higher charge of having infringed upon the privileges of the House.

Hon. Sir JOHN A. MACDONALD said he had risen in order to say what the Speaker had explained so much better, namely that the Internal Economy Commissioners did not interfere at all with the appointment of officers of the House. When the article in the newspaper was read to the House, he at once took the ground that the language was not only most unjustifiable, but inexcusable. What he objected to was that this basis had not yet been reached for furthering the enquiry. The fact that this person was editor-in-chief

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of the paper did not connect him with the article. Not one question had been put with respect to the objectionable article. No connection had been made between Mr. Tassé and the article, and no basis had been laid sufficient to justify his being kept before the House as a criminal.

Hon. Mr. MACKENZIE said Hon. Mr. Dorion (Napierville) was unavoidably absent, and he went away with the distinct understanding in his own mind that after putting these questions, and showing that this person was the editor-in-chief of the paper, the matter would be postponed. After what the Speaker had said, he would suggest it would be better to defer the matter till Wednesday, and then Hon. Mr. Dorion could exercise his discretion as to whether he would go further or not. He thought the House was perfectly satisfied with what the Speaker had said, and that it would be better to let the matter rest there till Hon. Mr. Dorion was present.

Hon. Mr. CAMERON (Cardwell) contended that no case had been made out even for suspending this person. The fact that a man was editor-in-chief of a newspaper was no ground for bringing an action for libel against him, unless he had something to do with it or was proprietor of the paper. He thought there had not been a foundation established to justify the adjournment of the matter.

Hon. Mr. BLAKE said the hon. gentleman who introduced the motion (Hon. Mr. Dorion) had merely stated that this person (Mr. Tassé) was editor-in-chief of this paper and that his name appeared on the paper as such, and he also pointed out that he was the servant of the House as well. He also showed that it was incompatible with the dignity of the House that he should continue to fill both offices. The questions which had been put to this person showed that he was editor-in-chief of the paper in which the offensive article appeared.

After reviewing the speech of the Minister of Justice he asked if he had acted that evening as the guardian of the minority. He was rather acting as an astute advocate, who said "You have not asked questions enough to convict my client." How very different was this to the course taken by the hon. gentleman that afternoon. If the hon. gentleman thought sufficient questions had not been asked, he called upon him as the champion of the rights of the minority of the House to put the necessary questions, and not connive at the escape of the person whose conduct the hon. gentleman had denounced as unjustifiable in the afternoon. He thought the observations made by Mr. Speaker met the case.

After alluding to the misapprehension which existed on both sides of the House with regard to the responsibility for the internal economy of the House, he said if that misapprehension had not existed it would have been quite possible that the appeal would have been first made to Mr. Speaker.

He thought the proper course would be to leave the matter in the hands of the Speaker, and to his judgement, and he had no doubt the responsibility would be properly assumed and properly exercised,

he did not believe the House would consent to allow an official of the House to continue to be editor-in-chief of a paper giving vent to such foul language as contained in that editorial. He trusted the Speaker would adhere to the opinion he held, notwithstanding the views of the Minister of Justice (Hon. Sir John A. Macdonald) and the hon. member for Cardwell (Hon. Mr. Cameron).

Hon. Sir JOHN A. MACDONALD denounced the use of such language as used by the hon. gentleman. He had not connived at the escape of the young man from the Bar. The hon. gentleman knew there could be no proceeding more improper or unusual than for him to take out of the hands of hon. gentlemen the examination after they had taken the responsibility of such examination. It would have been perfectly inexcusable for him to have taken the examination up.

Mr. GEOFFRION said that the hon. member for Hochelaga (Mr. Beaubien) was of opinion that the Minister of Justice desired only that a few questions should be put that evening, and that the enquiry should be adjourned till Wednesday. He thought that it was his duty after the expression of the Minister of Justice to adjourn the case, and he wanted to have it understood that employees of the House should not write for or be editors of party papers and do not have a right to abuse members on either side of the House, and with that the Minister of Justice agreed.

Hon. Sir JOHN A. MACDONALD: I agree with that now.

Mr. GEOFFRION said it had been shown that that person was the chief editor of that paper, and it was agreed that the article was of too violent a character and unwarranted. He did not look upon the question as a party question, but as one affecting both sides of the House. It was agreed that servants of that House should not occupy such positions, and as it was not the desire of the mover of the resolution to go any further than the Speaker had decided to go, he thought it would be desirable to leave the matter in the Speaker's hands as had been suggested.

Mr. CARTER thought it rather amusing that the whole legal talent opposite, including the member for South Bruce, should admit that they had failed to make out anything but a meek and feeble case, and grumble because the leader of the Government did not help them out of the difficulty. No case had been made out.

Hon. Sir JOHN A. MACDONALD was quite willing that the motion should be withdrawn, and the matter left to Mr. Speaker.

Hon. Mr. MACKENZIE concurred in this, and expressed his satisfaction at the course taken by the Speaker.

Hon. Mr. HOLTON rose to speak, but was called out of order by Mr. Almon (Halifax) who objected that he had already spoken.

Mr. GLASS supported the view taken by the Minister of Justice (Hon. Sir John A. Macdonald) who was not only bound to see justice done to the House, but also to see that the gentleman brought

to the Bar was properly treated. The question was, who really wrote the article, and the present presumption was that the gentleman at the Bar did not write it; for, if he had done so, those who had charge of the examination would have been the first to ask him the question, and as they had not done so, the presumption was that they knew he had not written the article. He was surprised that there should have been such a charge as conniving at the escape of the accused. That charge was unjust and unparliamentary, and he maintained that the leader of the Government had throughout shown his desire to have the matter fully investigated.

Hon. Mr. HUNTINGTON moved the adjournment of the House for the purpose of enabling his hon. friends from Halifax (Mr. Almon) and Châteauguay (Hon. Mr. Holton) an opportunity of saying what they have to say.

Hon. Mr. HOLTON said that at the earlier part of the discussion he was under the impression that all officers of the House were subject to the control of the Commissioner for the Internal Economy of the House; but immediately the Speaker stated that he held himself responsible for the conduct of its officers, and the appointment of its officers, they made up their minds, on these benches, to leave the matter where it belonged, and where they were persuaded justice would be done.

The motion was then withdrawn, it being understood the matter would remain in the hands of the Speaker.

* * *

AGRICULTURAL INTERESTS

Mr. JONES then resumed his remarks upon the agricultural interests of the Dominion. He pointed out the necessity for stimulating internal manufacturers and argued that if this were not done the great purpose of Confederation would be null and void. He quoted largely from the speeches of the Hon. George Brown on the subject of Confederation. He contended that a large number of articles were supplied to the Canadian market by the Americans, while the farmers had to send their grain to the States, paying 50 per cent on barley, 33 per cent on beans and so on.

He pointed out that the leader of the Government, during the late election campaign, tried to conciliate the agricultural electors by promising to support a protective policy, and he quoted from the speeches of Hon. Sir John A. Macdonald and Hon. Sir Francis Hincks at Brantford in proof of his position. He was afraid that it would almost be as well, however, to have the present Opposition in power as to have the present Ministry with a free trader as Finance Minister. He contended, however, that the Reform party was opposed to the interests of the agricultural community. (*Hear—cries of oh, oh and laughter.*) He did not believe we should ever get reciprocity by continuing the present policy. The answers obtained by the Committee on this question last year from all parts of the Dominion were mostly in favour of protection. He hoped this matter would be taken seriously and favourably into consideration.

He named as his committee Messrs. Gibbs (Ontario North), Wallace (Norfolk South), Staples, De Cosmos, White (Hastings East), Keeler, Beaubien, Benoit, Colby, Bellerose, Gendron, Gaudet, Almon, Stephenson, Brouse, and Jones.

Hon. Mr. BLAKE drew attention to the fact that none of the members for the Maritime Provinces were named.

Hon. Mr. YOUNG (Montreal West): This gentleman who has just sat down is desirous of having duties placed on agricultural products from the United States. That gentleman acts with the Government and with the hon. member for Vancouver, Hon. Sir Francis Hincks.

Now, Mr. Speaker let me read the House a short article written by the member for Vancouver some years ago. "With regard to the merits of the question itself, we agree with Mr. Baldwin that the Ministry should have been prepared to announce the measures proposed for the relief of the agriculturists, who will be severe sufferers by the free trade policy which has been forced upon the country. We are not of the number of those who endeavour to delude the agriculturists by advocating a system of protection, which would be ruinous to the trade of the country and which would injure the agricultural as much as any other class of the population. We contend that in the extension of free trade principles alone can we look for relief. The great measures for the benefit of the agriculturists are, first, the admission of our products into the United States duty free; second, the opening of our commerce to the whole world and more especially making the navigation of the St. Lawrence free. These measures would prove of immense advantage to the country and would amply compensate us for any injury we may sustain by the adoption of free trade principles."

"In England, we observe that some of our contemporaries are dreadfully alarmed at the idea of the Americans being granted the free navigation of the St. Lawrence. It would, they say, lead to annexation. We should like to hear some reasons for such a supposition. At present the Americans make use of the Welland canal and may even enter our upper lake ports at pleasure. If this has no tendency to annexation, we would like to know how sailing down the St. Lawrence would lead to such a result. The *Courier* appeals to the loyal, and would frighten them from having anything to do with the Yankees; and yet he admits that free trade is a settled thing. Again, it is now a question of life and death with Quebec and Montreal, and a few infatuated and ignorant men are found yelping about protection and differential duties, when their existence depends on vigorous efforts in favour of free trade. Again, the most equitable and most economical mode of raising whatever revenue is required for the public service would be a direct tax on property. To carry out these views every custom-house should be swept away, with the numberless tribe of officers of all kinds."

These are the opinions expressed by the hon. member for Vancouver some years ago. I think the opinions do the hon. member (Hon. Sir Francis Hincks) great credit, but they are in such

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contradiction to the opinions of the hon. member for Leeds, who now are in perfect harmony in political matters, that I would strongly urge that the name of the hon. member for Vancouver should be placed on the resolution just proposed for a Committee in favour of protection to agricultural products.

Mr. PATERSON said if it were a Committee of enquiry into the matter, and did not go beyond that in scope at present, he was certainly in favour of it. The agricultural interests of the Dominion were such as not to be lightly worked upon or dealt with in this House. In the portion of the country which he represented, Ministers in their peregrinations had laid down the principle that agricultural interests were safe in the hands of the present Government alone in this House. If, by this enquiry, it were shown that protection were necessary, he, in the interests of his constituents, would certainly agree to it. (*Hear, hear.*)

Mr. GIBBS (Ontario North) did not believe there was any one in this House who was in favour of pure Free Trade. What we wanted was reciprocity. It was manifestly unfair that our markets should be thrown open to the grain of the United States, while the Americans put 20 per cent duty on our wheat, and 15 per cent on our barley and other products. He believed Canada was becoming a very large consuming country, and consumed nearly as much wheat as she produced. The best markets were the home markets.

He asserted that during the year that we had a small duty placed on American wheat, the farmers of Canada received five or ten cents a bushel more for their wheat than they did before, or had done since. The free ingress allowed to American wheat compelled us to send a larger quantity to a foreign and worse market. He contended that we should give the United States a Rowland for their Oliver, and put a duty on their grains similar to that which they place ours.

He deprecated looking at these questions from an Ontario point of view, and he believed that the proposed duty on American grain would really be an advantage to the whole Dominion in the great impetus which would be given to trade all over the country. The result of protecting these grains would be to give us the control of the markets of the Maritime Provinces which we had not now, and the Americans would have to send their grain to a foreign market. Whatever might be said of the national policy in a sneering manner, those who treated it so lightly did not understand the effect of the reciprocity. (*Hear, hear.*)

He corrected the customary statement of the member for Lambton (Hon. Mr. Mackenzie) that on the final vote in relation to the national policy, a majority of those who voted against it were supporters of the Government. The fact was there were eleven more from the Opposition than from the Government side of the House. (*Hear, hear.*) He would be willing to see the millers of Canada allowed to grind wheat in bond, so as to give us the carrying trade, but he believed nine-tenths of the rural population of this country

were in favour of imposing duties on American products, so long as they imposed duties on ours. (*Cheers.*)

Hon. Mr. RICHARDS (Leeds South) agreed with the hon. gentleman who had just spoken and said the representatives from Eastern Ontario were essentially protectionist and he protested against the Lower Provinces having the benefits of free trade, while in Ontario there was neither free trade nor protection. The farmers in British Columbia, too, wanted protection and the gentleman who retired in favour of Hon. Sir Francis Hincks in that quarter, did so on the ground that Hon. Sir Francis Hincks would be in favour of a certain amount of protection. Gentlemen in large sea port towns were nearly always free traders, but he thought our true policy was to protect the farmer to a reasonable extent and encourage home manufacturers. He wanted to be the New England of that country, (*hear, hear*) and we must have a protective tariff to keep the Americans out.

Mr. CURRIER, while he did not disapprove of the motion of the hon. member for Leeds, thought the House should consider the lumbermen before imposing any tax upon grain.

Mr. RICHARD (Mégantic) did not think all the members on his side of the House were free traders, and he for one was a protectionist in a certain sense. He was a free trader in principle, but he did not think full free trade was applicable to our present circumstance. As far as Quebec was concerned, he did not approve of the duty on cereals because he believed it would be well if the farmers of Quebec would devote more attention to stock raising. He cited the case of England, where productiveness of land had increased after the duties on cereals had been removed.

Mr. ROSS (Middlesex West) opposed the placing of a tax on grain. It would be certain to raise the price of grain in the Maritime Provinces. He argued that if the price of grain were increased it would increase the price of every commodity, so that when the balance of trade was struck he failed to see where the agriculturalists would be benefited. He did not object to the appointment of a committee, but he held that the necessaries of life should be taxed as little as possible. (*Laughter.*) He did not think that in the present temper of the farmers of Canada there was much danger of the renewal of what was known as the national policy. It was better for us to follow the broad liberal policy of England than the narrow contracted policy of the United States.

Hon. Mr. BLANCHET said the question of free trade and protection had lost the interest they once had. He argued that the protection policy of the United States had militated against their own best interests. The shipping of the United States had diminished, and the manufacture of leather had suffered from the high protection policy of that country. He thought the hon. member for Leeds should withdraw his motion, as no object could be gained by the appointment of such a committee as he proposed.

Mr. STEPHENSON hoped the member for Leeds (Mr. Jones) would not withdraw his motion, but would press it. The people of Quebec were opposed to protection, but they ought to look at this matter in a general way and advance the interests of all parts of the Dominion. He believed nine-tenths of the people of the country were in favour of protection, and that this was the true national policy.

Mr. BEAUBIEN hoped the tariff would not be changed for some years, in order to encourage the growing of beet and manufacture of sugar from that root by certain gentlemen who had endeavoured to start this branch of industry in Quebec and Ontario.

Mr. JONES replied, and,

Hon. Mr. POPE (Compton) expressed his pleasure that the hon. gentleman had brought this matter before the House. Hon. gentlemen in talking of introducing free trade into this country forget our position. It was not free trade when we were forced to pay a duty on the products we sent to another country, while the products of the latter came in here free. (*Hear, hear.*) He understood that it was against this state of things that the hon. gentleman desired to obtain a remedy. He hoped the committee would have a good result.

Mr. BURPEE (Sunbury) hoped the hon. gentleman would not press his motion.

Hon. Mr. MACKENZIE said the motion could do neither good nor evil, and he would not oppose it. He had listened attentively to what had been said on both sides of the House on the question, and he came to the conclusion that they all wanted to do what was best for the country. He had to say for himself, as an advanced Liberal, that so far as we could, we ought to apply the principle of free trade to all our institutions, but it might in some cases not be politic to carry this to the extreme, in some cases not to apply it at all.

The hon. member for Ontario North (Mr. Gibbs) had argued that during the operation of the national policy wheat had risen five cents in price. He (Hon. Mr. Mackenzie) contended that it had not risen one cent, and he knew that the operation of the national policy had injured the interests of trade throughout the country. He knew that the farmer got 50 cents more for flour he sent to the Maritime Provinces during the existence of that policy, and deprived the province of bringing their flour from the cheapest market, as they could have done formerly he was opposed to this always, and he was opposed to it now. He felt that it was taking an unfair advantage of these Provinces. The renewal of that policy would simply be to bring about a policy of destruction to trade, while it would not do the farmers one grain of good as a class. So long as we exported more cereals than we raise it would be against the interest of the farmer to have a protective tariff greater than at present. No policy that obstructs or injures the carrying trade could be beneficial to the farmer or to the country.

He represented, himself, the largest agricultural constituency in the country, except one, and would be willing to agree to the motion of the hon. member, if it could possibly bring any good to farmers, but his constituents were far too intelligent to believe that to impose duty upon imported grain was to raise the price of that product.

He argued that if any class in the country needed protection it was the agriculturist—but how were they to be protected. Surely not by putting a duty upon everything they need, and forcing them to put a duty upon grain—a thing that everybody knew they could not do. He was willing to leave the tariff as it stood at present and believed that the proper thing for the farmer was to give him the articles of every day use cheap. While taking the same view of the matter as his hon. friend from Sunbury (Mr. Burpee), he would agree to the motion.

Mr. GIBBS (Ontario North) pointed out that if fifty cents more a barrel was paid for flour the farmer must have got ten cents more for his wheat.

Mr. DOMVILLE was surprised to hear the question argued in the spirit it was. He was glad to hear the opinions of the hon. member for Lambton (Hon. Mr. Mackenzie). He too represented an agricultural constituency, and he averred that a protective policy would be ruinous to the farmers. We wanted trade. It was quite true that the hon. member for Lambton had said about 50 cents on flour sent to Nova Scotia and the maritime Province after Confederation, upon which they had lost a large amount of money, and here was a clear case for Better Terms. (*Laughter.*)

Mr. STIRTON said the farmers of the west were satisfied that the national policy had put money into the pockets of millers. One of the largest millers in West Franklin confessed to him that the National Policy was a nice little thing in his pockets. The market for wheat was regulated by the markets in England. If there must be duty, let it be on manufactured articles, not upon raw materials.

If the hon. gentleman who had brought this matter up (Mr. Jones) was really the friend of the farmer, let him help to secure an honest Government, and not fritter away time and incur expense by bogus motions like this. A large portion of the agricultural constituencies had sent back men to Parliament who had opposed the National Policy.

Hon. Mr. YOUNG (Montreal West) argued that the price of grain, both here and in the United States, depended upon the market in England. There was no doubt about that. With regard to the 50 cents duty on American flour, it was a protection for Upper Canada millers and a positive injury to the maritime Provinces. In those Provinces shippers could take over a cargo of gypsum to American ports and bring back flour as ballast, but when duty was imposed they had to put in store as ballast and the people had to get their flour from Upper Canada and pay the extra fifty cents.

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Mr. DALY was happy to agree with the member for Lambton (Hon. Mr. Mackenzie). Their National Policy, so far as protection to farmers was concerned was in his opinion, a delusion and snare.

On motion of **Mr. BODWELL** the debate was adjourned.

The House then adjourned, on a motion by **Hon. Sir JOHN A. MACDONALD**, at midnight.

* * *

NOTICES OF MOTION

Hon. Sir JOHN A. MACDONALD—On Tuesday next—That a Select Committee of five members be appointed to enquire into certain allegations and matters connected with the charter granted to the Canadian Pacific Railway Company, with power to send for persons, papers and records, and to sit after the prorogation of Parliament.

Hon. Mr. POPE (Compton)—On Friday next—Committee of the Whole on resolution: “That it is expedient to provide a system of registration of marriages, births and deaths throughout the Dominion, and for that purpose to attach to the Department of Agriculture an office to be called the General Registry and Public Archives office, and that the Minister of Agriculture shall be the Registrar-General and his deputy the Deputy Registrar-General of Statistics, with power to make regulations subject to the provisions of the Act to be passed in that behalf and the approval of the Governor in Council, etc.”

Hon. Mr. TUPPER—Resolutions:—1st. That it is expedient to amend the Manitoba Act in so far as it limits to three years after the passing of the said Act, the terms during which all the customs duties were by law changeable in Rupert’s Land shall be continued.

2nd. That it is expedient that the customs tariff now by law in force in the said Province of Manitoba, and the whole of the Northwest Territories, including Rupert’s Land, with the exception of the duties thereby imposed on all vinous, spirituous, and fermented liquors, be continued for one year from and after the said 12th day of May, 1870, and that upon, from, and after the 13th day of May next, 1873, the said vinous, spirituous, and fermented liquors shall, upon their importation into the said Provinces of Manitoba and the Northwest Territories aforesaid be subject to the like customs duties as the said articles now are or may then or thereafter be subject to in other parts of the Dominion of Canada, under the tariff of customs in force there.

Hon. Mr. DORION (Napierville)—On Wednesday next—Committee of four members to enquire as to the names of employees of the House who are or have been connected during the present session with newspapers published in this Dominion, whether as proprietor, editor, or correspondent of such newspapers.

Mr. RYMAL—On Wednesday—Address—Copy of any communication made by or under the authority of any member of the Government to Louis Riel, or any other person, touching an amnesty or pardon or other provision in favour of the murderers of Thomas Scott, or of any of the persons concerned in the Red River troubles.

Mr. GLASS—On Wednesday—That it would be attended with great advantage to the Dominion, as well as to merchants, traders and the public generally, if a cheaper, more widely extended and more expeditious mode of telegraphy were established in the Dominion of Canada; and that it is expedient that the Government should take steps to purchase, control and work the whole telegraphy system of the Dominion, on the same or similar footing as was adopted in 1868 by the Government of Great Britain and Ireland.

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HOUSE OF COMMONS

Tuesday, April 8, 1873

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

Prayers

STANDING ORDERS

Mr. **RYMAL** presented a report of the Committee on Standing Orders.

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BILLS INTRODUCED

Mr. **GEOFFRION** introduced a bill to grant certain powers to the Montreal, Chambly and Sorel Railway Company.

Hon. Mr. **MITCHELL** introduced a bill to suspend for a limited time the operation of the Acts relating to the inspection of steamboats in British Columbia.

Mr. **DELORME** obtained leave to introduce a bill incorporating the Bank of Saint-Hyacinthe.

Hon. Mr. **YOUNG (Montreal West)** introduced a bill to incorporate the Royal Canadian Insurance Company.

Mr. **YOUNG (Waterloo South)** introduced a bill to incorporate the Goldsmiths' Company of Canada.

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PETITION WITHDRAWN

The **SPEAKER** announced that two of the three petitioners' against the return of Mr. Mercier, had withdrawn, stating that their signatures had been secured fraudulently and by misrepresentation.

* * *

EASTER HOLIDAYS

Mr. **CARTER** enquired if the Government intended to move that, when the House adjourns on Thursday, it shall stand adjourned over the Saturday. He believed it was the general wish of the members of the House that this should be done.

Hon. Sir **JOHN A. MACDONALD** said he had already announced his intention to move that the House adjourn from

Thursday till Saturday, and from Saturday till Tuesday. It was a matter entirely for the House, and if it was the opinion of the members that it would be well to adjourn from Thursday till Tuesday morning, he would offer no objection.

Hon. Mr. **DORION (Napierville)** said from the number of members who had heard mentioned that they were going home, he thought it would be almost useless for the House to meet on Saturday. A great many members on both sides wished to get the advantage of the three days, and there would be very little business done on Saturday at any rate. (*Hear, hear, no, no, and cries of Order.*)

Hon. Mr. **CAMERON (Cardwell)** hoped the adjournment from Thursday till Tuesday would be agreed to, as he thought it really was the feeling of the House. It was true that members from a long distance could not take advantage of it, but that was no reason why the others should be deprived of the three days. The House could only have the advantage of some three hours on Saturday at most. (*Hear, hear.*)

Hon. Mr. **HOWE** thought it was really too bad that gentlemen who came from long distances, and could not see their families for a very long time, should be sacrificed for the convenience of few gentlemen who live in Montreal and Toronto. (*Hear, hear, carried, and cries of order.*)

Mr. **JONES** would be quite unwilling to do injustice to the members from Nova Scotia, New Brunswick, British Columbia and Manitoba. (*Laughter.*) He hoped the hon. member for Cardwell (Hon. Mr. Cameron) would not take for granted that this House could not legislate without him, or act because he was not present. (*Laughter and cheers.*) He could assure the hon. member for Cardwell that the House could transact the business of the Dominion if he were absent altogether and at all times. (*Laughter.*) He was opposed to the adjournment of the House till Tuesday.

Mr. **CARTER** craved the indulgence of the House in order to make a motion, which, though he had not given notice of, he thought desirable to move now. It was that when the House adjourns on Thursday it do stand adjourned till Tuesday.

Hon. Mr. **YOUNG (Montreal West)** was of opinion that it would be best to attempt to sit on Saturday.

Mr. **BLAIN** thought the motion was not required, because if no motion were made the House would not sit on Saturday.

Hon. Sir JOHN A. MACDONALD said they would need the motion to adjourn over Friday.

Mr. BLAIN thought they ought to have the full three days.

Mr. BROUSE could not help referring to the great liberality of the hon. member for Leeds (Mr. Jones), seeing that he was so situated that his home was where he stopped overnight. (*Loud laughter.*) He hoped the House would not sit on Saturday.

Hon. Sir JOHN A. MACDONALD said the best plan would be to let the motion be put, and the Government would vote on the winning side. (*Loud laughter.*)

The motion was then put and carried.

* * *

INSPECTION OF GAS

Hon. Mr. TUPPER moved that the House go into Committee of the Whole on Tuesday to take into consideration the following resolution:—"That it is expedient to provide for the inspection of gas meters, and for testing the purity and illuminating powers of gas supplied to consumers, with power to the Governor in Council to make a tariff of fees for such inspection sufficient for carrying the Act into effect." He alluded to his recent motion with reference to weights and measures, and said the measures of gas required regulating as much as other measures. From the best information he could get, he found that the amount expended by the gas consumers of Canada was not less than \$1,250,000 per annum. There was now no legalized standard for the measurement of gas, and the meters in use constantly became inaccurate. He desired to have tested not only the quantity but also the quality of gas, to prevent the escape of deleterious matter into houses. It should also be shown that the gas supplied contained the illuminating power for which the consumer paid.

Hon. Mr. MACKENZIE had no objection to a proper inspection of gas meters, but thought it was a subject which came within the provision of the Local Legislatures. The same reasons which made the improvement of the quality of gas desirable would apply with equal force to an improvement in the quality of water. He asked the hon. gentlemen to consider the question of jurisdiction.

Mr. CURRIER said every consumer of gas had as much opportunity as the Gas Company to see how much was consumed. He did not object to the Government testing the quality of the gas.

Mr. BOWELL: Supposing the meters are defective? It should also be shown that the gas supplied contained the illuminating power for which the consumer paid.

Hon. Sir JOHN A. MACDONALD said it was clear that if this was under the one jurisdiction, either Provincial or Dominion, it was not under the other. It was a matter of importance, and ought to

be discussed thoroughly when the motion was brought up on a future day.

After some remarks from Hon. Mr. Tupper and Hon. Mr. Blake, the motion was carried on the understanding that the Government would consider the question of jurisdiction and be prepared to recommend some course when the Bill was introduced, if they decided to introduce one.

* * *

GOVERNMENT BUSINESS

Hon. Sir JOHN A. MACDONALD moved that until otherwise ordered Government business and orders should have precedence on Thursday, and that on Government days, after the business and orders are gone through, the other business and orders of the previous day shall be taken up. He did not know whether it would be thought desirable to have this motion carried into effect next Thursday, but he would leave the matter in the hands of the House.

Hon. Mr. DORION (Napierville) suggested that some arrangement might be arrived at, that only unopposed measures should be taken up on Thursday.

Hon. Sir JOHN A. MACDONALD proposed to have the resolution carried as it stood, with the understanding that public business should go on till six o'clock, and that after 7.30 they should go into Committee of Supply, or some other proposed measure, the Government not asking concurrence on Supply that evening.

The motion was then carried.

* * *

THE PACIFIC RAILWAY

Hon. Sir JOHN A. MACDONALD moved that a Select Committee of five members be appointed to enquire into certain allegations and matters connected with the charter granted to the Canada Pacific Railway Company, with power to send for persons, papers and records, and to sit after the prorogation of parliament. With respect to the last part of this resolution, he was not sure that the House could confer of any committee the power to sit after prorogation, but if that was the case, the Government would be quite ready to issue a commission, as had been done in similar cases in England, to enable, if need be, the Committee to sit as a Commission.

With respect to this resolution, he would only say that when the hon. member for Shefford (Hon. Mr. Huntington) made his motion on Wednesday last, it was received by the Government as a motion of want of confidence, and was dealt with as such. The motion which he (Hon. Sir John A. Macdonald) made now was a substantive motion upon the statement which the hon. gentleman had made on his responsibility as a member of Parliament. He did

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not think it would be desirous on a matter of this kind, which would go into an enquiry of a *quasi* judicial character, that he should occupy the time of the House. He had no doubt that the House would grant a committee to enquire into this grave matter affecting the honour of the Government, and that the Committee would deal with it in a judicial spirit.

Hon. Mr. MACKENZIE said he was glad that the hon. gentleman, notwithstanding his rejection of this same motion a few days ago, had found it necessary again to bring the matter under the notice of the House, and to take the very course which his hon. friend from Shefford (Hon. Mr. Huntington) had proposed to take on Wednesday. The leader of the Government made the excuse for rejecting the former motion that it was a motion of want of confidence. His hon. friend from Shefford had not offered it as a motion of want of confidence. (*Hear, hear, and laughter.*) The hon. member for Shefford had given notice that, in amendment to the motion to go into Committee of Supply, he would move for a committee to enquire into matters connected with the Pacific Railway. If that had carried it would not have been a vote of want of confidence in the Government, except so far as its terms implied that there was something wrong in the conduct of the Government.

There were numerous instances in which motions were moved in England in amendment to go into Committee of Supply, and were carried against the Government, after which the House at once went into Committee of Supply, and went on with the estimates. That would have been the course taken had the motion of the member for Shefford been carried.

His hon. friend had refrained from placing anything on the notice paper but what he intended to deal with; and when the Minister of Finance said he would make the motion to go into Committee of Supply, with the Speaker in the chair, his hon. friend had postponed the motion till the next day. Upon motions being called the next day, he brought up the motion as a matter of privilege, simply making the statement and confining himself to moving for a committee of enquiry.

He would like the hon. gentleman opposite to say if any gentleman in the House could move for a committee of enquiry in a less offensive manner than had been done by the member for Shefford. If the charges made should happen to be true, that would in the strongest sense express want of confidence in the gentlemen who might be affected. That it was necessary to have an enquiry into these matters, the leader of the Government admitted, as the next day after voting down the motion he gave notice that he would move the same resolution. Did he mean to move a vote of want of confidence in himself? (*Laughter.*)

He was glad the hon. gentleman had been compelled to agree to an enquiry into what had been so specially alleged by a member of the House in his place. They would be glad to have an enquiry, but he doubted if it was consistent with Parliamentary practice for the Committee to sit after the prorogation of the House. It would be better for the hon. gentleman to introduce a bill giving that power,

and also giving the power to this and other special committees to take evidence on oath.

Hon. Sir JOHN A. MACDONALD said that the hon. gentleman said that the motion of the hon. member for Shefford was not intended as a vote of want of confidence. Of course he accepted that statement. The hon. gentleman was the leader of his Party, and he told the House on the part of the Opposition that the motion in question was not intended as a vote of want of confidence. He believed, however, that the majority of the members of the House considered it was a vote of want of confidence, and he thought so himself. He believed the member for Wentworth South (Mr. Rymal) thought it was.

Mr. RYMAL: I did. (*Hear, hear and laughter.*)

Hon. Sir JOHN A. MACDONALD believed that the paper which was generally considered to be the organ of hon. gentlemen opposite stated distinctly that it was a vote of want of confidence. It was clear, however, from the hon. gentleman's statement that it was not a vote of want of confidence, and that they were entirely mistaken. It was now simply a motion by the Government for a committee of enquiry into these charges. He was not sure that the Committee could sit in vacation but he did not think it would be well that the enquiry should stand over till 1874.

Hon. Mr. BLAKE: Hear, hear.

Hon. Mr. DORION (Napierville) observed that the Minister of Justice had said nothing about the suggestion that the Committee should have power to take evidence under oath.

Hon. Sir JOHN A. MACDONALD said it was proposed to leave the matter to be recommended by the Committee.

Hon. Mr. DORION (Napierville) remarked that evidence would be received with much more confidence if it were taken under oath.

Hon. Sir JOHN A. MACDONALD: I think so, too. I think it ought to be taken under oath.

Hon. Mr. DORION (Napierville) did not know how this could be done, otherwise than by a Bill. He knew that a Commission under the Great Seal might be issued, but that Commission would be under the control of the Government, and the Government might cancel it at any time, and it would not have to report to the House. A short Bill could be passed through the House in a very short time. He also observed that there was nothing in the motion requiring the Committee to report evidence. It was absolutely necessary the evidence should be reported to the House from time to time. He suggested that that should be added to the motion.

Hon. Sir JOHN A. MACDONALD said he had not the slightest objection to add that the Committee should report from time to

time. His desire was that the Committee should deal with the whole subject with as few instructions from himself as possible, to all events from his instigation. He was not at all prepared, however, at present to agree to the proposal to authorize Committees of the House to take evidence under oath. That was a very serious matter and should not be dealt with hurriedly. He did not mean to say that such a Bill ought not to pass, but at that moment he was not prepared to say the Government would sanction it. However, he had not the slightest objection that, either by Bill or by Commission, power should be given to this Committee to take evidence under oath.

Hon. Mr. DORION (Napierville) said his suggestion was that Committees should be empowered to take evidence under oath only in such cases as the House instructed them to do so.

Hon. Sir JOHN A. MACDONALD: At all events, it will be so arranged that this Committee shall take evidence under oath.

Mr. JONES would not have voted against a motion for a committee of enquiry had he not looked upon Hon. Mr. Huntington's motion as one of want of confidence, and as such he had voted against it. Hon. Mr. Huntington gave notice that he would make his motion on the motion for supply, but was prevented from doing so by the Minister of Finance making his budget speech with the Speaker in the chair. Hon. Mr. Huntington therefore made his motion on the following day. If it was a motion of want of confidence on Tuesday, it was the same on Thursday. He would vote against a want of confidence motion in the Ministry, but he could not understand the statement of the Minister of Justice that the motion was not one of want of confidence.

Hon. Sir JOHN A. MACDONALD said his hon. friend had misunderstood him. The member for Lambton (Hon. Mr. Mackenzie) had just assured the House that it was not a want of confidence motion, and he (Hon. Sir John A. Macdonald) had accepted that assurance. (*Laughter.*)

Mr. JONES understood that the hon. gentleman (Hon. Sir John A. Macdonald) had yielded his own opinion in deference to that of the member for Lambton (Hon. Mr. Mackenzie). He (Mr. Jones) had not much confidence in the opinion of the member for Lambton.

Hon. Mr. DORION (Napierville) said it was very singular that gentlemen on the other side should be so determined that the motion was one of no confidence; and he said it was not so looked upon on his side of the House. Would it be argued that every time a motion was made for an inquiry into grave charges against any member, either of the Government or of its supporters, it was a motion of want of confidence in the Government? If this were so, then it would be open for the Government, upon any occasion when they wished to make inquiry into the conduct of any of their followers, to call upon them to vote it down because it was a vote of no confidence. In that way any Government could throw any motion for any enquiry.

He pointed out that the motion was not made by the leader of the Opposition, but it was made by a private member sitting upon the second bench, and there was not a word in the motion to indicate that it was of the nature mentioned by the hon. leader of the Government.

He had in his hands a motion by an hon. gentleman of the other side regarding the then Solicitor General Smith, afterwards Sir Henry Smith, that a committee of seven members be appointed to make inquiry into the conduct of the several members of the late Administration in regard to public lands and other matters, which motion was carried with only 10 or 12 dissentients. Again, he found in 1865 the case of the Hon. George Brown. When that gentleman had been charged by the Hon. Sir John A. Macdonald with some incorrect action in regard to the Provincial Penitentiary, an inquiry was granted on the statement of the member moving for it, and it was never looked upon as a vote of no confidence.

Then, again, in the Derby election case, in England, when a direct charge of bribery and corruption was brought against Mr. Beresford, who was one of the members of the Government, the committee was granted at once, and it was thought best to have no discussion upon the question in the House. That was not treated as a vote of want of confidence, and the motion of the hon. member for Shefford (Hon. Mr. Huntington) and the course he took were dictated by precedents of the same nature. He repeated that the purpose of the mover of the resolution was fully justified; and the proper course of the leader of the Government, seeing his present action, would have been to have risen at once and submitted to the fullest inquiry.

Hon. Mr. BLAKE asked hon. gentleman opposite to consider for a moment the position in which they were placed, in having voted "nay" to the motion for a Committee of Enquiry to consider certain matters, and being about that day to vote "yes" for it. He wished them to consider that they were about to reverse their votes. It was perfectly correct that when his hon. friend introduced the motion he said he could establish by satisfactory evidence the statements contained in his motion. He did not ask in any way that the House should condemn the hon. gentleman to whom the statements had reference, but he simply contended that having introduced that motion upon his responsibility, he was entitled to ask the House that there should be a Committee of Enquiry. His hon. friend made no statement as to the character of the motion beyond that contained in the motion, and there was no suggestion that the motion should be treated as anything else than what it appeared to be. The nature of the motion was of such a character that it could not be construed as a vote of want of confidence in the Administration.

Of course, the Government could take the question of the adjournment of the House, or other trivial motions, as test as to whether they had power to control the House. He denied that this motion could for one moment be treated as a vote of want of confidence. They had proof that this was the case from the Ministerial benches. If the motion were one of want of confidence,

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it would have been impossible for the hon. gentleman to have moved it that day.

What they were asked to draw from the motion was that it was a matter for inquiry, and a considerable number of members of the House did draw that conclusion, and he was glad to know that hon. gentlemen opposite had now drawn the same conclusion. It would not be a matter of difficulty for them on that side of the House to justify the votes they gave the other day, and the vote they gave upon that occasion; but it would be a matter of some difficulty in this House, and still greater in the country, for hon. gentlemen who voted for it to justify their vote of last week. (*Oh, oh! from the Ministerial benches.*) He thought one condition of the motion should be that the Committee should be permitted to report from time to time.

With regard to giving the Committee power to sit after prorogation, he thought the correct course to pursue would be to introduce a Bill authorizing Select Committees in special cases to sit during the recess, and by resolution of the House to empower them to take evidence under oath. He quite agreed with the resolution that the Committee should sit after prorogation, upon the understanding that if the law did not permit it to sit, such law would be proposed as would permit it to sit without altering the character of the investigation from that of a Committee of the House of Commons.

Mr. JOLY asked if the hon. Minister of Justice (Hon. Sir John A. Macdonald) intended to introduce a Bill to authorize the examination of witnesses under oath.

Hon. Sir JOHN A. MACDONALD: No, I do not.

Mr. JOLY said he took this upon his own responsibility. He was not attempting to initiate precedents not in conformity with the rules of the House of Commons in England, but he thought it was essential that these witnesses should be examined under oath, and he would take on himself the responsibility of proposing a motion to the effect that the Committee should be empowered to examine witnesses under oath.

He referred to the action of the Government in 1869, when Private Bills Committees were empowered to examine witnesses under oath, and to the serious nature of the inquiry by the Committee about to be appointed, and contended that Private Bills Committees were that of the importance of the one under consideration; and as the House had gone so far, he thought they had a right to go further.

He moved that the motion be amended by the addition of the following words—"and empower them to examine witnesses under oath".

Hon. Mr. DORION (Napierville) said he understood that witnesses should be examined under oath.

Hon. Sir JOHN A. MACDONALD said that, although he was not at present prepared to undertake to introduce a Bill for the

examination of witnesses under oath, he would see that, in this individual case, witnesses should be sworn.

Mr. JOLY apologized for having laid the motion before the House. He understood the hon. gentleman would not undertake to bring in a Bill for that purpose.

Hon. Sir JOHN A. MACDONALD said he would undertake to take such steps as would ensure witnesses in this Committee being examined under oath. He would not say he would do it by Bill, but it should be done in a legal manner so that witnesses could be sworn.

Mr. JOLY said he withdrew his motion, but he did not regret having made it after the result that had been attained. (*Hear, hear.*)

Hon. Mr. HOLTON said that before they acquiesced in the proposition of the hon. gentleman, they should understand whether the Committee about to be struck would be in any way deprived of the character of a Parliamentary Committee, or whether he pledged himself that the Committee should be subject to the orders of the House, responsible to the House and bound to report to the House, and have power to take evidence under oath. That was a point which he thought should be clearly understood.

Hon. Sir JOHN A. MACDONALD said the patience of all persons was limited. The hon. member for Shefford (Hon. Mr. Huntington) moved for a Committee and the Government objected to the motion on the ground that it was a vote of want of confidence. The hon. gentleman had got his Committee, and he (Hon. Sir John A. Macdonald) rose in his place as leader of the Government and said he was not only willing there should be a Parliamentary Committee, but he said powers should be given to examine witnesses under oath, and that the evidence should be reported from time to time.

He would venture to say that he had granted more than had been asked, or than gentlemen opposite had a right to ask; but he had not the slightest objection to witnesses being examined under oath, and he would go further than he had gone, and if hon. gentlemen were not satisfied with what he had stated he would withdraw his remarks and move simply for a Committee in the ordinary way.

Hon. Mr. MACKENZIE said his hon. friend was simply pointing out that there was a very great difference between empowering a Committee of the House to take evidence under oath and the giving of the Committee afterwards the character of a Royal Commission, because if the latter course were taken the Committee would be under the control of the Government.

Hon. Sir JOHN A. MACDONALD: No, no.

Hon. Mr. MACKENZIE said the Committee could not occupy the position of a Parliamentary Committee and a Royal Commission at the same time. If a Royal Commission were appointed it would have to report to the Government and not to the

House. There was the point his hon. friend referred to, and he thought it was very reasonable.

Hon. Sir JOHN A. MACDONALD: I will undertake that the Commission which shall be appointed shall report to this House.

Hon. Mr. MACKENZIE: Then it is intended there shall be a Commission?

Hon. Sir JOHN A. MACDONALD thought he had made that point clear. He would go still further. He would undertake that in the Commission it should be provided that they should report to the House. He had already stated that he hoped the Committee would commence their enquiry at once, and report the best and most expedient mode of proceeding. If the Committee should suggest a Commission the House would consider it, and similarly if they should suggest a Bill, if the Government could get the support of the House, they would see that the evidence was taken under oath and the Committee authorized to report from time to time. He quoted an English precedent of a Parliamentary Committee sitting during recess.

Hon. Mr. HOLTON wished to point out that a Committee could not be at once a Parliamentary Committee and a Royal Commission.

Hon. Sir JOHN A. MACDONALD: I did not intend that it should.

Hon. Mr. HOLTON said if the Committee proceeded as a Parliamentary Committee in Parliamentary form, it could not administer oaths. If it proceeded as under Royal Commission, it ceased to be a Committee of the House. He, for one, did not desire it should cease to be a Committee of the House, and it was upon the distinct understanding that they were appointing a Committee of the House that he assented to the motion. He understood the hon. gentleman to have made that promise, and he was sure it would be generally satisfactory to the House, as it was to himself. (*Hear, hear.*)

An addition was then made to the motion, instructing the Committee to report evidence from time to time to the House. The motion was then carried.

The members were called in and proceeded to elect members of the Committee.

The SPEAKER having explained the mode of doing so, the list of members was called over in alphabetical order, and each member mentioned the name of the gentleman he desired to have on the Committee.

The result of the voting was that the following gentlemen were appointed on the Committee;—Hon. Mr. Blanchet, 37 votes; Hon. Mr. Blake, 36; Hon. Mr. Dorion, 35; Hon. Mr. McDonald (Pictou), 34; Hon. Mr. Cameron (Cardwell), 33.

MANITOBA CUSTOMS DUTIES

On Motion of **Hon. Mr. TUPPER** the House went into Committee upon resolutions on the subject of customs duties in the Province of Manitoba and the Northwest Territory. In making the motion, he said that in the discussion a few evenings ago the Government had promised to reconsider the question of extension of time for bringing into operation in Manitoba the Customs Tariff of Canada. There seemed to be a general opinion that the intention of the Act was to give them the benefit of the lower tariff, whereas they had practically only had it for two years.

It was decided to propose the extension of time for one year from the 12th of May next. The law, as at present it stood, brought the tariff of Canada into force on the latter date. He added, however, that the full tariff on spirituous, vinous and malt liquors would be imposed immediately.

Hon. Mr. MACKENZIE wished the hon. gentlemen to inform the Committee to what extent this would affect the revenue. He understood that for the last year it was \$47,000.

Hon. Mr. TUPPER: About \$30,000.

Hon. Mr. MACKENZIE said, as he understood the hon. members from Manitoba the other night, all they expected or desired was that they should be allowed the privilege of importing goods for this incoming season, and he thought that the motion would be in accordance with their wishes if instead of till May, 1874, they got till the middle of October next. He had no objection to allowing the importation of goods to the people generally, but the Hudson Bay Company had driven a very hard bargain with the Dominion; they had taken away our lands and otherwise held the bargain very straight, and he did not see why extension of time or any such indulgence should be granted to them. If it were necessary to extend the time for a few months, he had no objection but he did not think that the hon. gentlemen should have proposed to extend it for a whole year. He would much rather, for the reason already stated, that the proposition should be in the terms already demanded.

Hon. Mr. TUPPER said the object was to benefit the people and not the Hudson Bay Company or any importer. He pointed out that it was just about the same thing as the proposal of the hon. member for Lambton (Hon. Mr. Mackenzie) to allow the resolution to stand as it was, as the principal import trade was done in the interval between May and October.

Mr. SMITH (Selkirk) also agreed in this opinion.

Hon. Mr. MACKENZIE asked if the title Northwest Territories included the disputed part of the North-west boundary of Ontario.

Hon. Mr. TUPPER explained that it did not.

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Mr. WHITE (Halton) called attention to the provision for collecting full duties on spirituous liquors, and thought their importation should be prohibited altogether.

Mr. SMITH (Selkirk) said the Hudson Bay Company had memorialized the British Government to that effect, which would make the matter practically the same as if a prohibitory clause were inserted to this resolution.

Hon. Mr. MACKENZIE moved that the words "and Manitoba" be struck out of the first clause, and that the following words be inserted:—"That the importation of spirituous, vinous and malt liquors into the Northwest Territories be absolutely prohibited."

Mr. SMITH (Selkirk) would like the same provision introduced into Manitoba.

Hon. Mr. MACKENZIE said that was in his resolution originally, but in consideration of the fact that Manitoba was itself an independent Province, he felt it would not be fair to do that—at least without the concurrence of its representatives.

Hon. Mr. YOUNG (Montreal West) asked if when the importation of spirituous liquors was prohibited the effect would not be to introduce smuggling from the United States.

Mr. SMITH (Selkirk) thought prohibition would do a great deal of good, if it could not altogether cure the evil.

Mr. CUNNINGHAM had the floor, when it was six o'clock, and the House rose for recess.

AFTER RECESS

Mr. CUNNINGHAM resumed the debate. He said that he perfectly agreed with the remarks made by the member for Lambton (Hon. Mr. Mackenzie) relative to prohibition in the Northwest Territories. This was no new thing in that territory, for under the Hudson Bay rule prohibition was carried out in its integrity, and if clauses were inserted in the proposed Bill prohibiting the manufacture and sale of intoxicating liquors, it would only be carrying out the system now in operation. Prohibition in the Northwest was a reality, and the utmost vigilance was exercised by the servants of the Company in preventing the importation of liquors. (*Hear, hear.*)

After illustrating how the system was carried out, he said this was a peculiarly advantageous opportunity of testing the merits of prohibition. The country was new, it had not and never might have any liquor system; and when he regarded the hundreds of petitions which had been poured into his House, asking for a prohibitory liquor law, it seems as if the people were in earnest, and surely it was worth the expenditure of a little energy and a little money in

making the experiment whether prohibition was practicable or not. (*Hear, hear.*)

Regarding the unanimity which had been shown with respect to the extension of the tariff, it was gratifying to him, as it would be to the people of the Province, to find the people of the other Provinces and their representatives were so well disposed towards them and so ready to meet their peculiar circumstances with a sense of justice. (*Hear, hear.*)

Mr. BODWELL was glad the members for Manitoba had expressed themselves in favour of the proposition of the hon. member for Lambton (Hon. Mr. Mackenzie).

Mr. SMITH (Selkirk) supported the proposed prohibition, and corroborated the statements of the former speaker. If prohibition could be made applicable to the other provinces of the Dominion, he felt certain it would be of great benefit to Manitoba.

After some little further discussion, the resolution as amended was carried unanimously.

The Committee having risen and reported, the House adopted the resolution without amendment and Hon. Mr. Tupper introduced a Bill founded thereon.

* * *

SUPPLY

Hon. Mr. TILLEY moved the House into Committee of Supply.

The several votes for Civil Government, passed on Friday, were concurred in; and the Minister of Justice proceeded to explain, in connection with the estimates for the Administration of Justice, several changes which he had had under consideration in connection therewith, and which he desired to mention to the House, in order that hon. gentlemen on both sides might give the several matters their consideration.

The House then went into Committee of Supply on the following items of expenditure for which a vote is required:—

| | |
|--------------------------------------|----------|
| Miscellaneous | \$10,000 |
| Circuit allowances, British Columbia | \$ 5,000 |
| Manitoba | \$ 2,000 |
| Total to be voted | \$17,000 |

* * *

JUDGES FOR THE NORTHWEST

In the course of the discussion **Mr. SMITH (Selkirk)** asked if it was the intention of the Government to appoint a Judge and Stipendiary Magistrate for the Northwest Territory.

Hon. Sir JOHN A. MACDONALD said Stipendiary Magistrates would naturally be appointed, and the Judges of the Supreme Court of Manitoba had jurisdiction in the Northwest Territory.

* * *

QUEBEC JUDICIARY

Hon. Mr. DORION (Napierville) severely criticized the appointments to the bench of Quebec, claiming they were made on political grounds.

Hon. Sir JOHN A. MACDONALD asked how the Minister of Justice was to know of the unfitness of any judge in any given province of the Dominion. It was for the parties who suffered from the misconduct of the judge to bring him to justice. He was unaware that the standing of the judges in Quebec was not as high as those of Ontario or any other Province. He had been sorry to hear a statement made by the hon. member from Napierville (Hon. Mr. Dorion) who was usually very guarded in his remarks, that the Judges had been appointed for political purposes. He would like to hear the hon. member state any case.

He, as Minister of Justice, had been responsible for the appointments that had been made in Quebec, and he did not think that they could be complained of. The Judges appointed since that time had been Mr. Mackay of Montreal, who he believed was a good Judge, Mr. Torrance of Montreal, Mr. Sanborn, Mr. Maguire, Mr. Taschereau, Mr. Tessier, Mr. Bossé, Mr. Dunkin and Mr. Casault, all of whom he believed were good Judges. He would like the hon. gentleman to say what there was against any of these Judges.

He did not know very well what to do with the petition from the Legislature of Quebec to inquire into the state of the Judiciary of that Province, because along with the petition was a request to grant more salary to the judges. The first part seemed to indicate that they had something to complain of in the judiciary, but the second part rather point the other way.

Hon. Mr. DORION (Napierville) said that the hon. gentleman should gather the general complaints in the Province of Quebec. The appointment of Judge Dunkin was a political appointment purely and simply. He had not been practising at the bar for several years, having been in political life.

He said the state of the Judiciary in Quebec Province was scandalous. The Legislature of Quebec told the country they had relegated the matter to the Dominion Parliament. The Minister of Justice told them that he did not know very well what to do in the matter. In this way there appeared at present to be no way of having redress, and he complained greatly that it should be so.

Hon. Mr. HUNTINGTON referring to the things petitioned for by the Quebec Legislature, said there were a thousand things which

the people would do rather than cast any doubt upon the character of the judiciary.

After a few remarks from **Mr. JOLY** as to the undefined state of the powers of the Local Legislature in this matter,

Hon. Mr. BLAKE said that the state of affairs in Ontario and Quebec were happily very different, but he argued that what was called a division of power between the Local Legislatures and the Dominion Parliament was merely a confusion of powers. The Minister of Justice had confessed his inability to deal with the question, and said that he had no means of knowing what took place nor how things were conducted in the courts of justice. He supposed that this letter was the cause which had led the Minister of Justice to surround himself with so many Queen's Counsel, and it was difficult to see what else they were appointed for.

He contended that in respect to this question the Constitution was defective. The position of the Minister of Justice in the matter was such as he could not maintain under the Constitution, and this Parliament must abandon the position they had taken upon the matter because they could not take away from the Local Governments the constitution of the courts and the administration of justice.

Hon. Sir JOHN A. MACDONALD said he could not go round all the courts and see how they were conducted. It was for those who were unjustly dealt with to complain, and so far as he was aware, all the judges of Quebec were good judges. He defended the appointments he had himself made, and said they were all good ones.

Hon. Mr. DORION (Napierville) said it would be invidious for him to point out the appointments which were not suitable, and he called the attention of the hon. gentleman to the fact that not long ago four judges had been forced to resign. He would ask the hon. gentleman which of his appointments were not of a political character, and had been made a resting place for some political friend.

He reminded the Premier that in England only the best men were placed upon the bench, whilst in Quebec it was a fact that Government favourites were made Queen's Counsel, which nevertheless was made an excuse for creating them judges.

The Minister of Justice was not the proper party to make these appointments, on account of not personally knowing the legal capacity of the gentlemen upon whom the distinction of Queen's Counsel was conferred. Some of these gentlemen had run away three months; some of them had not practised. He congratulated the Government on the appointment of Judge Sanborn, a gentleman chosen from the Opposition, and upon the appointment of Mr. Sicotte. Three petitions against judges had been filed this session, and he could call upon the lawyers of both shades of politics in Montreal to testify whether he was not correct in the general statements he had made in regard to the character of the judiciary in general. If the Minister of Justice only visited the

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Lower Canadian Court of Appeal and listened to the judgments read there, he would see such an exhibition as could not be witnessed in any other court or country. (*Hear, hear.*)

The item was then passed.

* * *

SUPPLY

The House then went into Committee of Supply, and the following were submitted:—

| | |
|--------------------------|----------|
| Police of the Dominion | \$25,000 |
| Water Police of Montreal | \$13,395 |
| River Police of Quebec | \$20,200 |
| Total | \$58,595 |

Hon. Mr. MACKENZIE moved that the Dominion Police items for Manitoba be reduced to \$15,000, which was lost by 35 against 40.

Hon. Mr. MACKENZIE said he would move the same motion on concurrence. The other two items were passed without a division.

The following items under the head of Legislation were passed without opposition:—

| | |
|--|----------|
| Senate salaries and contingent expenses of the Senate | \$43,268 |
| House of Commons. salaries and contingencies, per Clerk's estimate | \$77,515 |
| Salaries and contingencies, per Sergeant-at-Arms' estimate | \$33,130 |
| Parliamentary Library | 6,000 |
| Miscellaneous, binding, and distributing the laws | \$11,000 |

| | |
|---|-----------|
| Printing paper and bookbinding | \$35,000 |
| Contingencies of the Clerk of the Crown in Chancery | \$1,000 |
| Miscellaneous printing | \$2,000 |
| Total | \$208,913 |

The Committee then rose and reported progress, and asked leave to sit again.

The House adjourned at 12.07 a.m.

* * *

NOTICES OF MOTION

Hon. Mr. YOUNG (Montreal West)—On Thursday next—Committee of the Whole to consider the following resolutions:—*Resolved*, that in possession of the St. Lawrence the people of the Dominion not only have the most direct, the cheapest and quickest route for the trade of the Dominion, and for mails and passengers between Europe, the Western United States and the Pacific Ocean, but also the most direct to Europe and the Pacific for telegraph communication; that a company in Denmark and England, in conjunction with a company in the Dominion, possesses the right to lay down cables to connect with England, in conjunction with a company in the Dominion, possesses the right to lay down cables to connect with England and Canada via the Danish possessions on the Atlantic to St. Lawrence, and as the people of Canada have not at present the power to send telegraph messages to England, except through a foreign corporation, it is highly desirable that there should be independent telegraph communications between the Dominion and Great Britain, and Europe generally; and in the interests of shipping, emigration, and commerce generally, and for securing more prompt telegraphic communication with Europe, the Pacific and the world, in view of the important and continually increasing intercourse existing between the continents of Europe and America, it is highly necessary to facilitate to the greatest possible extent, the transmission in the least possible time of all intelligence between them.

Mr. FORBES—On Thursday next—Enquiry of the Ministry whether the Government intends to establish mail communication during the present year between the Dominion and the West Indian Islands.

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HOUSE OF COMMONS

Wednesday, April 9, 1873

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

Prayers

BILLS INTRODUCED

The following Bills were introduced:—

Hon. Mr. HUNTINGTON—To incorporate the Victoria Bank of Canada.

Mr. FOURNIER—To provide for administering oaths to witnesses who appear at the Bar of the House and in Parliamentary Committees.

Mr. ROSS (Wellington Centre)—To incorporate the Farmers' Land Discount and Investment Company.

* * *

RAILWAY SUBSIDY

Mr. MACKAY asked whether the Government intended to take any, and if any, what measures, to supplement the subsidy of the Nova Scotia Government towards extending the railway east from Pictou, so as to utilize Louisburg as the most eastern harbour in the Dominion.

Hon. Mr. LANGEVIN said this matter was under the consideration of the Special Committee of the House, and the Government would wait until the result of that enquiry was known before it took the subject under consideration.

* * *

LIQUOR LAW

Mr. CHISHOLM asked if it was the intention of the Government to introduce any measure during the present session for the purpose of diminishing or prohibiting the manufacture and sale of intoxicating liquors.

Hon. Mr. TILLEY said it was not the intention of the Government to introduce such a measure this session. (*Hear, hear, and cheers.*)

EUROPEAN AND NORTH AMERICAN RAILWAY

Mr. DOMVILLE asked whether the Government intended to put in more sidings on the European, and North American Railway, in order that industrious farmers and others might get their produce to market without extra trouble and expense in the shape of unnecessary delay. (*Hear, hear, and cheers.*)

Hon. Mr. MACKENZIE said, if so, how many? (*Hear.*)

Hon. Mr. LANGEVIN said the Government intended to ask for a vote of money for such sidings as might be found necessary for the work of the railway.

Mr. DOMVILLE asked whether the Government intended to purchase new locomotives and a sufficient quantity of rolling stock to meet the requirements of the public, if so, what quantity of locomotives and rolling stock would be provided, was such rolling stock, et cetera, already ordered, when would the locomotives and rolling stock be ready for public use on the European and North American Railways.

Hon. Mr. LANGEVIN said the Government had asked for a sum of money for the purpose of purchasing locomotives and a sufficient quantity of rolling stock to meet the requirements of the public. A certain amount of rolling stock was ordered during last winter and would be available in a short time; a portion of it was already on the line.

* * *

NAVIGATION OF BRITISH COLUMBIA COAST WATERS

Mr. De COSMOS asked whether foreign vessels had the right to navigate the inland coast waters of British Columbia, and particularly to navigate Johnson's Straits and the inland water routes along the northwest coast of the said Province between Queen Charlotte's Strait, and 54 degrees, 40 minutes north latitude.

Hon. Sir JOHN A. MACDONALD proposed that his hon. friend should allow that question to stand over until he had the opportunity of calling the attention of the Government to the matter.

* * *

QUARANTINE HOSPITAL

Mr. MACKAY asked whether it was the intention of the Government to advertise for tenders and contract for the construction of a quarantine hospital and marine hospital

respectively at Sydney during the ensuing season, and to build the same.

Hon. Mr. LANGEVIN said a vote of money had been asked for to meet this want, and was obtained from Parliament. Tenders would be called for immediately.

* * *

OPENING THE BARRASOIS

Mr. MACKAY asked if it was the intention of the Government to place a sum in the estimates to be expended in the opening of the Barrosois at the head of Gabarus Bay.

Hon. Mr. LANGEVIN said it was the intention of the Government to do so.

* * *

PROPOSED BREAKWATER

Mr. MACKAY asked whether it was the intention of the Government to cause a survey to be made in connection with the contemplated breakwater at Main-à-Dieu, Cape Breton.

Hon. Mr. LANGEVIN said it was the intention of the Government to cause such a survey to be made.

* * *

RE J.A. CHICOINE

Mr. MERCIER asked whether J.A. Chicoine, whose name appeared at page 78 of the Public Accounts of 1872, as having received from the Government of the Dominion the sum of \$1,180.23, was not J. Adolphe Chicoine, Esq., advocate of the city of Saint-Hyacinthe, in the district of the same name and Province of Quebec; if not who was the said J.A. Chicoine?

Hon. Mr. POPE (Compton) said the Public Accounts showed most clearly that this J.A. Chicoine was of Saint-Hyacinthe—there was no doubt about it.

Hon. Mr. MACKENZIE: The former answer was wrong then?

Hon. Mr. POPE (Compton): He never was an officer of the Government. He was only Census Commissioner for that place.

Hon. Mr. MACKENZIE said he had a question of some public interest to ask. The session before last the Local Legislature of British Columbia passed an Act making their law on legitimacy practically the same as the law of Scotland. The Bill was reserved for Royal Assent, but it was not, he believed, dealt with last year. The Local Legislature of British Columbia had again passed the same Act, and he desired to ask the hon. leader if the Government

had taken any action in the matter, as it appeared to him to be within the jurisdiction of the Local Assembly. He had letters from the Province asking him to make this enquiry. He hoped the hon. gentleman would be able to state what had been done in the matter.

Hon. Sir JOHN A. MACDONALD said no action with regard to the Bill referred to had been taken. Last session there was a Bill passed similar to the one passed the previous session, but he did not know whether it was exactly the same. It had, he believed, just arrived, and would be taken under consideration as soon as possible.

* * *

WELLAND CANAL ENLARGEMENT

Mr. MERRITT moved an address for a copy of the report of the late Commissioners appointed to consider the different routes for the Welland Canal enlargement. He referred to the appropriation asked for the purpose of the enlargement last year, not one penny of which had been expended and thought the Government ought to be called upon for their reasons in not going on with the work. They had been severely censured by a portion of the press of Ontario, and by many who were anxious for the prosecution of the work, and his object was to give them an opportunity of explaining the cause of the delay. He was happy to say that he thought, when the full circumstances were known the course the Government had pursued would receive general approbation, and that instead of being censured the Government would be commended for the course they had adopted.

As his name had been mixed up with the matter he felt it necessary not only to ask for the papers on the question, but to make a personal explanation. Last session the Government laid before their House a report of the chief engineer of the Public Works Department giving the line, which after a careful survey, he thought the best for the enlargement. This report was recommended by the Government, and they then had the assurance that the work would go on. Immediately after the prorogation the Government employed competent engineers, by whom the work of preparing detailed plans for the constructors was prosecuted with the utmost despatch, so that tenders were called for by advertisement in the beginning of November.

At that time, however, a scheme was brought forward by one Grenville, a resident of Thorold, which presented such possible advantages that it could not possibly be overlooked, as it was represented that a saving of six hours would be effected in passing vessels from lake to lake. This was very desirable, but there was a principle involved which could only be decided by professional men, namely, the adoption of combined locks. When, however, Mr. Grenville's scheme was laid before the Government they thought it so important that they called in to their aid the advice of three prominent engineers, Messrs. Keefer, Gzowski, and McAlpine, as it was feared that the report of the Government Engineer might not be satisfactory to the public, and he did not think it would have been

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so. These three gentlemen examined the matter, and he believed reported against the line proposed by Mr. Grenville, and stated that combined locks were not admissible for the large class of vessels which would probably pass through the canal. He believed they reported in favour of the Government route, with the exception of a slight deviation to the village of Thorold.

Subsequently the Government very properly laid this report before the Chief Engineer, who was able to point out difficulties which probably those gentlemen had overlooked. What the decision of the Government was respecting the matter he was not prepared to say, but he hoped with the evidence now before him they would be able to decide promptly as to the route, and that the contracts would at once be given out, as there was no reason why they should not be so far as he could see. While he was advocating the enlargement of the Welland Canal, and the immediate progress of that work, he did not for a moment wish it understood that he was not equally interested in the enlargement of the St. Lawrence. He thought the two works ought to go on together. The object he had in view was to obtain the trade of the great West, and it gave him pleasure to see in the Speech from the Throne that it was the intention of the Government to complete the two works at the same time.

While he felt that in the case of the Welland Canal the Government were right in delaying action for a short time, until they had full and definite information, he would like to ask why the appropriation for deepening the St. Lawrence had not been expended.

There was no doubt of the great advantage the country would derive from the completion of this great communication with the ocean. Mr. McAlpine, since he had examined our canals, told the American people at the Polytechnic Institution in New York, that unless they constructed the Caughnawaga canal they would lose the trade *via* New York, and it would go to England by the way of the St. Lawrence. He would be strongly in favour of that canal also, which had been for so long advocated by the member for Montreal West (Hon. Mr. Young) were it not for one reason. If that canal should be constructed without obtaining reciprocity of shipping, it would be a serious injury to the shipping interests of the country, because our vessels could not trade from Canada to American ports, and we had no Canadian port on lake Champlain, and consequently the Western trade, after passing through our canal, must necessarily go in American vessels destined for that canal and shippers would even give the preference to American bottoms, as they could change the destination of the cargoes if necessary. If reciprocity in shipping could be obtained he would go hand in hand with the member for Montreal West in the construction of the Caughnawaga canal.

He felt that Canada was but in her infancy, that the growth only commenced with Confederation, and it depended on the action of the House and on the measures adopted how rapidly the country would grow. So far he was well satisfied with the measures introduced, and if the Government only fairly and expeditiously carried out those measures, if they completed the canals in the least

possible time, and completed the great railway to the Pacific, which was necessary to bind together the Confederation, he felt that in a very few years the progress of the country would be far beyond anything that our most sanguine expectations could hope for. (*Cheers.*)

Mr. THOMSON (Welland) was almost inaudible in his first remarks, but was understood to say that he had heard nothing which could satisfy him that the route proposed was the correct one. As a great national question, however, the matter was entitled to most careful consideration, particularly as to the inlet and outlet of the canal. He did not rise to prevent the immediate enlargement of the Welland Canal, but to suggest that no money should be expended until the matter had been fully considered, especially as to whether the terminus should be at Niagara or Port Dalhousie. He was perfectly sure that the former was the true place. The harbour there was always open, and was far superior as a harbour to Port Dalhousie. The latter was an artificial harbour, with only eight or ten feet of water, and requiring constant dredging, while at Niagara there was a permanent depth of twenty feet.

Hon. Mr. LANGEVIN was very glad that the member for Lincoln (Mr. Merritt) had given him an opportunity of explaining why the work of enlarging the Welland Canal was not yet in progress, and he must thank him for the very handsome manner in which he had brought the subject forward, and for the confidence he had expressed in the Government in the very able speech he had just delivered. When Parliament in the last session voted a large sum of money for the enlargement of the Welland Canal, it was well understood that surveys had been going on for two years in order to find out the best route; but that great difficulties were in the way, and that the engineers had had to study very carefully the locality in order to find out the best route. During the recess the plans and specifications were completed, and after having been examined an order was given to call for tenders.

Just at that time, however, a new scheme was brought forward which had the help of powerful influence throughout Ontario. This was Mr. Grenville's scheme. At the same time, also, other schemes were brought prominently before his department, one of which was a new canal from Chippewa to Niagara or Queenston, and another was that known as the Lateral Cut. These different schemes being brought before them, the Government thought they would not be true to the great interests confided to them if they did not, before incurring the very large expenditure involved in the enlargement of the Welland Canal, obtain all the information which they could on the subject. They therefore decided to refer the whole matter to three engineers, who should be instructed to go into the subject fully, and report to the Government. They accordingly selected Messrs. Gzowski, Keefer and Mr. McAlpine, an eminent American engineer. Those gentlemen accepted the task, went thoroughly into the subject, examined the locality and the plans, and had all the information which could be placed at their disposal. They reported to the Government that Mr. Grenville's scheme should not be adopted, and that, though it might be a shorter route than that reported by Mr. Page, the obstacles and difficulties that would be

met with were such that it should not be adopted, inasmuch as combined locks would be necessary, and to such locks they were all opposed, and deemed them most objectionable, and especially so in the case of the Welland Canal.

They further reported that they considered the line proposed by Mr. Page to be the true line, recommending, however, a divergence to the left to go through the village of Thorold. Their reason for this was that the locks would then be of the regular length of sixteen or seventeen feet, and the number of locks might be reduced from twenty-four to twenty. They also reported that without this divergence the line proposed by Mr. Page would necessitate basins in order to provide the necessary supply of water. This report was submitted to Mr. Page, and he reported in reply, showing that the supply of water on the line recommended by him would be sufficient to meet all the wants of the Canal, and pointing out also that, by the change proposed, the Canal would have to cross the railway at a point which was considered very objectionable, inasmuch as the gradient of the railway at that place was eighty-three feet in the mile, so that trains could not be stopped at the drawbridge which would be necessary.

These considerations were deemed so important by the Government that they thought a supplementary report should be made by the three engineers to whom the matter had been confided. These gentlemen again reported, giving the reasons which they had for the divergence of the line to Thorold. The matter now rested there, the report last mentioned having only been received within the last ten days. He might say, however, that his intention, as the head of the Public Works Department, after reviewing the whole subject and reading attentively all the reports, was to recommend to his colleagues the adoption of Mr. Page's line as originally drawn. (*Hear, hear.*) Though a delay of two or three months had taken place, he did not think the time had been lost, as the enquiries made had enabled the Government to assure Parliament that every care had been taken to find the best line for this work, the cost of which was estimated at something like \$900,000.

The hon. member for Lincoln had also called attention to the vote of money made for the improvement of the St. Lawrence between Kingston and Montreal. The reason why that money had not been expended was the same as in the case of the Welland Canal. The government did not wish to proceed until they had full information in their possession. The deepening of the St. Lawrence between Kingston and Montreal was intimately connected with the enlargement of canals, and in ordering surveys and examinations to be made, the Government had put both subjects together, and had directed surveys so as to ascertain, first what enlargement was necessary for the St. Lawrence canals; second, where those enlargements should be made; then whether any new canals were required, and whether any dams or other works of that kind were necessary; because they could not lose sight of the fact that the waters of the St. Lawrence were not increasing in volume, but, on the contrary, were diminishing yearly; so that what might have been the proper thing to do ten or twenty years ago might be just the reverse today. Therefore a different scheme entirely had to be

adopted in order to obtain a depth of water sufficient for the trade of the country.

He must say to the member for Welland (Mr. Thomson) that he could not agree with his suggestion to delay the works of the Welland Canal from below Thorold towards Dalhousie until a new examination, new survey, and new data were obtained. The question was not a new one; it had been studied for years, and the Government during the last two and a half years had taken every possible precaution to obtain the best data and very best possible information. That information would be laid before Parliament and the hon. gentleman would see that every possible care had been taken in the matter. They had the Port of Dalhousie, on which the country had expended a large sum only to make it a safe harbour, and though it might not be so large as the hon. gentleman desired, it had been greatly perfected and could be perfected still more. It had a great advantage that it could be reached easily, and would not require that ships and boats should be towed.

Mr. MERRITT would like to ask the Minister of Public Works whether he could say when the contracts would be given out.

Hon. Mr. LANGEVIN replied that as soon as the Council had decided on the last report he had mentioned, the matter of tenders would be taken up and disposed of without delay.

Hon. Mr. YOUNG (Montreal West) was glad to hear the satisfactory statement of the Minister of Public Works (Hon. Mr. Langevin) in reference to this, the most important of Canadian works, the Welland Canal. He was glad the opinion of the Chief Engineer had been adopted, for to take the canal over the Welland Railway at a declivity of 85 feet to the mile would have rendered the navigation of the canal very dangerous. He thought the action of the Government would commend itself to all parties who understood this subject. This canal lay at the base of all the advantages which we derived from our magnificent St. Lawrence. When once that canal was enlarged, and we could take a vessel of 1,000 tons burden from the head of Lake Superior or Lake Michigan down the St. Lawrence, that river would become the great route, not only for Canadian traffic, but for the traffic of the Northern States, and instead of our being tributary to the United States in this matter, the United States would find themselves tributary to us.

These canals would then, instead of being a source of expenditure, as they had been from the commencement, would prove ultimately great sources of revenue. The Erie Canal had cost about \$122,000,000, and yet up to 1868, taking the receipts from those canals, and adding seven per cent interest, the State of New York had gained forty-five million dollars from that work. When the Welland Canal was enlarged to its greatest extent, and the St. Lawrence was opened to the greatest possible depth, and the Caughnawaga Canal made into Lake Champlain, for that was the great keystone of the whole route of the St. Lawrence as regarded American trade, then, as he had shown before two committees of the State of New York, instead of ten days being consumed, as at present, between Buffalo and Troy, the time would be reduced to

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four days and thirteen hours by the Canadian route; and this saving of nearly six days, seeing that the commerce of the canal last year was over \$300,000 million, would result in a saving equal to \$450,000 a year. This showed the enormous importance of the Government going on to the largest extent with our great public works.

The principle involved in the enlargement of the Welland Canal was that freight could be carried by a large vessel cheaper than by a small one. He hoped we should be able before long to send large ships down the St. Lawrence without using the canals except in the upward passage. (*Cheers.*)

Mr. THOMSON (Welland) said he had a question to ask of the Minister of Public Works. He had personally nothing whatever to do with this canal, and he spoke in the public interest. He had no doubt the officers who had reported to the Government on the subject were very good, and the line laid down by them was very good. He simply rose to speak about the harbour, and would ask the Minister of Public Works whether a commission of seamen had been appointed to see which of those harbours would have, in their opinion, been best. He had a high opinion of the class of engineers appointed if they had been confirmed to their own sphere; but he had no such high opinion of them in dealing with questions which belonged exclusively to sailors, and were understood properly by them alone. It was surely undeniable that the sailors who navigate the route between Chicago and Montreal knew best which was the most suitable harbour, and ought to have been consulted on the subject. He would beg to ask the Minister of Public Works whether the sailors have been consulted or not.

Hon. Mr. LANGEVIN said the Government had appointed no Commissioners in the matter whatever. All the information the Government had was, and is, that the Port of Dalhousie is a good harbour for this end of the canal. If the Government had to begin the whole work anew, and no money had to be expended upon it, if they had in their power to determine the line, perhaps the line would have been different at different places, and this would have probably had an effect in fixing the locations of the harbours, but as it was things had to be left as they were.

The best engineers had been consulted in the first instances as to the line to be taken and the harbours to be shown, and those which had been selected in the first instance had been selected now. The hon. gentleman might feel assured that the same care had been taken about these harbours which had been taken about the line of the canal itself.

Mr. EDGAR felt glad that the motion had been made, and hoped that some information would be got from the papers brought down as to the causes which induced the Government to refrain from enlarging the feeder of the Welland Canal at the same time they were deepening it. He would ask the Minister of Public Works, if the papers referred to did not contain that information, to give it to the House just now.

As he understood it the feeder was being deepened, but no provision was made for widening it, so that as far as regards larger vessels passing through the feeder and utilizing its larger depth, the benefit would only be partial on account of its now being widened. Vessels which, being of great draught, could pass through the feeder so far as the depth was concerned, would be precluded from doing so on account of their breadth of beam.

There was plenty of water in the Grand River for the purposes of navigation, therefore it was clear that the widening of the feeder was also necessary, and he would like to know why it was not to be done simultaneously with the deepening. He thought that the mere deepening would not increase the water supply for the canal, because when there was plenty of water in the Grand River the feeder was large enough to carry it off, and when the Grand River was low the feeder carried off all the water there was. Perhaps the Government would give their reasons for their actions just now, if not, at least when the papers were brought down. (*Hear, hear.*)

Hon. Mr. LANGEVIN said the hon. gentleman would find all the information asked for when the papers would be brought down,

The motion was then carried.

* * *

INSOLVENCY LAW

The notice of motion by **Mr. COLBY** for a special Committee to consider the Insolvency Law having been called and passed,

Mr. CRAWFORD said it was a matter no longer to be delayed, and he hoped it would be placed in such a position as to be gone on with immediately. The session was well through, the Easter holidays were at hand, and the time for dealing with the question was now. If some hon. gentleman in the House did not take action in the matter then a serious responsibility rested on the Government, as the country expected and desired some action in the matter.

Hon. Mr. LANGEVIN rose to a question of order.

Mr. CRAWFORD hoped the interest of the question was sufficient to justify a remark or two, even if not strictly in order. This question had been passed over and allowed to stand from day-to-day by the hon. gentlemen who had it in charge, and the effect would be, that either the present law, with all its imperfections, would have to be continued, or it would have to be allowed to expire altogether. He did not think the question should be allowed to go off in that way. (*Hear, hear.*) The feeling among commercial men, and he hoped in this House, was in favour of a properly considered Insolvency Law.

Hon. Mr. YOUNG (Montreal West) rose to speak, but the Speaker called him to order, there being nothing before the chair. It was quite irregular to move the adjournment of the House in order to discuss the matter.

Hon. Mr. HOLTON agreed with Mr. Speaker as to the irregularity. He thought, however, it would be in order to move that any notice not proceeded with when called, shall be struck off the paper, and thus an interesting discussion of the subject might be confining himself strictly to that question. He would say that his hon. friend was not dealing very fairly—at least was not dealing with the House as he ought to do, in taking up this important subject, and not proceeding with it when his name was called from day to day.

Mr. COLBY defended himself for his action, saying that it would have been better if his hon. friend from Toronto had spoken to him privately. The fact that he had a motion on the paper did not debar any member of the House from doing the same thing. If he felt, at the time he put this motion on paper, the serious character of the subject he proposed to deal with, he felt it infinitely more now, and he now respectfully declined to sacrifice his private judgment in this case.

The motion stood over.

* * *

BAIE VERTE CANAL

Mr. McDONNELL moved for reports on the subject of Baie Verte Canal. In doing so he said that although the work was of vast importance, it was noticeable that since 1867 at least there had been no discussion upon the subject. The only data for the expenditure of money upon this work was the report of a Canal Commission, and he thought if the subject had been properly studied by hon. gentlemen so far as to give them any knowledge of it, they would have paused before they proceeded to vote money for it.

No one in Nova Scotia, the Province most interested, had recommended its construction, nor, except three interested parties, had given any answer to the enquiries which would have led the Government to think the construction of the canal by any means desirable, or if contracted by any means important or useful. He contended that the report of the Canal Commission was a most extraordinary one, and showed extreme want of knowledge of the subject upon which they reported. He said that the concern would cost the country \$15,000,000, as sure as it would cost a cent, and would afterwards saddle the country with a yearly debt of \$1,000,000.

One of the assertions of the Commissioners that it would encourage the coal trade in Nova Scotia, was a fraud and a snare, and the facts had proved that they had not the least foundation in fact. Vessels carrying coal, he ventured to say, would never pass through this canal if it were constructed. The Commissioners had buried the information given them by the Halifax Chamber of Commerce, while they had published in full the information supplied them by the St. John Board of Trade.

He proceeded to criticize that information, and showed that shippers would find it more profitable to unload on the Eastern shore of New Brunswick rather than go through this canal and encounter the dangers of the Bay of Fundy. He could convict the Commissioners of distorting the evidence in order to carry out their object. He was surprised at the information given to the Commissioners by the hon. member for Montreal West (Hon. Mr. Young). He appreciated the value of the canal system, but in the Maritime Provinces this necessity did not exist. He adverted to railway extension, but in our promises to the inhabitants of the sunny Pacific, although he feared we had promised more than we could afford, we had forgotten the sturdy settlers of the Maritime Provinces.

Hon. Mr. YOUNG (Montreal West) begged leave to say that he had never furnished any information to the Commissioners. The Commissioners had taken extracts from a paper he had read before the Dominion Board of Trade, and these extracts did not convey anything like a fair idea of his views as expressed in the paper.

Mr. McDONNELL was glad to hear that statement. He proceeded to say that it was absurd to suppose that vessels from Ontario and Quebec, bound for Halifax, would go through this canal. If it was necessary to spend a large sum of money in the Maritime Provinces, there were plenty of other purposes to which it could be applied, which would be of much greater advantage to the country. He held that the fishery interest had not been sufficiently encouraged, while the mineral interests of the Province might well receive more attention, and railway extension to Cape Breton was needed in the interests of the whole Province. He concluded with an eloquent appeal to the House to consider this important question in the light of all the facts bearing upon it.

Mr. MACKAY was of opinion that the question as to the construction of this canal could not be discussed intelligently till the report of the Engineer was laid before the House. With regard to railway extension east, he held that work as of great importance. Cape Breton was now shut off from all railway communication, while it was the interest of the other parts of the Dominion that the railway should be extended east to some part. However, this question would again come before the House on its own merits, and then would be the proper time to discuss it.

Hon. Mr. YOUNG (Montreal West) was in favour of the construction of the canal if it would be accomplished at reasonable prices. He had not seen yet the reports of the Engineers, but it had been stated to him that this canal would probably cost \$12,000,000, which would build 500 miles of railway. The question was whether it would not be better to apply the money to railways. However, he was not prepared at present to express any opinion upon it.

Hon. Mr. LANGEVIN said the papers would be brought down. He had no objection to the motion.

The motion then carried.

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WINDSOR AND ANNAPOLIS RAILWAY

Mr. SAVARY moved for all correspondence touching the right of the Windsor and Annapolis Railway Company to running powers over the Government railway between Windsor and Halifax, et cetera.—Carried.

* * *

CONSTITUTION OF THE SENATE

Mr. MILLS moved that the House go into Committee to consider the following resolution:—"That the present mode of constituting the Senate is inconsistent with the Federal principle in our system of Government, and in other material respects defective, and that our Constitution ought to be amended so as to confer upon each Province the power of appointing its Senators, and to define the mode of their appointment."

In making this motion he said he thought there could be no doubt in the minds of hon. gentlemen, whatever might be their views with regard to the present mode of constituting the Senate, that there was a very general feeling in the country in favour of its being constituted in a more popular way, and made more consistent with the system of Government which we had thought proper to adopt.

He knew there was a disposition, so far as our circumstances would permit to assimilate our Senate to the House of Lords, but there was such a vast difference between the condition of our people and the organization of society here, and the condition of the people and the organization of society in Great Britain, that the second chamber there was not necessarily well suited to the condition of things in this country. When they looked at the constitution of the House of Lords, they would see its historical origin. At one time, it represented the principal power in the State. When it did so it was permanent authority in the State. It was composed of gentlemen having great authority in the Church, and in secular matters. It derived its power when the great bulk of the wealth of the country was in real estate. It had greatly lost its influence and power as personal property increased in value, and it was diminishing in power and influence up to this hour.

The House of Lords was endowed with many powers which our Senate did not possess. It was the chief Court of Appeal, and it was also the Court of Impeachment. It had a certain amount of influence given to it in consequence of its possessing these powers that it was impossible for our Senate to possess. It also represented a great and powerful class outside of Parliament which our Senate did not. The temporal Peers in Great Britain were in a very considerable degree prepared for the position they occupied. Many of them had taken active part in the discussion of public questions, many of them were trained at the Bar or had occupied offices under the Crown, or had distinguished themselves in various ways, and in consequence got seats in the House of Lords and gave dignity and influence to it, but

in this country we did not find gentlemen appointed to the Senate on account of their eminent position.

Our Senate was rather a refuge for political sinners. (*Cries of order.*) He said political sinners, and there was nothing unparliamentary in that. He did not know that any gentleman on the other side of the House laid any pretensions to political infallibility.

SEVERAL VOICES: Pope. (*Laughter.*)

Mr. MILLS said he had never heard the leader of the Government call his hon. colleague his political holiness. He was just observing that these principles and incidental circumstances that had served to give dignity and importance to the House of Lords had no existence in this country, and the policy which had been pursued in Great Britain had not been pursued by the Government here.

He remembered very distinctly that the leader of the present Government on one occasion charged a gentleman who had been very much revered since his death by those who were his bitterest opponents—Robert Baldwin—with destroying the influence and importance of the Legislative Council by appointing a large number of Legislative Councillors at one period. That was in 1847 or 1848, when Baldwin appointed some 12 or 14 members at one time to second chamber, and those appointments had been rendered necessary by the policy which had been pursued by Baldwin's predecessors from 1846 to 1847.

He went to argue that it was the elective principle that had given importance to the Second Chamber in this country. That principle had given that Chamber Colonel Prince, Sir Allan MacNab, Hon. Malcolm Cameron, Hon. John Wilson, and other gentlemen who had occupied distinguished positions in the Lower House, and who were ready to accept election to the Upper House when the elective principle was introduced, because they felt they would have a hold upon the public, but who would have scorned to have accepted those appointments from the Administration of the day.

What he maintained was that, in order to make the Second Chamber efficient, it was necessary that the Senate should be called from all classes of the people, agriculturalists, merchants, professional men, and so on. That much was necessary in order to make it a representative body, that was one of the radical defects of an appointed Chamber. He ventured to say that three fourths of the members of the appointed Chamber were residents of the large cities and their opinions and ideas were urbane and notarial. Under the elective principles all classes were represented. It was true that we had many able men in our Senate, but that arose from an arrangement by which popular elections had furnished them, as that material passed away persons appointed to take their place were of a very different character, but this was not all. The political exigencies of the Government of the day would often compel them to pass by more competent men in order to choose who might bring

the Government a larger amount of support or who might prove troublesome if not disposed of in this way.

There was still another consideration. The federation principle had been introduced into our Senate, a specified and limited number being appointed from each Province. The powers of the institution felt it was necessary for some reason or other that this Parliament should not be simply a national parliament, that in some degree, at all events, it should indicate its origin, and that the Provinces should in some degree be protected from the simple force of a Parliament elected by a majority of the people, taken as a unit, when a number of the Senators was limited; and it was provided that a certain number should be taken from the Province.

A new principle was introduced, and one utterly inconsistent with the principle of nomination by the Crown. Lord Macaulay said, "If you were to give the Administration of the day power to create indefinitely new peers, you would make the House of Lords an irresponsible body. The Crown was controlled by the power of the House of Commons to withhold supplies, and the House of Commons was controlled by the power of dissolution, but if there was no power to create new peers, the House of Lords would practically be an irresponsible body."

Now we had a Second Chamber whose members could not be increased; and Second Chamber which, if it chose to set itself in opposition to the people and Crown and this House might do so, as it was completely absolute. There was no power of changing or checking that Chamber. That being the case, it was quite clear that if the Crown continued to retain the power of nominating, it ought to have the power of increasing the number of Senators. The very idea that each Province was to have a certain number of Senators carried with it the right to the Provinces to appoint them.

He argued that the power of appointing Senators ought to be vested in the various Local Legislatures or in the people at large. His view was in favour of the appointment by the Local Legislature. In the United States, the Senate deriving its existence from the representative bodies of several States, was always bound to see that the rights of the States were not encroached upon. If our Second Chamber derived its existence from the Local Legislature it would see that Parliament did not encroach upon the power and authority of these Local Legislatures. It was true that our courts might disallow unconstitutional laws, but very great mischief might be done by relying entirely upon the Courts in such matters.

If we had the Senate properly constituted, not only would it have influence with the population at large, but the smaller Provinces would feel that their rights would not be encroached upon. One of the great difficulties we had to deal with, and it was aggravated by the present Government, was the want of a national spirit, but, on the contrary, there was a strong tendency to consider local interests, and to look at all matters from a provincial point of view; and until the people of the various Provinces felt perfectly secure with regard to their local rights, we could never make this Chamber a national Chamber in any proper sense of the term.

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

AFTER RECESS

CANADA GUARANTEE COMPANY

On motion of **Hon. Mr. HOLTON**—the Bill entitled an Act to amend Cap. 36, 14, 15 Vic., incorporating the Canada Guarantee Company as amended by the Standing Committee on Banking and Commerce, was read a second time.

The House then went into Committee, **Mr. OLIVER** in the chair, and passed the Bill which was reported, read a third time, and passed.

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ISOLATED RISK INSURANCE COMPANY

On the motion of **Hon. Mr. MACKENZIE** the Bill entitled An Act to amend the Act incorporating the Isolated Risk Insurance Company as amended by the Standing Committee on Banking and Commerce, was read a second time.

The House went into Committee on the Bill, passed its various clauses with the several amendments, and the Bill was read a third time and passed.

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DOMINION BOARD OF TRADE

On motion of **Hon. Mr. YOUNG (Montreal West)** the Bill entitled an Act to incorporate the Dominion Board of Trade, as amended by the Standing Committee on Banking and Commerce, passed through committee, was read a third time and passed.

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SECOND AND THIRD READINGS

The following Bills were also read a second and third time and passed:—

An Act to incorporate the Maritime Improvement Company of the Dominion of Canada.

An Act to incorporate the Three Rivers Bank.

Mr. RYAN introduced a Bill entitled an Act to incorporate the Canada Investment and Guarantee Agency.

* * *

THE BALLOT

The adjourned debate on the motion of **Mr. TREMBLAY**, "That the Bill N^o 9, an Act to provide for the taking the polls by ballot at

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elections of members to serve in the House of Commons of Canada, be now read a second time” was resumed.

Mr. PALMER expressed himself in favour of the ballot. In New Brunswick it had kept down all disturbances. This had been attributed to the action of the Government, but he thought the people should be able to keep the peace themselves without the interference of the Government, Opposition, or any other agency. He also thought that the ballot had not done away with bribery in New Brunswick, but he thought that the law could be very much improved, and thus remove that objection. He thought it would prevent intimidation in a great measure. The great question, in his opinion, was whether the ballot should be open or otherwise. He was personally in favour of secret voting, and a great majority of the people of New Brunswick were in favour of such a measure. Any such measure should be uniform for the whole Dominion.

He suggested, however, that no action should be taken in the direction of the ballot in Canada until it had been tried in England at the General election shortly to ensure there. The matter ought to receive every possible consideration, so that if it were to become law it might be made as perfect as possible.

Mr. OLIVER saw no reason why we should wait for the result of the ballot in England, for it had already been tried in Nova Scotia, and in many cities in connection with municipal affairs, and everywhere it had worked well. He was glad that the members from New Brunswick were so unanimously in favour of the ballot. With regard to the action as to its abolition in Nova Scotia, if the arguments he had heard in favour of that course were all that could be advanced, he did not think that it was tenable. He pointed out that a large number of public works going on just now, would attract a great number of workmen into the country, and the adoption of the principle of ballot would keep the Government from interfering as to the manner in which they voted, it being a fact that in a short time they would become voters. It would also enable men of ordinary means to become candidates for Parliament. Of late years the expenses of running for elections was so great that the choice of the people would soon become restricted to a few persons. According to the provisions of the Bill introduced by the Prime Minister, an income franchise would be granted, and a large number of clerks, school teachers, and so on, would have the right to vote, and the ballot would be a great protection to such from their employers and those to whom they might be indebted for their situation. He referred to the influences which were sometimes used to coerce persons indebted to country merchants to vote as those merchants wished, and also to personal influences which the ballot would protect them from.

He referred to the scandalous conduct of the Conservative party of Toronto East, to endeavour to impress upon the people that O'Donohoe was a Fenian, and the threat to publish the names of those voting for that gentleman in one of that city's papers, which was actually carried out, and stated it as his candid opinion, that had the ballot been in operation then, Mr. O'Donohoe, would have been in this House and Mr. Beaty at home. (*Hear, hear.*)

Mr. SMITH (Peel) also supported the adoption of the ballot. He argued that it would do away to a great extent with intimidation, which was not infrequently used under the present law. He said no member of a trades union could at present vote without a fear of the consequences, as were subjected to a greater or less amount of coercion and intimidation. He pointed out that Church and society elections, banking and insurance companies' election, were conducted by ballot. The people of America, for as long as they had been in the custom of voting in this manner, had never shown any disposition to change it. He hoped, sincerely, it would be carried out in this country.

Mr. WHITE (Hastings East) thought the people did not want the ballot, or they would have asked for it, as they had done for a Prohibitory Liquor Law. He denied that there was any need for it, and he had yet to learn that any working man in the country wanted its protection. (*Hear, hear, from the Opposition benches.*) He believed the working of the ballot in Nova Scotia had been altogether unsatisfactory. The ballot would not prevent improper influence, and referring to the working of the principle in the States said it had only aided in keeping the very worst class of men in office. His constituents did not want the ballot although the then leader of the Ontario Government and his Government used every influence they could bring to bear against him, yet he had been returned. The Dominion Government had also worked against him and the Grand Trunk had also used their influence against him, and yet he had been returned. The country had a good Government at present (*cheers*), and had got that Government without the ballot. There had been an immense number of voting places at the recent election and no one had been hurt or ill used without the ballot, while in New York the very reverse had been the case.

Hon. Mr. BLAKE: What about Quebec?

Mr. WHITE (Hastings East): That was only a single case. At all events, nothing should be done till the experiment had been tried in England.

Mr. BURPEE (St. John City and County) favoured the Ballot, and thought the working classes were not alone in need of it, but also those young men who were in the employment of large manufactures in cities, merchants' clerks and such-like. This was experienced in St. John. He hoped the Ballot would be adopted by this House and put into practice at the next election.

Mr. EDGAR said he had presented a petition from his constituency in favour of the ballot, and the argument that no petitions were presented asking for it fell to the ground. He contended it would allow every person to vote according to this conviction. Men who were timid and subject to be influenced by others, had need to be protected. With regard to bribery and corruption, they could not exist in the open and gross character they were seen at present. It was argued that a man who would sell his vote at all would also sell it under the ballot, but he also had to say that the man who would sell his vote would sell the man who bought it. (*Hear, hear.*) He confessed he had an aversion, perhaps a

prejudice, against secret policy, but after the experience of last election, he would forgo that aversion and vote for the principle of the ballot. If a pure Election Law and a Ballot Bill were passed this session, whatever might result in other respects, it would not be a fruitless one. (*Cheers.*)

Mr. WALLACE (Norfolk South) opposed the principle of the ballot. The franchise was the right of the voter, and he held that every man had a right to know how his neighbour voted, so that he might approve or condemn. He would make voting compulsory, for it was a duty a man owed his country. The ballot would not do away with bribery; this was proved by the occurrences in the neighbouring Union. He was credibly informed that there were men there who contracted to furnish so many votes for so much.

As to what had been said respecting the Toronto election, no stronger argument could be urged against the ballot, for open voting there had prevented men from voting for a man for whom they were afraid to be known to have voted. He believed the ballot would tend to dishonour, not to honour; to degrade, not to evaluate the voter.

Mr. CUNNINGHAM was strongly opposed to the ballot, as he did not think it would tend to cure any of the evils complained of. He did not think that the reasons for the adoption of the ballot in England existed in Canada. There the landlord exercised great influence over his tenants, but the Canadian farmer was in a very different position, and if there was a man in the world who could give a free and independent vote it would be the Canadian farmer, and he did not believe he required any protection.

As to the working class he believed them to be as independent a class as could be found anywhere, and he believed that labour was so scarce now that the employed had more influence over the employer than the employer had over the employed. He did not believe in the existence of intimidation in the country as was alleged. Bribery, however, did exist to a shameful extent and ought to be put down, but the ballot would not have that effect. The briber, as well as the bribed, ought to be punished, and he would make bribery a misdemeanour in the case of the man who gave the bribe as well as he who received it.

He thought the matter should rest for some time to come until the principle had had a fair trial in England, though he did not believe it would have the good result expected, for the ballot would never cure bribery. It seemed to be expected that the ballot would bring about a political millennium. No one was to express his views, but every one was to sneak out and vote, and sneak home again. He believed political feeling would be just as great with the ballot as without it, and he should oppose it.

Mr. DALY thought that with the experience of England there was every reason to adopt the ballot in Canada, and at all events he thought it should have a trial. He did not believe it would prevent the necessity of spending money, and no doubt the member for Monck (Mr. Edgar) spoke feelingly when he said an election cost a large sum of money. (*Laughter.*) He thought the ballot would be a great protection to many voters who now refrained from voting

from fear of intimidation. In voting for the bill he voted for the principle not the details.

He strongly deprecated the mention by the member for Oxford North (Mr. Oliver) of the Toronto East Election, and especially as the member for that constituency was not in his seat, and it ill became that gentleman or any one sitting with him to make such references, for no party had made so many appeals to personal and religious prejudices in political affairs than the party opposite. The member for Bruce South (Hon. Mr. Blake) had interrupted the member for Hastings East (Mr. White) to ask what about the Quebec election, but he (Mr. Daly) would ask with whom the member for Quebec was acting. (*Cheers.*)

Hon. Mr. BLAKE: Do I understand the hon. gentleman to charge the sitting member with having any connection with the riots and disturbances at the Quebec election?

Mr. DALY: No, but I say that the gentleman who owes his seat to those occurrences is now acting with the gentlemen opposite. (*Cheers.*) He was, however, on general grounds, in favour of the ballot and should support its adoption.

Mr. CHISHOLM was not a new convert to the ballot, but had expressed himself in favour of it during his canvass. What was desired was a way of getting an honest expression of the opinion of the people as to who should represent them. It was generally admitted that the present scheme was defective. There had been a great deal of bribery and intimidation during the late election by both parties, so much so that men in respectable positions could receive money for his vote without incurring any disgrace. The ballot had never been expected to remedy all evils, but if it would act as a partial remedy it would be better than none. It had been urged that the principle was un-English, but the most English way was to do a thing according to a man's own convictions. The ballot though only now in force in England had been contended for there for many years, and we had the advantage of the evidence adduced there to show how well the system had worked where it had been tried.

He read several extracts from the Evidence adduced before the Parliamentary Committee there to show the good working of the ballot. He thought it necessary as a protection to the poor voter. The present system of nomination should also be amended, and further he might say he was in favour of universal suffrage. He saw no necessity for delay in the adoption of the ballot, but that it should be adopted at once.

As to the repeal of the ballot in Nova Scotia, he did not believe the repeal had been in consequence of any real argument against the principle. The country needed and demanded the ballot, and he had very great pleasure in supporting the principle.

Mr. TROW said there was a manifest desire throughout the House to adopt the principle, and certainly some change was necessary to prevent the bribery and undue influence now exercised.

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Mr. FARROW said he was glad that the hon. gentleman from Perth South had promised to vote for the ballot, as he believed no other gentleman in the House knew better about intimidation, bribery, and corruption. He (Mr. Farrow) was personally much in favour of the ballot, and would be glad to record his vote in favour of it. (*Hear.*)

Hon. Mr. McDONALD (Pictou) would not have spoken but for the many references to the working of the ballot in Nova Scotia. Personally he had always been, and was still, opposed to the introduction of the ballot into our political system. He did not think the arguments adduced tonight were calculated to raise in the opinion of other countries the intelligence of independence of the people of Canada, but to show rather that some change had taken place which rendered them unfit to exercise the franchise in the free and open way in which it had been exercised by our forefathers. He believed no such change had taken place.

The strong argument urged was that the ballot would be secret, and would therefore avoid the evils attendant on the present system of open voting, but the result would be continued deception and continued fraud. It was only on behalf of the weak members of society that the ballot was to be adopted for it has been admitted that the farmers were thoroughly independent, and that skilled artisans were so also. It was only a few weak worthless things to whom the ballot would apply, and not the independent many.

The case was very different in England, for there it was admitted that capital had a great influence and control, but it was not urged that this at all existed in Canada. But the ballot would not prevent undue influence, nor would it conduce to quiet elections. That could only be effected by separating the masses of voters as much as possible, and the practice in Nova Scotia of multiplying the voting places had effected quiet, peaceable voting more than anything else.

He had heard no means alleged by which the ballot was to prevent bribery, and in Nova Scotia the experience had been that the secret voting gave a great and even greater facilities for bribery than open voting. In the latter system there was the advantage of administering an oath which could not exist under the former. The man who would bribe in open voting would bribe under the secret system, and the man who would accept a bribe under the one would do so in the other case, and the only result would be that the voter would be able to accept two bribes instead of one.

The occurrences mentioned in East Toronto he considered the very strongest argument in favour of open voting; for what was charged? Was it bribery? No. Was it intimidation? No. It was simply holding up to the voters the good, loyal reason that if the voters gave their support to the one candidate they would lay themselves open to their charge of voting for a man for whom no loyal man should vote.

He did not believe that in Nova Scotia there was one man out of ten who would not prefer open voting to the ballot, and it would therefore be unjust and un-English to deprive that large majority of their right for the benefit of a small weak minority. As to the schoolmasters on whose behalf the adoption of the ballot had been

advocated, he would have thought that that class were more likely to lead than to follow opinion.

He thought the arguments in favour of the ballot rather sentimental than otherwise, judging from the expressions heard tonight, and he did not think this sufficient to justify the change proposed. In no country where the system had been in force for years had the public morality been raised. This was shown in the States most clearly, and in France also, and indeed in every country where the system had been long in force. At all events they should wait until the experience of the bill in England was seen, but after considering the question, he had come to the conclusion that Canada did not need the ballot. (*Loud cheers.*)

Mr. BODWELL thought experience clearly showed that there were men who would be unduly influenced in the exercise of the franchise, and to remedy this and for other reasons the ballot was necessary. He spoke at great length merely repeating, however, the arguments previously adduced.

Mr. DODGE desired to say a word or two on the subject, as he would vote one way while feeling strongly the other way, and he desired to explain this apparent inconsistency. He believed it desirable that every man would feel his personal responsibility in the matter of voting, and not be afraid of coming out openly and straight forwardly and vote in accordance with his convictions. He had seen open voting in England, and the ballot in Australia and the States, and he could say, and in this he defied contradiction, that where ever the ballot had been in force it had deteriorated, to a large extent, the character of the public men of the country.

He thoroughly despised every sort of bribery but he believed the ballot would in no way tend to put it down; nor did he think the ballot would be any benefit to his *employees* as his interest and theirs was the same, and he only voted for the ballot so as to be able to say to his men that he had given them an opportunity of trying what he really believed would prove anything but a benefit to them.

Mr. PATERSON regretted that the member for York North (Mr. Dodge) should vote for a measure of which he said he disapproves. Referring to the remarks of the member for Pictou (Hon. Mr. McDonald), he did not think he had made good his case. Whatever might be the case in Nova Scotia bribery was well known in Ontario, and called for some remedy which ought to be provided, if possible, no matter what had been the course in England. A large percentage of votes was now to remain unpolled, simply because the voters did not desire to be known as opposing either candidate; but let the voting be secret and no compulsion would be necessary. He hoped a perfect measure would be passed on the subject.

The members were then called in and the vote taken as follows:—Yeas, 78; nays, 55.

YEAS

Messrs.

Archibald

Béchar

Blain

Bain

Bergin

Bodwell

| | |
|------------------------------|----------------------------|
| Bowman | Brouse |
| Buell | Burpee (St. John) |
| Burpee (Sunbury) | Casey |
| Chisholm | Cockburn (Muskoka) |
| Cook | Daly |
| De Cosmos | Delorme |
| Dodge | Domville |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Edgar | Farrow |
| Fiset | Flesher |
| Fournier | Galbraith |
| Geoffrion | Gibson |
| Gillies | Grant |
| Hagar | Harvey |
| Higinbotham | Horton |
| Killam | Mackenzie |
| Mathieu | Mercier |
| Mills | Mitchell |
| Nathan | Oliver |
| Palmer | Pâquet |
| Paterson | Pearson |
| Pelletier | Pozer |
| Price | Richards |
| Ross (Durham East) | Ross (Middlesex West) |
| Ross (Prince Edward) | Ross (Wellington Centre) |
| Rymal | Scatcherd |
| Schultz | Scrivner |
| Shibley | Smith (Peel) |
| Smith (Selkirk) | Smith (Westmorland) |
| Snider | Staples |
| Stirton | Taschereau |
| Thomson (Welland) | Tilley |
| Tourangeau | Tremblay |
| Trow | Wallace (Albert) |
| White (Halton) | Witton |
| Young (Montreal West) | Young (Waterloo South)—78. |

NAYS

Messrs.

| | |
|------------------------|-----------------------|
| Almon | Archambault |
| Baby | Beaubien |
| Bellerose | Benoit |
| Bowell | Campbell |
| Chipman | Colby |
| Costigan | Crawford |
| Cunningham | Currier |
| Dewdney | Doull |
| Dugas | Duguay |
| Fortin | Gaudet |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Glass | Haggart |
| Harwood | Jones |
| Keeler | Lacerte |
| Langevin | Lantier |
| Le Vesconte | Lewis |
| McDonald (Cape Breton) | McDonald (Pictou) |
| McDonnell (Inverness) | MacKay |
| McDougall | Morrison |

| | |
|-------------------------|------------------------|
| Nelson | Pope |
| Robillard | Robinson |
| Robitaille | Rochester |
| Ross (Champlain) | Ross (Victoria) |
| Ryan | Stephenson |
| Thompson (Cariboo) | Tobin |
| Wallace (Norfolk South) | Webb |
| White (Hastings East) | Wright (Ottawa County) |
| Wright (Pontiac)—55 | |

The motion was then declared carried.

Hon. Mr. TILLEY asked whether the bill would be proceeded with further, the leader of the Government having stated that if the principle were affirmed it would be included in his election bill.

The bill was then ordered to be referred to a committee of the whole house tomorrow.

Hon. Mr. MACKENZIE thought the Government should state their intention on the subject, and the mode in which they intended to carry out the matter, as soon as possible.

* * *

GRAND TRUNK RAILWAY

Hon. Mr. TILLEY announced the Governor's assent to the measure introduced by the member for Caldwell (Hon. Mr. Cameron) as to the issue of bonds by the Grand Trunk Railway.

* * *

THE ELECTION BILL

Hon. Mr. BLAKE urged that the Election Bill should be placed before the House at once.

Hon. Mr. TILLEY knew Hon. Sir John A. Macdonald's intention was to call attention to the bill immediately after the holidays.

Hon. Mr. MACKENZIE said if it were not laid before the House at once he would introduce a bill himself. (*Laughter.*)

Hon. Mr. MITCHELL said the Government had no intention of delaying the matter.

Hon. Mr. MACKENZIE said he thought it would be better if gentlemen opposite would decide who was to reply in the absence of the leader of the Government.

Hon. Mr. MITCHELL retorted that the same thing applied to gentlemen opposite, as they seemed to be very undecided as to who should take the lead. The member for Lambton (Hon. Mr. Mackenzie) sometimes speaking, and at another times the members for Bruce South (Hon. Mr. Blake). (*Laughter.*)

The House adjourned at midnight.

April 10, 1873

HOUSE OF COMMONS

Thursday, April 10, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

PROHIBITORY LIQUOR LAW

The **SPEAKER** read a letter from Col. Gillmor, Clerk of the Assembly of Ontario, accompanying a memorial from the Ontario Legislature in favour of passing a Prohibitory Liquor Law. The memorial set forth that 369 petitions signed by 28,000 electors and 39 similar petitions from various corporations, in favour of a prohibitory measure which had been presented to the Assembly during last session; that the Speaker of the said Assembly had ruled that it was not in their power to deal with the question under the Confederation Act, and that the Dominion Parliament must do so. And further, setting forth that in the opinion of the Assembly it was very desirable that such a measure should be passed. The memorial was signed by Mr. Currie, Speaker of the Ontario Assembly, and its reading was received with applause.

* * *

RAILWAY COMMITTEE REPORT

Hon. Mr. BLANCHET presented a report of the Railway Committee, reporting the Grand Trunk Arrangements bill and the bill respecting the Montreal and Champlain Railway.

* * *

RETURNS

Hon. Mr. TUPPER brought down a return to an Address respecting the alleged infraction of the revenue laws by the Great Western Railway; also, a return of all correspondence with the United States on reciprocal trade between Canada and the United States.

* * *

NATURALIZATION OF FOREIGNERS

Mr. YOUNG (Waterloo South) moved the following resolutions:—

1st—That under the existing law of Great Britain, persons of alien birth, naturalized in and under the laws of the Dominion of Canada,

acquire no rights and privileges as British subjects beyond the boundaries of the Dominion.

2nd—That this is regarded as a great hardship and grievance by naturalized foreigners who have become subjects of Her Majesty in Canada, and who justly claim that after being legally naturalized, they should be everywhere recognized as British subjects.

3rd—That by an Act passed by the Imperial Parliament in the 33rd year of Her Majesty's reign, entitled "The Naturalization Act of 1870", it is provided that Great Britain will thereafter recognize and protect all persons legally naturalized as British subjects in any part of the world, provided they cease by the laws of their native state to be subjects thereof on changing their allegiance, or when a treaty had been made between Great Britain and the said state to that effect.

4th—That under the provisions of the Act aforesaid, such a Treaty was negotiated between Great Britain and the United States in the year of our Lord 1871, and a further and supplemental Treaty in the following year, 1872.

5th—That an humble address be presented to Her Majesty setting forth the aforesaid grievance, and praying that Her Majesty will be graciously pleased to take such steps as may be necessary for the redress of the same by the negotiation of Naturalization Treaties between Great Britain and the German and other foreign States so that legally naturalized foreigners in Canada may not hereafter be subjected to the disabilities of a divided allegiance, but be entitled to all the rights, privileges and protection of British subjects in any part of the world, and in as full a measure as if they had been subjects of Great Britain by birth.

In doing so, he said he had a similar resolution before the House last Session, and the great importance of the subject generally, as well as to a large number of his constituents who were Germans, and his reason for bringing it under the consideration of the House. It might not be known to all the members of the House that persons of German birth having been naturalized in Canada or any of the British Colonies lose their rights the moment they overstep the bounds of the British territory in which they may have been naturalized. This was, considered an exceeding great hardship.

In many cases these Germans desired after some time to visit their native country, but were afraid to do so because that country might claim, and had a legal right to claim, their services as subjects of Germany. The Germans were one of our best classes of colonists, sober and industrious and the difference between the treatment in this respect which they received in Canada and the United States was far from being in favour of the former. They could become

American subjects and could ever afterwards be recognized and protected as such in all parts of the world to which they might go, while in Canada they were only acknowledged and protected as long as they remained in Canada.

Until recently there was no likelihood of any steps being taken by Great Britain or any law passed by the Imperial Government which would afford the privileges of British subjects for aliens naturalized by British law, but in 1870 a law was passed providing any alien taking the oath of allegiance in Britain or the Colonies shall be recognized in all parts of the world, provided a treaty to that effect is established between Great Britain and the country of his nativity. Such a treaty did not exist with Germany but it did with the United States. Any American having become naturalized in Canada or other British Colonies was entitled to the rights of a British subject all the work over, forever.

He proposed that a memorial should be adopted by this House and laid at the foot of the Throne asking Her Majesty to take such steps as will remedy this and bring about such a Treaty as will do away with all such disabilities under which the Germans now labour. When such greater efforts were being put forth on the part of both the Dominion and Ontario Governments in order to induce emigration, this was the more necessary as it would put this country on a par with the United States. He had consulted Todd, the eminent parliamentary authority, as to the proper manner in which he should bring the matter before the House, and found it was best to do so as a substantive resolution.

Hon. Sir JOHN A. MACDONALD said his hon. friend should have moved the House into Committee of the Whole, as there were some inaccuracies in the resolutions which could be altered before concurrence was asked. He quite agreed with the spirit of the resolutions.

Mr. YOUNG (Waterloo South) consented to change this motion as desired.

The House went into Committee of the Whole. **Mr. MILLS** in the chair, amended a verbal error in the resolutions and reported the resolutions as amended.

* * *

ORDER DISCHARGED

On calling of the notice of motion by **Mr. TROW** as to the most effectual means for promoting colonization in the various Provinces, the mover said he was not aware when he placed the notice on the paper that a Committee had been struck for the same purpose. He therefore took this first opportunity of having it erased from the papers.

GOVERNMENT ADVERTISING

Mr. ROSS (Middlesex West) moved for an order of the House for a statement of the amount expended during the last fiscal year in advertising on behalf of the Government, or any public service in any of the public journals of the Dominion.—Carried.

* * *

PRACTICE OF PARLIAMENT

Mr. MILLS moved: "That in the opinion of this House it is inconsistent with the dignity of the House that any of its members should be retained as counsel in any proceedings which relate to any election petition, or to any proceedings had under the law for the trial of controverted elections before any member of Committee of this House." He said he need not refer to the English authorities, because practices of this sort were not admitted there.

He had brought this under the attention of the House a week ago, when he had referred to a case of this kind which had occurred in regard to the recognizances attached to an election petition. He was sure it was a practice which this House could not approve, and one which members on both sides of the House would be glad to get rid of. He understood that this practice had obtained here for some time, and he had therefore framed his resolution in such a way as to condemn the practice for the future, without expressing any opinion upon it heretofore. He found that his view of the matter was sustained by high authorities in the House of Commons in England.

The Minister of Justice (Hon. Sir John A. Macdonald) in his Bill for the trial of controverted elections, prohibited gentlemen having a seat in this House from appearing before the court as counsel for the parties to the controversy, and he could see no reason why it should be permitted to continue in this House. (*Cheers.*)

Mr. CARTER thought the resolution, as worded, applied only to members of the House who happened to be learned in the law, and suggested that the word "advocate" should be substituted for "counsel". He quoted from debates in the English Parliament on a similar question in support of his argument. As he understood the resolution, it was not intended to condemn or censure any members for action during the current session, but rather to obtain an expression of the House for the future guidance of members. He, therefore, moved that the said resolution be not now concurred in, but that the subject matter to which it relates be referred to the Standing Committee on Privileges and Elections with instructions to report to this House whether any, and if so, what rule should be adopted for the future guidance of members in reference to the subject matter thereof.

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Mr. EDGAR could not see why the house should not pass the motion. There was enough talent in the House to enable them to carry this matter as well as if before the Elections Committee. He thought it was a matter that could be settled very easily, even at once.

Hon. Mr. RICHARDS (Leeds South) said a petition against himself was drawn up by a legal gentleman opposite, and it had been revised by another legal gentleman opposite. One of those gentlemen might be Chairman of the Committee to decide his case and the other legal gentleman might also be drawn upon that committee. This, he contended, precluded the possibility of those gentlemen entering upon the duties of members of that Committee without bias. He maintained that the Act required all the members of those Committees to enter upon them unbiased, and for a person to be advocate in one stage of the case and judge at a more advanced stage was not proper.

Hon. Mr. BLAKE thought the practice complained of ought not to be continued. The decision of the Election Committee being final, it was exceedingly desirable that the members of the House should proceed to judge cases entirely unbiased. The fact of a member arguing a case before Mr. Speaker and the possibility of his being chosen chairman of the Committee to try the petition was calculated to shake the confidence of the public. Although the arguments which would be used before Mr. Speaker would be of a different character to those used before the Committee, yet there would be some which perhaps have been advanced but not entertained.

The complaint respecting the practice was made a week ago, and this was the earliest stage at which it could be resumed. He, however, understood that the practice had been continued in the meantime and was likely to be continued until the sense of the House was taken upon the subject, therefore he thought it was a question they ought to decide, and ascertain the sense of the House. The hon. gentleman opposite had proposed to refer the motion to the Committee on Privileges and Elections. If that were done the effect would be of locking the stable door after the horse had been stolen. Under these circumstances he thought there was nothing to prevent the House coming to a decision upon the subject, and he thought this was necessary for sustaining the dignity of the House.

Mr. JONES was in favour of the reception of the motion.

Mr. PALMER was opposed to a gentleman who argued before Mr. Speaker being on a Committee to decide upon the same petition. He objected to lawyers being treated differently from any other members of the House, and he thought it would be advisable to allow the matter to go to the Committee on Privileges and Elections.

Hon. Mr. CAMERON (Cardwell) said there were very good reasons why the matter should be referred to the Committee on Elections and Privileges. He did not think that any member of the House would appear before the Speaker pending the report of that

Committee. There was a reason why the amendment should be carried stronger than the one before the House, and that was that members of the parliament were sureties in election petitions.

As to members of the House acting as counsel, he could only say that with regard to his own practice he had never received a retainer, having acted only for friends in the House, but if the House declared that the practice should be discontinued, he would most willingly comply. Looking at the history of the practice, he said the question came up at times in the session of 1868, and upon several other occasions. In the Lower Provinces members were allowed to appear as counsel, and it was a well known fact that members of the House of Commons in England had appeared before the House of Lords, not merely on matters of a public character, but upon questions of bills upon which they had actually voted in the House of Commons.

Hon. Mr. BLAKE: They appeared by permission.

Hon. Mr. CAMERON (Cardwell): Yes, by permission. It is not inconsistent with the dignity of the House when the House grants permission. He thought they ought to be careful in the wording of the resolution, which should be framed to have a more general application, and apply equally to gentlemen—of whom there were four or five on the other side of the House—who had become sureties in election petitions.

Mr. JONES thought that lawyers who assisted candidates during the elections were just as much prejudiced as those who were acting as counsel before the Elections Committee.

Hon. Sir JOHN A. MACDONALD would vote for the amendment, and would have less difficulty in doing so after the speech of his hon. friend from Cardwell (Hon. Mr. Cameron) because perhaps it would be as well until that committee had reported that no member should act as counsel. He objected to the resolution because he did not think the dignity of the House was in any way concerned. They ought not to declare that a practice which had prevailed in England, Canada and the other provinces for years, was inconsistent with the dignity of the House. Such a declaration might exclude members from sitting, or be taken as a reason for disqualification.

It was satisfactory, however, to know that they had an hon. gentleman (Mr. Mills) in the House who had stimulated them to a sense of dignity of which they had not been aware for the last twenty-five or thirty years; but for his part, he could not see how the dignity of the House was concerned. The hon. mover had altered his motion and said it was not inconsistent with the dignity of the House to have been retained yesterday, but it will be so tomorrow. There was a more serious question involved in the resolution than one would at first imagine; if adopted it might be a serious attack upon the law of Parliament. He would ask the House if any lawyer who had been retained as counsel, received his fee, and got a brief for an election petition before Parliament, would be disqualified as a candidate.

The law declared who had and who had not a right to sit in Parliament. If a member of Parliament had a right as a lawyer to take a fee, the House had no right to say he should not do so. An opinion given by a lawyer would not in any way affect his judgment, to prove which he quoted a case in which a judge had asserted his right to act, and had given a judgment against his own argument as counsel. It might be inconvenient, but he would not say that it was inexpedient for members to act. The Committee on Elections and Privileges would consider the matter and report what steps should be taken to remove the impropriety, if such existed.

Hon. Mr. MACKENZIE asked if it was understood that until the matter had been considered by the Committee no counsel would appear in election petition cases.

Hon. Sir JOHN A. MACDONALD had understood the member for Cardwell to say so, but of course that gentleman could only answer for himself.

Mr. CARTER said he would not appear as counsel pending the report of the Committee.

Hon. Mr. MACKENZIE said that under the circumstances he would advise that both the motion and the amendment should be withdrawn.

Hon. Sir JOHN A. MACDONALD thought it better it should go to the Committee.

Mr. MILLS: Why is it better?

Hon. Mr. MACKENZIE said of course the Committee would not guide the House in this matter. The House had to pass upon the matter itself. The Committee was merely to report to the House and the House had afterwards to decide upon it.

He was greatly interested to hear what opinion would be expressed on this matter by gentlemen opposite. A few weeks ago, they had been greatly in favour of reversing the opinions and precedents of the Old Parliament of Canada. (*Cries of Order.*) He did not say that the hon. gentlemen opposite had delivered a speech to that effect in the House, so he was perfectly in order.

What he would say was that he recollected very well a case in which an hon. gentleman had declared that we should reverse the opinions of the old Parliament of Canada, and now he thought we should not do so. He (Hon. Mr. Mackenzie) was not surprised at the course of the hon. gentleman, as it was quite according to his usage. He appealed alternately to English and Canadian practice and precedent as it best suited his own purpose. He quoted the opinion of many an eminent authority upon Parliamentary matters, and whom gentlemen opposite were fond of quoting, in which he declared that it is beneath the dignity of a member of the House of Commons to do what the member for Bothwell (Mr. Mills) had also declared it undignified for them to do in his resolutions.

The hon. gentleman had attempted to throw ridicule upon the hon. member for Bothwell for this declaration, but that was of itself

a very undignified course, as the same thing could be done with regard to any argument, only they knew how to value the statements of the hon. gentleman in that respect. (*Hear, hear.*) And it would not be difficult to find a refutation of them in the fact that they had only to go to some of his own speeches for that refutation.

Hon. Sir JOHN A. MACDONALD: Hear, hear.

Hon. Mr. MACKENZIE said in this particular matter he thought it was best in any case that those who are to act as sworn judges, solemnly formed as a court to try election cases, ought to take no part in these same cases before Mr. Speaker. While he admitted that it had been the general practice formerly, and that perhaps no great harm had come of it, he could not grant that a man's mind was not influenced in some degree by the course he had taken and the arguments he had used prior to the meeting of the Court. It was merely in reference to this point that his hon. friend (Mr. Mills) moved the resolution, and the hon. gentleman had declined to pass an opinion upon it in making his statement to the House. Under these circumstances, those gentlemen who had taken part as counsel for any parties in the cases before Mr. Speaker, having come to an understanding that no such appearance would be made by them in future until this matter was determined by the House, he thought it would be better to let the matter be referred to the Committee on Privileges and Elections as proposed.

Mr. MILLS regretted that the Minister of Justice had descended to misrepresent his motion to the House, and denied that the practice prevailed as the hon. gentleman had stated. He pointed out the case of Robert Baldwin in 1841, when that gentleman was called before a Committee to answer for having done this very same thing, and refused to appear, and the Committee had passed a resolution declaring that no member of the House ought to act either as counsel for petitioner or the sitting member. He thought he should be allowed the opportunity of withdrawing his motion.

Hon. Mr. BLAKE was sorry that the hon. gentleman who led the House should have seen fit to adopt the style of argument in this case that he did, and would say to the honour of the Judges of the Province of Ontario that they invariably refused to take any part in any case upon which they had been retained as counsel or solicitor, except at the special request of both parties that they should undertake it or some inconvenience should arise from their refusing.

The amendment was then carried without a division.

* * *

EXPORTATION OF TIMBER

Mr. TREMBLAY moved for a statement for timber exported in each year since the first of May, 1853, from the Counties of Chicoutimi and Saguenay.

Hon. Mr. TUPPER said there would be no objection to furnishing the desired information so far as it could be obtained.

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HAY PRIVILEGE IN MANITOBA

Mr. SCHULTZ moved for copies of instructions given to the Commissioners to investigate the claims to the outer two miles, or the Hay Privilege, in Manitoba. In moving this address he stated that he was aware of the general impression that the native population of Manitoba had been most liberally dealt with in the matter of lands, and he wished to disabuse the minds of hon. gentlemen of that impression in connection with the subject of this motion.

He briefly stated this hay privilege or outer two miles was an extension of the river lots to the limits mentioned. When first the colony was formed, motives of mutual protection induced the surveying of the land into long narrow strips extending back from the river. These were fixed in width about six chains, and since that time by increase of population have become in many cases divided into two chain strips. At the rear of those strips there was formerly unlimited pasturage, and the increase of animals induced the Hudson Bay Company to grant the holders of the river lots this outer two miles for hay, timber, or any purpose they choose to apply it. Their right to it under the old regime was undisputed; and it seems a case of hardship, and it is a case of very great hardship, if, after holding this land for nearly 40 years, they should now be deprived of the whole or any portion of it.

On the high authority of the Hon. Donald Gunn, member of the Legislative Council of Manitoba, and the historian of the colony, he gave, as the origin and history of this privilege, the following:—"For some years after the commencement of the colony cattle were few, and those who owned them could procure hay near their homes; for some years there was not one lot in ten occupied; but in the course of time that condition of things ceased—every lot became occupied, cattle increased twenty-fold, and the difficulty of procuring hay increased in the same ratio." In 1835, to secure to each individual a definite privilege, an Act was passed by the Hudson Bay Governor in Council, securing to each settler the right not simply of cutting in the rear of his own lot, but giving him the right to prevent all others trespassing, under penalty of the law. In 1842 an Act fixed this hay privilege to be two miles in extent, and the width of the holdings on the river.

In addition, says Mr. Gunn, there was the privilege of free access to the surrounding forests, with full liberty to take all the wood required for fuel and all the timber required for building purposes; and these rights were granted, and justly so, to compensate for a right inherent to some extent in every person of mixed blood, to share in the wide and valuable possessions once held by their ancestors. This land he (Mr. Schultz) stated was highly valued by those who held it. They esteemed it more highly far than the share they supposed they would get of the half-breed grant, and if now deprived of it the ruin of many a family will result, and he was in receipt of letters to that effect, as he understood the Manitoba Act declared that all existing rights shall be respected. Well, here was a right existing for nearly 40 years which seemed placed in jeopardy.

It was well enough to appoint a Commission, but he learned that the Commission had been taking evidence only from interested sources. They should take it from every source and not forget that the interests of the Hudson Bay Company were against the granting of this land, because it would so much decrease the area out of which they were to get the one twentieth. He was fully persuaded that the right of the occupants to this land was perfectly legitimate and he would earnestly ask the Government to adhere to the spirit of the Manitoba Act and keep faith with the native people of Manitoba by confirming their titles to lands which their fathers held before them, and which are now of such vital importance to them.

Hon. Sir JOHN A. MACDONALD said there would be no objection to the motion passing. He could only say that the Government was anxious that the just and legal rights of all parties in Manitoba should be protected as provided by the Act. They had taken the best steps possible, with an earnest desire to meet the views of the applicants. In justice to the whole question he would mention that the present Lieutenant-Governor of Manitoba, Mr. Morris, had taken great interest in the question, and had established a Commission. He would be in Ottawa on Monday, and the Government would then be able to confer with him upon the matter, and if it should appear that the instructions required to be modified in order to meet the case, they would be so modified.

Mr. SMITH (Selkirk) supported the motion, as the people had looked upon the privilege as a right since 1826. The Hudson's Bay Company would not stand in the way of justice being done.

The motion was then agreed to.

* * *

POSTAGE ON NEWSPAPERS

Mr. YOUNG (Waterloo South) moved for a return showing the total amount of revenue derived from postage on newspapers, and distinguishing, if possible, the amount derived from newspapers sent from the office of publication and those otherwise sent through the mails. His object was to ascertain the amount of revenue derived by the Post Office Department from this source.

He was of opinion that if the revenue was small it would then be a question whether the Government would not act wisely in abolishing it altogether. If the revenue was a large one, of course it would be different. At any rate, he thought a reduction might be made and the tax upon knowledge made less oppressive.—Carried.

* * *

PRINTING COMMITTEE

Mr. STEPHENSON moved the adoption of the first and second reports of the Joint Committee on Printing.

Hon. Mr. MACKENZIE complained that the report of the Clerk of the Committee had not been placed before the House. The hon. gentleman had told him the other night that he would find that report in the votes and proceedings of the House. The hon. gentleman must have found that he was in mistake.

Mr. STEPHENSON said he was in mistake. The reports had only been printed for the members of the Printing Committee.

Some discussion occurred as to what took place in the Printing Committee, which Mr. Speaker ruled out of order.

Hon. Sir JOHN A. MACDONALD suggested that the matter stand over till after the Easter recess.

The discussion on the reception of the reports was then dropped

* * *

REPORTS

Hon. Mr. HOWE brought down a report on Indian Affairs, ordered on 1st March, 1873, also the report of the Intercolonial Railway, which he moved be referred to the Committee on Banking and Commerce.

Hon. Mr. MACKENZIE objected to thus disposing of papers referring to payments to be made to certain contractors, and said they should be laid before the House.

The report was withdrawn, and it being six o'clock the House rose for recess.

AFTER RECESS

ELECTION BILL

Hon. Mr. BLAKE asked whether the Minister of Justice would include in his Election Bill the principle of the ballot.

Hon. Sir JOHN A. MACDONALD said it was understood that if the Bill passed a second reading the hon. gentleman would incorporate it in his Bill; that would have been manifestly the proper course, the most convenient course, and the course most in harmony with the statement of the hon. gentleman when he introduced his Election Bill.

Hon. Sir JOHN A. MACDONALD said he would take an opportunity of looking through the Bill during recess with the view of incorporating it in his Bill.

Hon. Mr. BLAKE asked if the hon. gentleman could fix the time for the second reading of his Election Bill.

Hon. Sir JOHN A. MACDONALD said that on Tuesday when the House met he would fix the time for the second reading.

CONTROVERTED ELECTIONS BILL

Hon. Mr. BLAKE asked when the Controverted Elections Bill would be taken up.

Hon. Sir JOHN A. MACDONALD said he could bring it up at any time. He would bring it up on Tuesday if he had an opportunity.

Hon. Mr. MACKENZIE: We will give you an opportunity.

* * *

QUEBEC HARBOUR

The House went into Committee of the Whole to consider the resolution declaring it expedient to amend the Acts relating to the improvement and management of the harbour of Quebec.

On the Committee rising and reporting resolution,

Hon. Mr. MITCHELL introduced a Bill founded on the resolution.

* * *

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

Hon. Mr. POPE (Compton) moved the House into Committee of the Whole to consider the resolution declaring it expedient to provide a system of registration for marriages, births and deaths throughout the Dominion.

The motion having been reported,

Hon. Mr. POPE (Compton) introduced a Bill founded on the resolution.

* * *

CARRIAGE OF DANGEROUS GOODS

On motion of **Hon. Mr. MITCHELL** the House went into Committee on the Bill respecting the carriage of dangerous goods in ships.

The Committee rose and reported the Bill, with amendment, and the report was received.

* * *

HARBOUR MASTERS

Hon. Mr. MITCHELL moved the second reading of a Bill entitled an Act to provide for the appointment of harbour-masters for Nova Scotia and New Brunswick; and the House went into Committee on the Bill.

Hon. Mr. ANGLIN thought the appointment should be left in the hands of local authorities and Boards of Trade.

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Hon. Mr. Le VESCONTE was not heard in the gallery, but was understood to say that he was not in favour of the measure.

Mr. MACKAY was in favour of the principle of the Bill, but thought the salaries of officials were too small. He considered that the remuneration proposed, \$600, was too low to have the work satisfactorily performed.

The Bill was adopted in Committee without amendment, was reported, and it was ordered that the Bill be read a third time on Tuesday next.

* * *

QUEBEC TRINITY HOUSE

Hon. Mr. MITCHELL moved the second reading of the Bill entitled an Act to add to the number of members of the corporation of the Trinity House of Quebec, and to increase the powers thereof.

The House went into Committee on the Bill, and adopted it clause by clause without an amendment.

The Committee rose and reported the Bill. It was ordered that the Bill be read a third time on Tuesday next.

Hon. Mr. MACKENZIE said there was some mistake about the Bill, it has not been distributed. He consented to the second reading. Of course, if, when distributed, any mistakes were found out it could be referred back to Committee for amendments.

* * *

WEIGHTS AND MEASURES

Hon. Mr. TUPPER moved the second reading of the Act respecting weights and measures. He said he desired to have the Bill read a second time now, in order that it should be referred to the Committee on Banking and Commerce for consideration. He desired to add a number of clauses to the Bill in relation to cask gauging. In order that they might be considered at the same time, he would have these clauses inserted and submitted to the Committee.

The Bill was accordingly read a second time and referred to the Committee on Banking and Commerce.

* * *

PACIFIC RAILWAY

Hon. Mr. BLAKE called the attention of the hon. leader of the Government (Hon. Sir John A. Macdonald) to the fact that certain papers regarding the Pacific Railway contract were not among those brought down. He referred to the agreement with Sir Hugh Allan and the stock list.

Hon. Sir JOHN A. MACDONALD promised that they should be brought down.

* * *

SUPPLY

The House then went into Committee of Supply and passed the following items:—

Observatory at Quebec, \$2,400; at Toronto, \$4,800; at Kingston, \$500; at Montreal, \$500; at Halifax, re-vote, \$1,500; New Brunswick, \$1,000; grant for meteorological observatories, including instruments and cost of telegraphing weather warnings, \$37,000; rebuilding observatory at Quebec, (re-vote, \$4,000) \$7,000; total \$54,700; geological survey, \$45,000 in reference to the re-vote of \$37,000 for meteorological observatories.

On the item \$37,000 for meteorological observatories,

Hon. Mr. MITCHELL pointed out the great necessity for this service. A much larger sum was voted by the United States. We could not expect to attain the state of efficiency in this which had been obtained in the neighbouring Republic, but it was a beginning, and an effort would be made to make these observations useful and valuable to the country.

Hon. Mr. MACKENZIE asked where these observatories were to be placed, and what they would cost. It could not be left to lighthouse keepers, who were not sufficiently educated for the purpose.

Hon. Mr. MITCHELL: From the Pacific to the Atlantic would be established at different important points observatories for the purpose. At Vancouver Island, Red River, and in Ontario, et cetera. He denied that lighthouse keepers were unable to gather this information. Many of them at present kept records of rain-falls, velocity of wind, etc., and these lighthouse keepers had already laid the foundation of a system. He proposed to effect an interchange of information on this matter with the United States.

Mr. GRANT thought the amount proposed was too small. Professor Kingston had been doing a great deal with the small means at his disposal, and the information he had gathered was of the utmost value.

Hon. Mr. MACKENZIE objected that the item was too large for the extent of the service promised.

Hon. Mr. MITCHELL had obtained the best information at his command to enable him to form an estimate of the cost. As compared with the large expenditure in other countries, the amount proposed was ridiculously small.

Mr. GLASS said the leader of the Opposition had objected to the want of details. He could point out an item of \$30,000 in the public

accounts of Ontario left in the hands of Hon. Mr. Mackenzie for distribution without any details being given.

The item was carried.

The following items were also carried:—

* * *

ARTS, AGRICULTURE AND STATISTICS

| | |
|---|-----------|
| Salaries and contingent expenses of Statistical Office Halifax. | \$4,100 |
| Salaries and Deputy Registrars, Nova Scotia and allowances for getting marriage returns | 1,880 |
| Expenses in connection with the case of Archives | 4,000 |
| Expenses in connection with the organization of the patent record | 4,000 |
| To meet the possible amount required in the fiscal year for the census, i.e., the unexpected balance of the year 1872-73, which is to be carried forward, and which is estimated at | 130,000 |
| | \$143,980 |

Hon. Mr. MACKENZIE asked if the expenditure would continue until the taking of the next census.

Hon. Mr. POPE (Compton) replied that the first volume was out earlier than the first volume either in England or the United States. The work of compiling the next three volumes should depend upon the printers. The fifth volume would take longer. He thought that the services of about one-third of the compilers would be dispensed with in June; another third some time before winter, and the whole work would be complete in the course of a year.

* * *

EMIGRATION

Hon. Mr. MACKENZIE requested explanation from the Minister of Agriculture (Hon. Mr. Pope) on the estimate for emigration and quarantine before considering the items under that heading. He asked about the arrangements made with the steamship companies for the transportation of emigrants to Canada, and why the offers of certain companies had not been accepted.

Hon. Mr. POPE (Compton) said that he told the House last year when asking for the vote that emigration would not be so large

during last season as previously. He felt that labour was in better demand in Great Britain, that trade had improved, and the desire to emigrate was less than had been, as also the desire to assist emigrants by charitable societies. Notwithstanding his anticipations that there would be a decrease, there had been an increase of nearly ten thousand. The total for 1871 was 27,000 and for 1872 it was 36,000.

His hon. friend (Hon. Mr. Mackenzie) had asked what had been done to cheapen the passage and why a contract had been made with one line of steamers and not with others. He could only say that he made a contract with the best line he could find. He refused no line which offered to do it as cheaply. He had made arrangement for the current summer with these steamships lines to bring passengers to Canada. He had arranged for reducing the passage of families intending to reside in the country from six pounds to two pounds five shillings per head. If he had not engaged other lines it was the fault of the owners.

He was held responsible to a considerable extent for the proper carrying of passengers, and emigrants could not be induced to come out on steamers upon which it was doubtful whether they would be properly treated and cared for. He had seen reports in the newspapers, but thought they were groundless.

Hon. Mr. MACKENZIE had received complaints that it was impossible for the steamship lines from London to obtain any of the trade, all being forced to Liverpool.

Hon. Mr. POPE (Compton) replied there was not the slightest foundation for the complaint. The London line had the same chance as any other, and if they would not avail themselves of it it was their own fault. If the hon. gentleman (Hon. Mr. Mackenzie) had received complaints, why did he not ask redress? (*Hear, hear.*) There was an office at Quebec open at all times to receive complaints, but if they were not made how could redress be obtained or a remedy applied?

He (Hon. Mr. Pope) had made an arrangement for the coming summer to take out families at 2 pound sterling per head with the line referred to by the member for Lambton (Hon. Mr. Mackenzie) but had cautioned the agent that great care must be exercised. The agent had promised that larger and better steamers should be put on the line. Last year he employed about twenty agents, the amount voted for that purpose having been \$20,000. The general rate to agents was \$100 per month and \$4 per day for travelling expenses. One or two got \$200 per month, among who was Hon. Mr. McDougall (Lanark North). He thought it was quite creditable that the Government had got an increase of 110,000 emigrants last year over the year previous.

Hon. Mr. MACKENZIE thought the hon. gentleman should have stated how many emigrants came under the auspices of the Dominion agents, and where they went to. He stated that great delay occurred between Quebec and Montreal in the transport of these emigrants, and the Grand Trunk compelled emigrants to travel

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their line, while the steamboat proprietors offered better terms for their conveyance. One lady who brought a number of children out had complained to him of the delay and the hardships she had undergone on the Grand Trunk with her young charges. He asked whether the Grand Trunk was afforded a monopoly in this matter. If so, he would condemn the system.

He also wished to know if it were true that the place where emigrants were landed was the property of the Grand Trunk Railway. There ought, he thought, to be fresh competition for the carrying of emigrants into Ontario. He showed that although emigration from Europe was much greater than usual, the emigration to Canada had not increased in the proportion it had in the United States.

Hon Mr. POPE (Compton) said emigrants were landed at the place provided by the Government, which was the property of the Grand Trunk. The emigrants were protected from the runners, who would otherwise importune them. He thought that to allow the steamboat runners at the landing would be a most ridiculous thing, and one for which he would not be responsible. He had received the tender referred to, but the rates by rail were small and the people who had been at sea for some time did not care to go further by water.

Hon. Mr. MACKENZIE said the hon. gentleman had admitted that steamboat runners were excluded to the advantage of railway runners, and strongly condemned the system. Emigrants could not travel as they liked. The wharf was Grand Trunk property, and they refused admittance to competing companies, thereby compelling the emigrants to travel by rail whether they would or not.

Hon. Sir JOHN A. MACDONALD said that the sheds were equal to what they were anywhere else, New York not excepted. They were placed at Point Lévis, in most suitable position for the Emigrant Ship companies, Railway Companies and every person. It was true that the buildings were the Grand Trunk land, but it was got on the best terms, and it suited both the Grand Trunk and the country. It was not a fact that the steamship officials were kept away. The place was open to all the world; but the steamship runners were not allowed to fleece the emigrants on their arrival, nor to draw the people one way or another.

Three fourths of the emigrants had their passages paid by the Grand Trunk Railway before leaving the old country; on the Grand Trunk Railway arrangements were as good as could be, and had been very much improved lately. Good and well-prepared meals were afforded them on the way at a certain prescribed charge, and, both in regard to time and comfort on the passage, the railway passages were decidedly superior to any other, and with less danger to themselves, their families and their morals.

Hon. Mr. MACKENZIE said he understood the hon. Minister of Emigration to say that the steamboat runners were not allowed access to the emigrants on their arrival. This was just equal to

giving the Grand Trunk a monopoly of the emigrant passenger traffic.

Hon. Mr. POPE (Compton) said he had not said that. What he had said was that they had not liberty to go and have an office, at least this was what he meant to say.

Hon. Mr. MACKENZIE: Why should the Grand Trunk have one? He continued to say that he had actually made out his case. The hon. gentleman had said one thing, and then said he had meant to say another, and it was perfectly clear the Grand Trunk had a monopoly.

Mr. EDGAR asked with regard to the appropriation of \$150,000, which he thought a most extraordinary one, without any accompanying explanation. He asked if arrangement for bringing out the emigrants were the same as last year; if not, what difference?

Hon. Mr. POPE (Compton) said there was no reduction, but an increase with reference to single persons who, instead of 4 pounds 5 shillings would have to pay 4 pounds 15 shillings sterling next year. For families, however, the charge was reduced to 2 pounds 5 shillings sterling per head.

Mr. EDGAR said he had lately been in England and found there was a general impression that the Government had not done as much towards reducing the passage money as it ought. He complained that a monopoly was given to one Company, and he held that tenders should be advertised for.

Hon. Mr. HOLTON thought it was clearly established that the agents of the Steamship Companies were not allowed equal privileges with the Grand Trunk. He thought that the question of cheapness, despatch, and salubrity ought to be taken into consideration, and the steamers give as good opportunities as any other. At any rate, emigrants should not be deprived of the power of making the best bargain possible.

Hon. Mr. ANGLIN said a chance should be given to the Anchor line. He felt certain the people of St. John and Nova Scotia generally would be glad if emigration to the quarter received an impetus in this way. He wanted to know how passengers on arrival were disposed of, as to different Provinces, and how it was known whether they really intended to settle in Canada.

Hon. Mr. HOLTON suggested that as they had not received the explanation they were entitled to, and which was necessary to give proper consideration to the items, and as he had not received the hon. gentleman's printed report that it would be advisable to allow these items to stand.

Hon. Mr. POPE (Compton) thought he had given a full explanation and could not see why the items should not be passed.

Mr. MILLS was not satisfied with the explanation, and was not prepared to vote upon the items.

Hon. Sir JOHN A. MACDONALD said if the hon. gentleman had been present when this subject was considered in Committee he would have known the Government had given as full an explanation as they were prepared to give; and as they had vindicated their policy in regard to the points attacked, there could be no objection to the passing of the items.

After some further discussion the items were passed.

* * *

SUPPLY

The House then entered on the consideration of the following items, which were passed:

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|---|----------|
| Salaries of immigration agents and employees | \$21,050 |
| Travelling agents | 12,000 |
| Medical Inspection of the port of Quebec | 2,600 |
| Quarantine—Gross Isle | 12,900 |
| Quarantine—St. John, New Brunswick | 3,400 |
| Quarantine—Halifax, Nova Scotia | 5,260 |
| Quarantine—Pictou, Nova Scotia | 1,000 |
| To meet expenses of further precautionary measures for the public health | 20,000 |
| Contingency of Canadian and other regular agencies | 14,000 |
| Travelling expenses of travelling agents | 14,000 |
| Grants in aid of Provinces towards encouraging emigration | 70,000 |
| Grants in aid of the British and Colonial Emigration Fund | 51,051 |
| Grants in aid of the Working men's Emigration Society and National League | 1,300 |

With regard to the item of \$12,000 for travelling agents,

Hon. Sir JOHN A. MACDONALD in answering to Hon. Mr. Mackenzie said that a vote was asked for to pay the expenses of the Hon. Mr. McDougall (Lanark North), whose mission was to go to the Baltic with a view of including a Scandinavian emigration. A gentleman possessing more ability and fitness for the position could hardly have been chosen, whatever political sins might have been charges against him.

NEW BRUNSWICK SCHOOL LAW

In answer to Hon. Mr. Anglin, the **Hon. Sir JOHN A. MACDONALD** stated that the papers respecting the School Laws of New Brunswick moved for by Mr. Mercier (Rouville) would have been brought down that day, as they had been prepared, but by some mysterious manner had disappeared. He had ordered them to be copied again and they would be ready immediately.

The House adjourned at 12.35 a.m.

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NOTICES OF MOTIONS

Mr. TOBIN—On Tuesday next—Committee of the Whole on resolution that it is expedient to repeal the existing laws now in force in the Province of Nova Scotia respecting usury for money.

Mr. SMITH (Peel)—On Wednesday next—Select Committee of seven members to enquire into the subject of Sunday traffic on railroads under the control of Parliament, with the view of reducing, if practicable, such traffic; and to extend to the railway employees the right and privilege the law gives to other citizens—one day of rest in seven—and that the said Committee have power to send for persons, papers and records, and report from time to time.

Mr. DUGUAY—On Wednesday next—Enquiry of the Ministry whether it is the intention of the Government to introduce during the present session a Bill to provide for the inspection of fish, fish oil, butter, cheese, and lard exposed for sale in the markets of the different towns and cities of the Dominion.

Mr. CHISHOLM—On Wednesday next—Select Committee of seven members to enquire into and report to the House on the extent and condition of the manufacturing interests of the Dominion, with power to send for persons, papers and records, and to report from time to time.

Mr. MORRISON—On Wednesday next—Select Committee to enquire into the capabilities of the different harbours on Lake Ontario—with reference more especially to Niagara, Port Dalhousie and other harbours on the south shore of the lake—and the facilities they afford respectively in connection with the proposed enlargement of the Dominion canals, with power to send for persons, papers and records, and to report from time to time.

Mr. CUNNINGHAM—On Wednesday next—Address to His Excellency the Governor General, for any correspondence between the Government and the land agent at Fort Garry, touching the occupation of the Stoney Mountain.

Hon. Mr. ANGLIN—On Wednesday next—Address to His Excellency the Governor General, for return showing how the sum granted to the Local Government of the Province of

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New Brunswick for the encouragement of immigration into that Province has been expended, and also for copies of the regulations made by the Government of New Brunswick for the establishment of the settlement of Helderup and Kincardine and of all other regulations respecting immigration and settlement made by that Government during the years 1872 and 1873.

Mr. MAILLOUX—On Thursday next—Enquiry of the Ministry whether it is the intention of the Government to abolish the tolls levied on certain wharves belonging to the Government on the river St. Lawrence below Quebec.

Mr. MAILLOUX—On Thursday next—Enquiry of the Ministry whether it is the intention of the Government to connect the seaport of Rivière du Loup with the line of the Intercolonial Railway, in accordance with the provisions of section one of the Act 31 Vic., Cap. 13, entitled an Act respecting the construction of the Intercolonial Railway.

Mr. SMITH (Selkirk)—On Wednesday next—Address to His Excellency the Governor General, for all correspondence between the Government of Canada and the Government of the United States, either direct or through the Minister of England at Washington, having reference to the navigation to the Red River of the North West.

Mr. SMITH (Selkirk)—On Wednesday next—Address to His Excellency the Governor General for all correspondence bearing on the subject of Indian treaties in Manitoba and the Northwest territories, and relating to the measures proposed to be taken by the Government in reference thereto, and to the treatment of the Indian questions generally.

Mr. MORRISON—On Tuesday next—Bill entitled an Act to amend the Railway Act of 1868, so as to ensure equal facilities to all incorporated Express Companies on railways heretofore constructed as well as on those hereafter to be constructed.

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HOUSE OF COMMONS

Tuesday, April 15, 1873

The **SPEAKER** took the chair at 3.20 p.m.

Prayers

PETITIONS

Mr. CURRIER presented a petition praying for an Act to incorporate the Dominion Dock and Warehousing Company of Ottawa.

The petition was read, and as the time for presenting petitions for private bills had expired.

Mr. CURRIER moved that it be received and referred to the Standing Orders Committee.—Carried.

Mr. GRANT presented a petition praying for a prohibitory liquor law.

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MILITIA REPORT

Hon. Mr. LANGEVIN brought down the report of the state of the Militia for 1872.

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INSURANCE COMPANIES' STATEMENT

Hon. Mr. TILLEY presented a statement made by Insurance Companies doing business in the Dominion, as required by law.

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ST. JOHN CUSTOM HOUSE

Hon. Mr. TILLEY laid upon the table the correspondence respecting the St. John Custom House.

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OFFICERS OF THE HOUSE

Before the orders of the day were called, **Hon. Mr. MACKENZIE** observed that during the recess a change had taken place in the officers at the clerk's table, and he would like to know how this had been brought about, and how the gentleman, Mr. Fanning, who appeared to have vacated his place, had been disposed of.

The **SPEAKER** acknowledged the propriety of the question. The members would remember that it had been felt that the clerkships at the table should be equally distributed over the Provinces. There was already one from Ontario and one from Quebec, and it was deemed proper to bring in one from the Maritime Provinces.

In making this arrangement he (The Speaker) had consulted the feelings of Mr. Fanning, who had retired, the most excellent officer and a gentleman, whose services had been appreciated by the chief clerk, and also by himself. He (The Speaker) would have been indisposed to make any change unless it had been quite agreeable, as it was, to Mr. Fanning, who was perfectly satisfied with the arrangement. He had been for over twenty-five years in the service of the House, and would again resume his position as chief French translator of the Votes and Proceedings and Journals of the House, which duty he was fully competent to discharge. His rank would be secured to him, and he was fully satisfied with the arrangements. He (The Speaker) had made the change with the sole desire to accelerate the business of the House, and he hoped the House would be satisfied with it.

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GRAND TRUNK BILL

Hon. Sir JOHN A. MACDONALD presented a petition from certain stockholders of the Grand Trunk Railway praying that the Grand Trunk Reorganization Bill now before Parliament be not passed. The petition had been sent to the Governor General, and by him to Sir John.

Hon. Mr. MACKENZIE said as the Committee on railways had reported this Bill it would be necessary, he thought, before the House went into Committee on the Bill, that this petition should be read in full, in order to give justice to all concerned, and in order to receive the attention it deserved.

Hon. Sir JOHN A. MACDONALD said it could be ready today or tomorrow on reception.

Hon. Mr. MACKENZIE said it would be better tomorrow.

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QUEEN'S COUNSEL

Mr. MILLS enquired when the correspondence relating to the appointment of Queen's Counsel, for which he had moved, and which had been promised, would be brought down.

Hon. Sir JOHN A. MACDONALD said it would be brought down today.

MANITOBA RETURNS

Hon. Mr. MACKENZIE: And the Manitoba returns. They have not been brought down yet, and I should think I have asked for them a dozen times.

Hon. Sir JOHN A. MACDONALD was understood to say that that would be all right.

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CIVIL SERVICE SUPERANNUATION

Hon. Mr. TILLEY moved the House into Committee of the Whole on the following resolution:—"That it is expedient to amend the Civil Service Superannuation Act (33 Vic., Cap. 4), by reducing the abatement (under section 3) from the salaries of the persons to whom the Act applies, from four per cent to two per cent, and from two and a half per cent to one and a quarter per cent per annum, and the diminution in the superannuation allowance (under section 4), of persons who have not paid the said abatement during the year or upwards, from one-twentieth to one per cent for every year less than ten, during which they have not paid, and by providing that no person shall be subject to such diminution for any year during which he has not paid the said abatement, after having completed thirty-five years of service."

He said the first proposition was to subject the country to one-half the tax for the support of this fund. It was thought that the present percentage was larger than was necessary to maintain the fund, but the Government, after having fully considered the matter, had concluded that though there had been some accumulations during the past three years, the percentage was not excessive. He proposed to reduce the percentage paid on salaries of \$600 and upwards from 4 to 2 per cent, and on salaries of \$600 and under from 2 1/2 to 1 1/2, the balance being paid by the country.

In the Bill he would introduce, it would be provided that officers who had served 35 years should make further payments, and retain the full benefits of retiring allowances. The charge would involve an annual expenditure by the country of \$25,000.

Hon. Mr. MACKENZIE stated he had in his possession letters from persons who had been compelled to leave their position when there was no reason why they should not continue their work. Of course hon. gentlemen would understand that it would not be advisable to mention names, but he had no objection to show the letters privately. If this had been done, he considered it a grievous wrong to men of middle age who were still capable of discharging the duties imposed upon them.

He believed there had been cases in the city where officers had been required to leave their departments, and had been placed upon the superannuation allowance at a time when neither years nor length of service justified such a course. To this he strongly objected. This fund should not be used for the purpose of providing for some indigent political dependant. This undoubtedly had

occurred, and he thought that now the public would be called upon to pay half, of which he did not complain, he was in favour of the country paying a portion—it was necessary they should guard their own interests.

Hon. Sir JOHN A. MACDONALD said if what the hon. gentleman said was true the power conferred upon the Government had been abused. He denied that the Government had been guilty of that abuse, and he asked the hon. gentleman to name the parties who had been so discharged. The Government had erred rather on the other side, and had allowed deserving persons to remain in office beyond their period of usefulness.

Hon. Mr. ANGLIN said that perhaps he had better mention a case, such as the Hon. Minister of Justice seemed to think did not occur. He understood that the Collector of Customs for Fredericton was called upon to retire. He discharged his duties to the satisfaction of the merchants and a great many of the inhabitants had complained that that gentleman should be placed upon superannuation allowance against his wishes. A young man, totally unacquainted with the duties, was placed in the position afterwards.

Hon. Mr. TILLEY explained that the officer referred to was in his seventy-sixth year, and the Government had found it necessary to superannuate him in consequence of incompetency, in support of which he would mention that when last in Fredericton he (Hon. Mr. Tilley) was requested by the Collector to have an office built near the bank in order that he would not have to walk any distance to make his deposits.

Hon. Mr. ANGLIN accepted the explanation.

The resolution was read a second time and a bill based thereon introduced.

* * *

THIRD READINGS

The following Bills were read a third time and passed:—

A Bill to add to the number of the members of the corporation of the Trinity House of Quebec, and to increase the powers thereof.

A Bill to provide for the appointment of Harbour Masters for Nova Scotia and New Brunswick.

A Bill with respect to the carriage of dangerous goods in ships.

* * *

ORDER ON BOARD PASSENGER STEAMERS

The House then went into Committee on a motion by **Hon. Mr. MITCHELL** on the Act providing for keeping order on board passenger steamers, and adopted one or two slight amendments.

The Bill was reported.

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The following Bills were also advanced a stage—

Respecting Trinity House, and Harbour Commissioners of Montreal. Several amendments were proposed, which will be considered on Thursday.

To provide for the establishment of the Department of the Interior, from the Senate.

* * *

INSPECTION OF GAS METERS

On motion that the House go into Committee on the resolution on the subject of the inspection of gas meters.

Hon. Mr. TUPPER in explaining the provisions of the Bill, thought the question was distinctly within the Province of the Union Act, not only as to the regulation of weights and measures specifically, but also to the inspection of gas as an article of commerce. He proposed to bring it under the general clause that gave this House power to deal with articles of commerce.

Hon. Mr. MACKENZIE regretted he could not agree with the hon. gentleman in his conclusions. He thought the hon. gentleman had quite lost sight of the main question. Suppose, he said, that the Local Legislatures passed an Act to incorporate gas companies in their own Provinces and these companies have provisions inserted in their Bill respecting the quality and price of gas supplied by them, would the hon. gentlemen say that, in such a case, the Local Legislature interfered with the legislation of this House, and would he be prepared as a Minister, to recommend the disallowance of such an Act? Comparison with the legislation of Great Britain, with which there was no analogy, was out of the question, as they had there to legislate upon everything, small and great, but he confessed he was jealous of the privileges of the Local Legislatures, and was desirous that no infringement should take place. Upon what principle did the hon. gentleman apply his examination to the quality and measurement of gas consumed in towns and cities and not also to water consumed in these places?

Did the hon. gentleman confess himself more careful of the eyes than of the stomachs of the people? He (Hon. Mr. Mackenzie) thought it was even more necessary to have pure water than pure gas, and, if one was included, he could see no reason why the other should not be.

Mr. MILLS thought any such legislation on the part of this House was an infringement of the power of the Local and Municipal Government, and could not see why the Government should not also deal with sanitary matters within the Corporations, if they took this particular power in their own hands.

Mr. PALMER supported the motion, and contended that the House had power to deal with the question under the Confederation Act.

Mr. SCATCHERD thought such a measure was very necessary, and hoped, if the question of power to deal with the subject were satisfactorily settled, that the measure would be carried.

Mr. CURRIER thought the question of power to legislate was indisputable; and he approved the measure so far, but he protested against its being made compulsory upon consumers to submit to the inspections and pay the fees. He contended that either this provision should be made optional or inspectors should be paid by salary instead of fees. (*Hear, hear.*)

Mr. GLASS contended that the only question before the House was the power of the Dominion Parliament to legislate on the matter, and that the Confederation Act did confer this power upon this House. He did not think that the argument of his hon. friend (Mr. Currier) would stand inspection.

Mr. GRANT agreed with his hon. colleague for Ottawa (Mr. Currier) and thought the measure arbitrary so far as inspection was concerned. He thought that compulsory inspection would impose a tax on the people in large towns and cities to which they would not submit. He quite agreed in the necessity for some inspection, but thought the resolution should be amended to apply to the inspection of the quality only and not the quantity.

Mr. SCATCHERD was of opinion that the consumers would be far safer in the hands of Government inspectors than in those of Gas Companies, who compel them to take whatever meters they supply and pay whatever they choose to charge.

Mr. RYAN did not know of any measure so much required as that under consideration. No subject had given such general dissatisfaction as the quality and quantity of gas supplied. In Montreal the complaint was universal. The Bills for the last quarter were twenty-five to fifty per cent more than the previous quarter, although the gas was inferior. He could safely say that the measure would receive entire approval in the large cities and towns, and would be equally fair to the consumer and manufacturer.

Hon. Mr. TUPPER thought the resolution should be passed so as to give liberty to introduce a Bill founded upon it. He thought the discussion had taken place more upon the clauses of the Bill than upon its principle.

Hon. Mr. MACKENZIE said he had questioned the jurisdiction of the House in the matter, and pointed out that an Act was passed by the Local Legislature of Ontario upon the subject giving power of inspection to Municipal Councils. How did the hon. gentleman propose to deal with that? If that House was right, this one was wrong in proceeding with this measure, and the power of the Local Legislatures to deal with the question had never been denied.

Hon. Mr. TUPPER said these questions would be discussed on the introduction of the Bill.

Hon. Mr. ANGLIN rose to speak; and it being 6 o'clock, the House rose for recess.

AFTER RECESS

NEW BRUNSWICK SCHOOL ACT

Hon. Sir JOHN A. MACDONALD laid upon the table the opinion of the law officers of the Crown in England with regard to the New Brunswick School Act. He also placed upon the table copies of documents and records of Judgment of ex parte Renaud.

* * *

INSPECTION OF GAS METERS

The House again went into Committee on the subject of the inspection of gas meters.

On the Committee rising and reporting the resolutions,

Hon. Mr. TUPPER introduced a Bill founded on the resolution.

* * *

SUPPLY

The House then went into Committee of Supply.

With regard to item N^o 62, for \$150,000 towards assisting immigration and meeting immigration expenses,

Hon. Mr. MACKENZIE wished to be informed what was done with the money.

Hon. Mr. POPE (Compton) said that of that sum \$29,611 was expended for the transportation of emigrants from Quebec to other portions of the Dominion. The payment of passage brokers, printing, and advertising made the expenditure \$48,000. This left a balance of \$102,000. The next two months he proposed to spend, with the consent of the House, a much larger expenditure, as he was satisfied that he could expend it with great advantage to the country.

The general course adopted was to employ passenger brokers, whose object was to send emigrants as far as they could. His (Hon. Mr. Pope's) desire was to pay such commissions as would induce the brokers to send emigrants to this country instead of beyond it. It was his intention to spend a good deal in assisting the emigration of families to Canada.

Hon. Mr. MACKENZIE was sure the House was quite willing to do anything in reason to promote emigration. It was desirable chiefly to assist agricultural labourers to emigrate, that class appeared to be so poorly paid, and were unable to pay their passage. He thought the Dominion emigration agents and the Provincial agents should be careful that they do not go over the same ground. He suggested the desirability of tracts being printed and distributed in schools and other places of popular resort, and of articles being

inserted in the local papers. He agreed that it was desirable that families should be induced to come to the country, as they were more liable to remain than single persons. He also complained of children over 8 years of age being considered as adults.

Hon. Mr. POPE (Compton) explained that all steamship companies did this.

Hon. Mr. MACKENZIE thought that when the contract for the mails was entered into arrangements might also be made for the conveyance of emigrants. He then alluded to the crowded state of vessels, and the illustration of this which had been given them lately in the wreck of the Atlantic; and he hoped that care would be taken on both sides of the Atlantic that means of escape should be provided in case of disaster, and the means of sustenance should the vessel be delayed by accident. They had, in fact, to popularize this country as a field for emigration.

Hon. Mr. YOUNG (Montreal West) said that 20 years ago when the contract was made with steamship companies, a clause was by some means left out which would have provided for the distribution by the steamship agents pamphlets in different languages respecting emigration to Canada. He thought such a clause should be inserted in existing contracts.

Hon. Mr. POPE (Compton) replied that there was an understanding that the agents of the several steamship lines were to distribute, throughout Europe, pamphlets in as many languages as Canada chose to have them printed in. Last year they distributed nearly two million and he thought they had done a great deal of good. He intended to ask the authorities of the several Provinces to meet him in order that they might arrive at some definite arrangement in regard to emigration, and work together. He had been advised that all steamers to leave England up to the 17th of April were filled more than a month ago.

Mr. MILLS asked whether any further negotiations had been had with parties resident in Russia in reference to emigration.

Hon. Mr. POPE (Compton) replied that delegates from Russia had been through to Manitoba, and others were in Canada and would visit Manitoba in a short time. He had made arrangements for the emigrants to be brought down from the Black Sea to Canada at the full rate from England to Canada—six pounds six shillings sterling.

The item was then carried.

The House then entered upon the consideration of the following items:—

| | |
|--|----------|
| Marine and Emigrant hospital, Quebec | \$24,000 |
| Marine Hospitals, New Brunswick and Nova Scotia, hospital at St. Catharines; maintenance, et cetera, of ship wrecked and sick and distressed seamen at the several | \$36,500 |

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ports of the Dominion

Total to be voted \$60,500

Hon. Mr. MACKENZIE asked for an explanation of the addition of \$3,000 to the expenditure of previous year.

Hon. Mr. MITCHELL said an additional expense arose from the increase which had taken place in the price of fuel, light, food, servants' wages, et cetera.

The reason the explanation had fallen upon him was that the institution had been transferred to the department of Marine and Fisheries.

The items were then passed.

The following items were also carried:—

Pensions—chiefly militia \$16,016.75

Pensions—authorized by statute \$36,906.54

The cost of the Dominion railways was then considered.

Intercolonial Railway \$3,570,000.00

Mr. OLIVER asked what it would cost to change the gauge of the road.

Hon. Mr. LANGEVIN said the question was not attended to on this item. A bill would be introduced, and he would then give any information desired.

Intercolonial Railway branch line from Dorchester station to Dorchester Island, Revote, \$25,000.

Hon. Mr. LANGEVIN:

To aid in the construction of a branch railway from the Acadian mines, Londonderry, N.S., to the Intercolonial Railway

\$14,000

Intercolonial Railway construction

\$331,240

Railway terminus at Halifax, including the railway wharf at Richmond, Deep Water Terminus, revote

\$250,000

Increased accommodation at St. John and Point du Chêne, revote

\$159,000

Deep Water Wharf at St. John, revote

\$84,000

Canada Pacific Railway towards survey

\$250,000

Canals, for works construction \$5,277,000

Improvement of the River St. Lawrence below Quebec and Montreal, one-half the total cost to be paid by the Montreal Harbour Commissioners

\$200,000

Public Buildings

\$362,000

With regard to the Intercolonial Railway,

Hon. Mr. ANGLIN complained of the manner in which that line had been managed during the past winter. Numberless complaints had been made, and he had no hesitation in saying that there was no railroad on the continent of America so badly managed as the Intercolonial Railway. It was asserted that when the snow storms first fell there was not a single snowplough fit for use, and he had heard it said that the snowploughs were improvised by boards being nailed to the engine. Long delays had occurred when they were altogether unnecessary, and he detailed instances of reported gross neglect.

Hon. Mr. LANGEVIN said he would be much obliged if the hon. gentleman would be kind enough to communicate the complaint he had just made to him (Hon. Mr. Langevin) giving dates of the times at which the trains he spoke of were so detained, in order that an investigation might be made, and such mismanagement punished. He knew nothing of the charges, and could not meet them, and he had no doubt that the delays had occurred during the winter, but delays had occurred on other railways. It is impossible for them to know where the snow-fences and snow-sheds would be required, but this winter observations had been made, and they had ascertained where such fences would be required, and every precaution that would tend to the safety and punctuality of that railway would be taken.

Hon. Mr. ANGLIN asked his hon. friend from King's, New Brunswick (Mr. Domville) if his statements were at all exaggerated.

Mr. DOMVILLE admitted that under the circumstances, they were not exaggerated.

In reply to Hon. Mr. Dorion (Napierville), **Hon. Mr. LANGEVIN** said he could not give accurate information on to a particular accident, unless the charges were made in writing, and he had time to make the necessary inquiries. No Manager of a Railway, not to speak of a Minister, could give that information.

Hon. Mr. DORION (Napierville) said he did not make any charge, but he had heard complaints from one hon. gentleman corroborated by another hon. gentleman, that there was general mismanagement on the road, and if the hon. Minister of Public Works was unable to give information on the subject, to whom was he to apply to such information? He thought it but reasonable to

expect that the hon. Minister should be furnished from time to time with the fullest information as to all its working.

Hon. Mr. LANGEVIN said it was impossible to have the thing perfect, and every endeavour had been made to obtain extra locomotive power.

Hon. Mr. MITCHELL said on account of the price of labour in England, and numerous strikes occurring there, it was impossible to get contracts for locomotives there finished within the specified time. He thought the explanations given should be satisfactory.

Hon. Mr. ANGLIN said he understood it was part of the contract that the Government should supply locomotive power, which he thought, was quite right; but he held that they had no such locomotive power as was equal to winter work, and he was not aware that more than one extra locomotive had been placed on that line during the winter of last year. He hoped that during the summer now coming arrangements would be made more satisfactory. The road was only 700 miles in length, and he did not think it would be easy to find a worse managed one.

Hon. Mr. LANGEVIN said they had provided the road with additional stock, but it had not been sufficient to meet the exigencies of the traffic.

Hon. Mr. MACKENZIE said it was rather strange that such a large amount had been expended for railway stock, and yet was not sufficient for the purpose. He would like to know what was the amount still necessary to place that road in good working repair. There had been thirteen million and a quarter expended in that direction, and the House was now asked for three million and a half, which would make the whole amount over sixteen million altogether. He would like if the Government could give information as to the sum yet required.

Hon. Mr. LANGEVIN said the calculations of the hon. gentleman as to the amount already expended and the amount yet required to put the road in working order would be the balance of the sum voted by Parliament.

Hon. Mr. MACKENZIE: Do I understand that the estimate of the Engineers exactly accords with the amount voted by Parliament?

Hon. Mr. LANGEVIN said it would probably be \$10,000 more or less but it would be close upon the figure quoted.

Hon. Mr. MACKENZIE: Is that merely a guess, or is it based upon the Engineer's calculations?

Hon. Mr. LANGEVIN said it was not a guess, but based upon statements obtained from the Engineers and Commissioners.

The item was then carried.

The vote of \$25,000, branch line from Dorchester station to Dorchester Island (Revote), was passed.

On the vote of \$331,240 for Intercolonial Railway construction,

Hon. Mr. LANGEVIN explained the vote was for 528 coal cars for the Spring Hill and other mines, several locomotives, and a double engine with snowplough combined.

Hon. Mr. McDONALD (Pictou) was glad to find that the provision now to be made for the transport of coal from Halifax would silence the complaints which had hitherto existed.

On the third item,

Hon. Mr. ANGLIN hoped that the Pictou railway would be utilized. He hoped it would be so arranged that this railway would be able to bring in sufficient coals for the use of steamers calling for the purpose of laying in stock.

Hon. Mr. MACKENZIE called attention to the extraordinary expense of these Nova Scotia Railways. He found in making calculations that they cost 105 per cent merely for working expenses, and that there was a deficit for the year of \$50,000. It was something very strange, and he would like to get a statement of traffic. The Grand Trunk road, long and expensive as it was, only took 70 per cent of its income to pay the expenses, and on some roads it did not take more than 50 per cent. The New Brunswick roads were not so bad. They seemed to be worked at a very much less expenditure. Some explanation was due as to the working of the Nova Scotia railways before the vote was taken.

In regard to the construction of the Intercolonial Railway, he would call attention to certain things in connection with that subject when concurrence was asked. These things, however, were at present undergoing investigation before a Committee of this House. It could not now be referred to. The hon. gentleman, he thought, was bound to give some idea of the way in which the traffic was carried on which caused such a loss to the country.

Hon. Mr. LANGEVIN said one reason why Nova Scotia Railways cost more for working expenses than those of New Brunswick was because, while the latter were built substantially at the beginning, those of Nova Scotia had not been so. The curves and gradients had been greater and more numerous on the Nova Scotia Railway; the bridges were built of wood and had to be renewed during the last few years, and they were not being renewed.

Hon. Mr. MACKENZIE: Do you call those working expenses?

Hon. Mr. LANGEVIN said these were working expenses, and he was going into the different items in order. Besides most every part of these railways had to be renewed. They were renewing 16, 18 or 20 miles yearly. Of course, gentlemen knew the increased price of iron during the last five years, which, of itself, was a very

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large item. Their railway traffic had increased and plant also in proportion. Station-houses had also to be added to the number formerly built, as also tank houses, sheds, and so on. All these things considered, it was not astonishing that they cost more than the New Brunswick roads, but the revenues of these railways had also been increasing and would amount to a very large sum this year.

Hon. Mr. MACKENZIE said the hon. gentleman had not explained why the working expenses were more than the receipts, and had confined himself chiefly to construction account. He already understood that, but he could not understand how the revenue had not been sufficient to cover the working expenses, entirely apart from the construction alluded to. It was a thing that had gone on for years, and the House wanted some explanation.

Hon. Mr. LANGEVIN said he had already stated that a large proportion of the amount was for repairs of the road, which came under the head of working expenses. If the hon. gentleman wanted details, he (Hon. Mr. Langevin) would set officers at work to make them out for him.

Hon. Mr. MACKENZIE said surely the hon. gentleman could give in a few words a direct statement of the reasons for the enormous proportion which the expenditure bore to the income. There was a good country for the railway to pass through, and there was no reason why it should not at least bear its own expenses.

Hon. Mr. MITCHELL said one good reason for the difference between New Brunswick and Nova Scotia was the difference in character of the original works.

Hon. Mr. MACKENZIE said that was no part of what he referred to at all.

Hon. Mr. MITCHELL said it would be found on investigation. He thought that it actually was a part, and he pointed out the great expenses upon bridges and such like already noticed by the Minister of Public Works.

Hon. Mr. LANGEVIN said the working expenses actually amounted to \$316,000. There were also \$109,000 for locomotive power, \$476,000 for car expenses, and the remainder was made up of expenses for general purposes, and soon it would also be found the maintenance of works was included, which would be found in the detailed statement.

Hon. Mr. MACKENZIE was glad to hear the hon. gentleman say at least where such information could be found. Would the hon. gentleman state what had been the working expenses as compared with the previous year? He also expected to hear him state what the fares were as compared with other railways.

Hon. Mr. LANGEVIN said he could not state what the working expenses of the previous years had been, nor yet what comparison the fares bore to other railways. The hon. gentleman was asking too

much. If the hon. gentleman actually desired he would get the information from the proper quarters for him.

Hon. Mr. MACKENZIE said he was glad to know it. He might ask for it and he might not, but when the hon. gentleman thought he was not bound to give the information on any subject to the House, he was assuming too much. The information he (Hon. Mr. Mackenzie) had asked was as regards the revenue and expenditure, and he had not yet received it.

Hon. Mr. MITCHELL thought the information desired on the spur of the moment was quite unreasonable.

Hon. Mr. YOUNG (Montreal West) said the question was a most important one. No well-managed railway on the continent would wait to give the information asked for in this case. If these railways in the Lower Provinces were to be run at a loss, it was important that the country should know it, in view of the future. There really was no important question than that.

Hon. Mr. ANGLIN said that the hon. gentleman had spoken of the Lower Provinces indiscriminately, but he probably was not aware that New Brunswick railways paid a small percentage more than the working expenses. He thought it was time there was a thorough understanding on the subject, as a great deal had been said regarding it in the Lower Provinces. At the outset we were told that the expenditure would go beyond the income, but were not told that these railways had been constructed in any worse principle than the New Brunswick railways, but that they had been run down and their entire renewal was absolutely necessary.

We were also told that this large expenditure must continue for some years, and as quite a number had now passed, it was time that they had come to an end on that. The road should at least pay the working expenses, but here was another cause why they did not do so. It was that the rates of charge were lower than in any other railway in the Dominion, New Brunswick not excepted. That was the reason why they could not pay their working expenses.

Hon. Mr. TUPPER had not intended to take any part in the debate, but when he heard gentlemen standing up session after session in order to provoke hostility to the Province of Nova Scotia in asserting statement which had been contradicted and which were not founded on fact, but the very reverse, he felt it his duty to stand up and say so.

The hon. gentleman had said that the practice had been to carry passengers at lower rates in Nova Scotia than in New Brunswick. The facts were the reverse of the statement. The result of amalgamating the control and management of the railways of the two Provinces had been to reduce the tariff in Nova Scotia. The hon. gentleman had undertaken to say that the railways in Nova Scotia gave privileges to the people which the people of New Brunswick did not enjoy. It was the policy of Nova Scotia, as it had been of New Brunswick, in constructing railways, to look first to the means of facilitating the general trade and business of the

country, so as to benefit the people from one end of the country to the other. Although these railways did not make direct returns showing large amounts of money they had been of very great benefit to the country. He was of opinion that it would be unwise to work the Government railways with a view to earning large profits.

Hon. Mr. MACKENZIE said the hon. gentleman should be the last to accuse any one with endeavouring to stir up sectional differences, when he was constantly endeavouring to put Province against Province. They were not to be prevented from the hon. gentleman's threats from discussing in a quiet and temperate manner the points in the estimates calling for consideration.

Hon. Mr. ANGLIN did not think the speech of the hon. Minister of Customs at all dignified or noble. He had made a serious most extraordinary, and unwarrantable charge against him—a charge entirely unprovoked by anything he said. He denied that upon any occasion he had spoken with a view to excite sectional difference or ill feeling between any of the Provinces. It was true, however, that the hon. Minister of Customs did seize every opportunity to create an impression, if not in that House, at all events in the Province from which he came, that there was a desire to do harm to Nova Scotia, and refuse justice or do injustice to that Province.

Mr. ALMON thought the complaint came with a very bad grace from the member for Lambton (Hon. Mr. Mackenzie) through whose Province the Grand Trunk Railway passed, as that Railway had never paid a cent to its proprietors.

Hon. Mr. McDONALD (Pictou) maintained that the hon. gentleman in his former remarks had spoken in terms which, if accepted in their ordinary acceptation, would give the same impression as they had to the hon. Minister of Customs (Hon. Mr. Tupper). He regretted exceedingly that a sectional feeling had been excited. It was a pity that the member for Gloucester (Hon. Mr. Anglin) had not used language more easily comprehended. If he did not intend to institute an invidious comparison he might have made it in a better form. He explained the position of the Nova Scotia railways and the basis upon which they were managed, answering every point raised by Hon. Mr. Anglin. He construed the hon. gentleman's speech in the same manner but he was glad to find his construction had been wrong. He trusted that in future they would co-operate in promoting the prosperity and good feeling of the Province.

Mr. WILKES gave the expenditure and receipts of the New Brunswick and Nova Scotia Railways. The expenditure of the New Brunswick Railways was 98 per cent of the receipts, whilst the expenditure of the Nova Scotia Railways was 103 per cent. The average expenditure of other railways was as follows:—Grand Trunk Railway, 70 per cent; Great Western Railway, 60 per cent; Northern Railway, 53 per cent. The total receipts from the public works was, including railroad receipts, \$1,211,000 and the expenditure was \$1,000,500 or 82 1/2 per cent. The total amount charged to consolidated fund on confederation account was \$865,563, or 70 per cent. He affirmed that there was a feeling in

Ontario and the other Provinces that after public works of this class had passed their early stages they should become self-sustaining. The figures he had referred to he thought would suggest the advisability of putting our public works into the hands of private companies. He thought they would be carried on more profitably.

Hon. Mr. TILLEY as a representative of New Brunswick, thought he might appeal to every member from that Province. He could only interpret the remarks of the member for Gloucester as calculated to convey the impression that great injustice had been done to New Brunswick. During the debates of the last five years he had been struck with the interest which had been made out of the railways in Nova Scotia and New Brunswick, whilst no reference had been made to canals. Not a word had been said by the members from the Lower Provinces, it being generally felt that they should be maintained for the general benefit of the country.

He was prepared to show that the railways of New Brunswick had paid a larger percentage to the money expended on them than the canals of Ontario. He thought he could safely say that there was very little difference, if any between the freight and passenger tariff of the Lower Provinces, and those other railways throughout the Dominion.

Hon. Mr. DORION (Napierville) said they were discussing the question, because they found that the running expenses exceeded the income, and they were accused of desiring to create an ill-feeling between the Provinces. He thought all such questions which were put with a view of reducing these expenses should be discussed in all fairness.

Mr. WILKES stated that the cost of the public works of the Dominion was 82 1/2 per cent of the receipts, therefore the canals must be more profitable than the railways of the Maritime Provinces, the expenditure upon which was severally 98 and 103 per cent. He presumed the canals were included in the public works of the Dominion.

Hon. Mr. TILLEY admitted that they were.

Mr. BURPEE (St. John City and County) referred to the bad management of the Government Railways in New Brunswick, and maintained that the management of these works was worse than it had ever been before.

Hon. Mr. YOUNG (Montreal West) held that the canals had been unproductive in consequence of the neglect of the Government.

Hon. Mr. MACKENZIE again deprecated the imputation of partisan motives to members of the House when they made enquiries for enlightenment upon certain items in the estimates. He said he found that the income from canals was \$152,284,908; expenditure was \$98,957,441, leaving a revenue of \$53,327,467. He was quite prepared to consider whether it would be advisable to raise the tolls on the canals or to leave them as they were. It was a

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matter for the consideration of the House, whether, if raised, they would produce a further revenue.

The item was then passed.

With regard to the item for the extension of the railway terminus at Halifax,

Hon. Mr. ANGLIN said it was about time the House and the country knew when the work would be done.

Hon. Mr. LANGEVIN explained that the works were in progress, but difficulties were in their way in consequence of the Navy Dock Yard being in the way of the extension from Richmond to Halifax. They had had correspondence with the British government on the subject and Sir George Cartier had been requested to urge upon the Imperial authorities the necessity of having a prompt decision in the matter in order that they might get through the Navy Yard to their terminus.

Hon. Mr. ANGLIN: And failing that, what then?

Hon. Mr. LANGEVIN said he thought they ought not to look to failure but hope for success.

The item was adopted, as was also that respecting increased accommodation at St. John and Point du Chêne, and Deep Water Wharf at St. John.

With regard to item for works of construction on canals,

Mr. BROUSE asked if the Government was going to continue the examination of the St. Lawrence at Galop Rapids.

Hon. Mr. LANGEVIN said that the survey had been going on, and as far as they had gone they had been satisfactory, and they would be continued.

Hon. Mr. MACKENZIE said he believed tenders were received for the construction of the Welland Canal, and he presumed the proceedings were suspended till the Government decided upon the route in accordance with the line first described and tendered.

Hon. Mr. LANGEVIN said the line described when the tenders were asked for was adopted. The tenders were now being examined and reported upon as fast as possible, and contracts would probably be given within a fortnight or so.

Hon. Mr. MACKENZIE asked if the hon. gentleman could give the approximate cost of this work for the Welland Canal, after the surveys were completed.

Hon. Mr. LANGEVIN said nine and a quarter million.

In answer to Hon. Mr. Mackenzie,

Hon. Mr. LANGEVIN said that the cost of St. Annes' lock he thought would be \$150,000; Carillon and Chute à Blondeau Canals between \$600,000 and \$700,000, and Carillon and Grenville Canal would cost \$600,000 more than the amount mentioned in the estimates.

The Ottawa canals, including the Grenville, would cost about \$600,000 in addition to the present vote.

The item was passed.

Hon. Mr. MACKENZIE asked if the hon. gentleman would tell when the library building was likely to be completed. Very little had been done to it since last year.

Hon. Mr. LANGEVIN said the contractor had undertaken the contract at a very low price, and the reason why the work had been delayed was that the price of labour had risen greatly. Of course, they might have compelled him to go on with the work, but that would certainly have ruined him, and they thought that under the circumstances an extension of time should be given him. In the meantime, an iron roof had been put on, and it would be completed early in the season. They had taken out new tenders for the interior work and they expected the whole thing to be completed within twelve months.

Hon. Mr. MACKENZIE said he would like also to know the entire cost of the building.

Hon. Mr. LANGEVIN said the contract price for the stone work was \$82,000 or \$84,000, the cost of the iron roof was a little over \$13,000, and the contract for putting up the roof was \$4,500; the whole cost, with interior fittings, building, et cetera would be about \$260,000.

The Committee then rose, reported progress, and asked leave to sit again.

The House adjourned at 11.50 o'clock.

* * *

NOTICE OF MOTION

Hon. Mr. CAMPBELL—On Thursday next—Enquiry of the Ministry whether it is the intention of the Government to establish a life-boat station at or near Cape Canso island, on the coast of Nova Scotia?

Hon. Mr. CAMPBELL—On Thursday next—Address to His Excellency the Governor General for copies of all correspondence, papers, evidence and reports in any wise relating to the wreck of the steamship *Atlantic*, on the coast of Nova Scotia, and the meritorious

services of the Rev. W.J. Ancient and others, on the occasion of that calamity.

Mr. EDGAR—On Thursday next—Enquiry of the Ministry whether the naval reserve lands in the Province of Ontario, set out in the schedule to chapter 37 of the Consolidated Statutes of Canada, containing over 4,500 acres, or any other naval reserve lands in the Province of Ontario, have been handed over by the Commissioners of Admiralty to the Government of Canada; and if so, are there any conditions attached to such transfer to prevent the rental of such lands by the Government.

Mr. EDGAR—On Thursday next—Address to His Excellency the Governor General for a statement containing a general description of the quantity and situation of all naval reserve lands in

the Province of Ontario that have been handed over to the Dominion Government by the Commissioners of Admiralty, with the dates of such transfers; also a statement in detail, with dates, showing the amounts hitherto received by the Dominion Government by way of rental or otherwise, for the use of occupation of any such naval reserve lands, the names of any persons who have received permission to use or occupy any such lands, and the amounts payable by them respectively therefore.

Hon. Mr. LANGEVIN—On Thursday next—Bill entitled an Act to amend the Act respecting the construction of the Intercolonial Railway; also a Bill entitled an Act to amend the Act respecting joint stock companies; to construct works to facilitate the transmission of timber down rivers and streams.

April 16, 1873

HOUSE OF COMMONS

Wednesday, April 16, 1873

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

Prayers

Mr. RYMAL presented the report of the Committee on Standing Orders.

* * *

BILLS INTRODUCED

The following bills were introduced:—

Mr. RYAN—To extend the powers of the Montreal Telegraph Company.

Mr. DOMVILLE—To incorporate the Canada Marine Insurance Company.

Mr. CHISHOLM—To grant to the Hamilton and Milton Road Company the powers prayed for in their petition.

Mr. PALMER—To continue and make perpetual the Insolvent Act of 1869, and all Acts passed in amendment thereof.

Hon. Mr. CARLING—To enable the Great Western Railway to further extend and improve its connections.

Hon. Mr. CARLING—To incorporate the Great Western and Lake Shore Junction Railway Company.

* * *

NEW BRUNSWICK SCHOOL ACT

Mr. MERCIER moved that the correspondence, et cetera, relative to the New Brunswick School Act be referred to the Committee on Printing.—Carried.

* * *

LIGHTS AND BEACONS

Mr. SAVARY asked whether the Government intend to take any steps for the erection of a beacon light at Church Point, Port Acadian, in St. Mary's Bay, county of Digby, in accordance with the prayer of the petition for that object; also, whether the Government intend to place a bell buoy on Dartmouth ledge at the

entrance of the grand passage, Bay of Fundy, during the ensuing season.

Hon. Mr. MITCHELL said now that the attention of the Government had been called to these important matters, enquiries would be made in relation to them.

* * *

CANAL PRIVILEGES

Mr. BEAUBIEN asked whether it is the intention of the Government to grant to the manufacturers along the canal at Côte Saint-Paul the facilities of exit which the Government promised them along the canal at the time when those manufacturers leased the water powers, as appears by certain notarial deeds.

Hon. Mr. LANGEVIN: It is.

* * *

APPOINTMENT OF POSTMASTER

Mr. MERCIER asked, first, whether F. Ponton, Esq., has resigned his office of postmaster of St. Angele de Monnoir in the district of Saint-Hyacinthe, County of Rouville; second, whether any person has been appointed as his successor, who such successor is, and at whose recommendation has he been appointed; third, whether: Benonie Lozelle, Esq., of the same parish had not make application in time for the said office; whether he was not qualified to fill the vacancy, and whether he was not recommended to this Government by the Rev. Eloi Ponton, curé of the parish, Victor Robert, Esq., member for the County in the Local Legislature, Honoré Mercier, member for the County of Rouville in the House of Commons, and by a large number of other persons.

Hon. Mr. TUPPER said Mr. Ponton resigned on February the 28th, 1873, and his successor, Mr. M. O'Carroll, was appointed on March the 22nd, 1873, at the recommendation of Hon. Mr. Langevin. He gave the names of those who recommended Mr. Lozelle and those who recommended Mr. O'Carroll.

* * *

MAIL SERVICE

Mr. PRICE asked whether it is the intention of the Government to organize a daily mail from Quebec to Chicoutimi and Murray Bay, with a tri-weekly mail from Chicoutimi to Lake Saint-Jean and from Murray Bay to Bersimis, as well as postal communication for

the north shore of the River St. Lawrence from Bersimis downwards.

Hon. Mr. TUPPER said it was the intention of the Government to organize a daily mail from Quebec to Chicoutimi and Murray Bay. The other subjects mentioned were under the consideration of the Government.

* * *

INSPECTION OF FISH, ET CETERA

Mr. DUGUAY asked whether it is the intention of the Government to introduce during the present session, a bill to provide for the inspection of fish, fish oil, butter, cheese and lard, exposed for sale in the markets of the different towns and cities of the Dominion.

Hon. Mr. TILLEY said the general Inspection Bill was printed, and would be distributed either that afternoon or tomorrow, and the hon. gentleman would find in it clauses relating to this subject.

* * *

DUTY ON TEA AND COFFEE

Mr. WILKES moved for the correspondence respecting the imposition of ten per cent duty on tea and coffee imported from the United States. There was a public rumour abroad that restrictions had been imposed upon the action of the Government by the Imperial Ministry, and the result was a delay in the imposition of the ten per cent duty. It was desirable that the facts should be made known to the House, and that they should be informed of the reasons urged by the Government which had induced the imperial Government to withdraw their objections.

Hon. Mr. TUPPER had no objection to the motion, which was carried.

* * *

SIMCOE NORTH ELECTION

Mr. COOK moved for a return of the aggregate sum of money supplied to the returning officer for the north riding of the county of Simcoe during the late elections for the Commons, for the purpose of meeting the expenses of the said election and remunerating the persons employed as deputy returning officers in connection with the sub-divisions in which they severally officiated, and the amount paid to each deputy returning officer for said services, and all disbursements attendant upon the discharge of his official duties.

He stated that the Government appointed another gentleman previously to the last election to fill the office of returning officer, and it was reported that after he received the writ he acted in a most partisan manner and that he used illegal means for the furthering of the return of the gentleman supporting the Government. He wished

to know by whose choice the selection was made, and he hoped the returns would be sent down, as there was a good deal of dissatisfaction upon the subject, and it was desired that the amount of money expended at the election should be given.—Carried.

* * *

PRINTING

Mr. STEPHENSON moved the adoption of the first and second reports of the Joint Committee on Printing.

Hon. Mr. MACKENZIE moved to add to the motion “and that the report of the Clerk of the Printing Committee” be inserted in the votes and proceedings of the House tomorrow.

Mr. STEPHENSON said he had heard that the meetings of this Committee had been very few indeed. The Session was now considerably advanced, and they could not expect to remain in session much longer. Some very important papers had been referred to the Committee, and he trusted means would be taken to have the printed immediately, as the questions involved were of very considerable importance.

Mr. STEPHENSON said by the book of the Clerk in the office of Records, the member for Lambton had the document in reference to the Allan contract from the 14th or 15th March till the 5th of April.

Hon. Mr. MACKENZIE said he had not had that document at all. It was printed before the House met, though not distributed.

Mr. STEPHENSON said it was only printed for the use of the members of the Government.

The motion, as amended, was carried.

* * *

BEE T ROOT SUGAR

Mr. JOLY moved for a Committee of the Whole on a resolution on the subject of the manufacture of beet-root sugar in Canada:—“That in order to encourage the introduction of the manufacture of beet-root sugar in Canada, it is advisable to adopt such legislation as would secure it against the imposition of excise duties for the next ten years.” He said that in moving this, he did so not with the desire of advancing free trade ideas, but with the view of enabling this industry to grow and prosper.

He said the object was that the House would undertake for ten years not to stamp out an industry which would be of very great advantage to the country. No protection was asked, but only that those engaged in the industry should have no obstructions placed in their way. It had been shown that the beet root could be raised in Canada as well as in any country, and referring to the numbers of young men leaving Canada for the States, he said he believed the

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cultivation of the beet root, and the manufacture of sugar therefrom, would be a great means of preventing those young men from leaving our country, as it would provide profitable occupation for great numbers.

He then referred to the state of the industrial classes in England, which he said must make us hesitate before trying to make Canada a manufacturing country, but that the manufacture of beet root sugar would not be attended with the evils known in England, as the manufacture could be carried on by each individual farmer in his own home in the country district, and so young people would have full employment at home. From his own knowledge of the manufacture in France, he could state that beet root sugar could be made fully equal to the finest cane sugar. Fully, 1,000 acres of land would have to be carefully cultivated in order to produce a sufficient amount of the root to yield a million pounds of sugar, and the work being so hard, ought not, therefore, to have any restrictions upon it.

The only objection possible was that the amount of foreign sugar imported might be diminished and consequently there might be a decreased revenue, but he did not think this would take place for many years to come. As the difficulties in the way of the industry were so great that no one would engage in it unless they knew that for ten years to come the Government would undertake to impose no burden upon the work, but if they had this assurance, very large amounts would be invested in the industry.

Hon. Mr. TILLEY said the question was rather an important one, as if the industry should become so important, as was mentioned, it might affect the revenue to the extent of one or two million dollars, and he asked that the motion might be allowed to stand until the Government had had an opportunity of considering it.

Mr. JOLY had no objection to the request, but urged that the proposition could not possibly affect the revenue, as seemed to be feared.

Hon. Mr. YOUNG (Montreal West) was in favour of what was called in England a "free breakfast table." No excise duty was levied on maple sugar.

Hon. Mr. TILLEY: And they do not ask for protection for ten years.

Hon. Mr. YOUNG (Montreal West) while admitting this, said he did not think the manufacture of beet root sugar should be treated differently from that of maple sugar, and he did not think any legislation was necessary at all. He thought, however, that manufactures ought to be encouraged as much as possible in Canada, and hoped that very soon we should have reciprocity with the States in manufactured goods as well as agricultural produce.

Mr. BODWELL was in favour of the motion. The soil of Upper Canada was admirably adapted to the cultivation of beet root, and the industry had been entered into in his county, but had fallen

though in consequence of the supposed policy of the government, as it was thought that no protection of such enterprises could be obtained. If the necessary protection were granted, the industry would benefit the country immensely.

Hon. Mr. DORION (Napierville) spoke of the large amount which would have to be invested to make the enterprise a success, and said all that was asked was that for ten years no excise duty should be imposed. He thought anything that would tend to cheapen the necessaries of life should be encouraged. Beet root raised in Canada had been found to yield more sugar than that raised in England, but so many changes had occurred in the tariff that people were not willing to engage in the enterprise without some guarantee. He thought a committee should enquire into the matter.

Mr. BEAUBIEN as seconder of the motion, said that it was not asked so that the revenue should be decreased, but on the contrary, it was hoped that a great source of revenue would be established. When the manufacture of beet sugar began to interfere with the revenue, duty might be imposed upon it. A very large revenue was derived in France from the manufacture, but in that country the industry had at first been fostered and protected. The same retails would occur in Canada. The same thing was being done every day by municipal corporations to encourage other branches of industry.

The question should not only be looked at from an agricultural point of view, but as an inducement for emigration, because to make the enterprise successful it would have to be entered into on a very large scale. He produced a sample of the sugar manufactured near Toronto, and said he was sure that no member who would taste it would oppose the motion.

Hon. Mr. ROSS (Champlain) said the province of Quebec was generally in favour of the establishment of this manufacture, which would prove, ultimately, of the greatest importance to the whole Dominion.

On the suggestion of Hon. Sir John A. Macdonald, **Mr. RICHARD (Mégantic)** moved the adjournment of the debate.—Carried.

Hon. Sir JOHN A. MACDONALD suggested that, as many members of the House had been honoured by the commands of His Excellency to be elsewhere at night, there should be no evening sitting, and if this were agreed to he would also suggest that the hour from five to six should be given to private bills, instead of that from half-past seven to half-past eight.

Hon. Mr. MACKENZIE stated that he had no objection, and the suggestion was then agreed to.

* * *

THE GRAND TRUNK ARRANGEMENTS ACT

Hon. Mr. CAMERON (Cardwell) moved the second reading of the bill to extend the provisions of the Grand Trunk Arrangements

Act of 1862, so far as relates to certain preferential bonds for a further period, and for other purposes as amended by the Standing Committee on Railways.

Hon. Mr. CAUCHON raised a question of order. This bill ought to have been introduced in committee in accordance with the following rule:—"This House will not proceed upon any portion, proceeding or bill for granting any money or for releasing or compounding any sum of money owing to the Crown, except in committee of the whole House." This rule was passed in 1707, and continued to the present time, as laid down by May.

Hon. Mr. CAMERON (Cardwell) said the original bill did not originate in committee, and this bill did not require to originate in committee. There was no grant of money by the Crown and no compromise with the Crown, or additional change in any form or shape which would render it necessary to introduce the bill in Committee of the Whole.

Hon. Mr. CAUCHON said this was a case of compounding. There were three million sterling owing to the country, besides interest. These three million had been placed behind certain other securities, and now it was proposed to put them behind another two million sterling. If that was not compounding he did not know the meaning of the word.

Hon. Mr. MACKENZIE said the question was whether this Act would put the Crown in a worse position to reuse upon its lien than it stood informedly.

Hon. Sir JOHN A. MACDONALD said "releasing" meant the releasing of the whole debt, and "compounding" meant taking a part in settlement of the whole. This proposal did neither. It merely postponed the debt to the Crown which might be for the advantage of the debt. The Parliamentary rule was that every measure commenced by bill, unless some special reason was given by the rules and practice of the House. This bill could not be considered to release either the whole or a part of the three million due to the Crown, but was simply one to improve the road by an additional expenditure to two million.

The SPEAKER said "compounding" was strictly the taking less than the thing that was due. That was not so in this case, and he thought the hon. member might proceed with his bill.

Hon. Mr. MACKENZIE asked that a petition presented yesterday from a Mr. Baker, of England, be read.

Hon. Mr. DORION (Napierville) asked that a petition he had just presented from Mr. Higgins, of England, might be received.

Hon. Mr. CAMERON (Cardwell) had no objection, and the petitions were then read.

Hon. Mr. CAUCHON said of course he was bound to abide by the decision of Mr. Speaker, but he was not convinced. (*Cries of "Order."*) He would have no objection to the proposed arrangement

if he were convinced that the promises made by the Company would be fulfilled. So long as the present state of things continued, the line would never prosper. The people in England were deceived every year, but they seemed to like it. (*Laughter.*) The Company tried to crush every other enterprise in the land, and many strange things had been occurring lately; for, within the few last days, former enemies seemed to have become perfectly good friends.

Last year Mr. Potter was carried all over the road like a fatted calf, though the line itself was so rough as to make travelling on it like riding in an Irish jaunting car. If the road were properly managed it would pay properly. He maintained that the trains were most irregular, and said when he himself last came up, when there was no obstructions and when the line was perfectly clear, the very fences had to be burnt for fuel. He then referred to the obstructions placed in the way of rival enterprises by the Grand Trunk Railway, and especially the North Shore Railway, reading from a report of the latter Company on this subject, and urging that such opposition should not be allowed.

He then read a report of some remarks made by the President of the Grand Trunk Railway in England deprecating rival lines, and said, if Mr. Potter had seen the country between Montreal and Quebec on the North Shore, he would have found it more settled and more thickly populated than was the South Shore when the Grand Trunk Railway was constructed, while the difficulty of passing between Point Lévis and Quebec would be altogether unavoids. He then read further extracts from Mr. Potter's speeches in England respecting the North Shore Railway, and maintained that many of the statements were utterly untrue, and that the lands given for the construction were valuable. He continued speaking in this strain till six o'clock when the House adjourned.

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NOTICES OF MOTION

Mr. De COSMOS—On Friday next—Enquiry of the Ministry what provision does the Government intend to make for masters and mates of vessels within British Columbia, and for granting certificates of competency to the same.

Mr. De COSMOS—On Friday next—Address to His Excellency the Governor General, praying that a copy of the report of the special agent of the Inland Revenue Department respecting British Columbia be laid before the House.

Mr. De COSMOS—On Friday next—Enquiry of the Ministry whether a Bill will be introduced to repeal 30 Vic., Cap. 86, consolidated statutes of British Columbia.

Mr. De COSMOS—On Monday next—Address to His Excellency the Governor General praying that steps may be taken to provide for the payment of the Judge of the Court of Vice-Admiralty of British Columbia by salary instead of by fees as at present.

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Mr. De COSMOS—On Friday next—Address to His Excellency the Governor General for a copy of the report of the Superintendent of Indian Affairs for British Columbia for 1872-3, with any subsequent correspondence concerning the Indian Affairs of the said Province.

Mr. RICHARD (Mégantic)—On Friday next—Enquiry of Ministry whether, in view of the important fact that our imports of iron last year formed more than one-ninth of the total imports. Is it the intention of the Government, by any and what measures, to facilitate the development of our important iron mines?

Hon. Mr. TILLEY—On Friday next—Committee of the Whole on resolution that it is expedient to amend the Acts respecting Insurance Companies, 31 Vic., Cap. 48, and 34 Vic., Cap. 9, by providing for the appointment of an Insurance Inspector, whose duty it shall be to examine and report upon the business in Canada, and for the payment of certain annual contributions by such companies towards defraying the expenses of such inspector.

Mr. BROUSE—Enquiry of Ministry whether a full survey of those lands belonging to the Dominion and known as the Thousand Islands has been ordered by the Government; if so, what progress has been made; when surveyed, will they be offered for sale; and under what conditions will such sale take place.

Hon. Mr. CAMERON (Cardwell)—On Friday next—Bill to amend the law relating to Bills of Exchange and Promissory Notes.

Mr. FISET—On Monday next—Inquiry of Ministry whether it is the intention of the Government to appoint one or several superintendents on the Intercolonial Railway; and if so, whether it is proposed to make at an early date such an appointment for that part of the line lying between Rimouski and Rivière du Loup.

Mr. FISET—On Monday next—Enquiry of the Ministry whether it is the intention of the Government to take possession of that part of the Intercolonial Railway between Rimouski and Rivière du Loup immediately on its completion, or, if not, whether the Government will effect any arrangement with the Grand Trunk pending the completion of the Intercolonial.

Also—On Monday next—Enquiry of Ministry whether it is the intention of the Government to establish a daily mail between Métis and Matane, in accordance with the prayer of the petition by the merchants and other interested parties of the parishes of Sandy Bay, Rivière Blanche, and Matane.

Mr. TASCHEREAU—On Monday next—Address to His Excellency the Governor General, praying for a statement in detail, with copies of receipts and vouchers of the sums paid by the Dominion Government to James Oliva, Esq., of the village of Montmagny, for his services and expenditures as Census Commissioner for 1871, and those of his enumerators for District No. 163, Montmagny.

April 17, 1873

HOUSE OF COMMONS

Thursday, April 17, 1873

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

Prayers

PETITIONS

Hon. Mr. ANGLIN presented a petition against the New Brunswick School Law.

The **SPEAKER** reported that the following election petitions were objectionable: Middlesex East, Welland, and the electoral District of Charlevoix, unobjectionable, Brockville and Stormont; also, that the securities in the petitions in the following cases are unobjectionable:—Brockville, Durham East, and Quebec Centre.

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REPORTS PRESENTED

Reports were presented from the Standing Committee on standing orders and private bills.

* * *

PACIFIC RAILWAY COMMITTEE

Hon. Mr. CAMERON (Cardwell) presented the first report of the Committee on Hon. Mr. Huntington's charges *Re* the Pacific Railway, recommending that an Act be passed to enable the Committee to examine witnesses on oath.

* * *

BILLS INTRODUCED

The following bills were introduced:—

Mr. RYAN—To incorporate the Canada Paper Company.

Hon. Mr. McDONALD (Antigonish) moved that the time for receiving private Bills be extended to Wednesday, 23rd instant, and for receiving reports on the same to Wednesday, 7th May.

The following Bills were introduced:—

Mr. SAVARY—To amend the Act respecting the evidence taken before Courts of Appeal (Section 66 of Cap. 31, 32 and 33 Vic.).

Mr. KIRKPATRICK—To change the name of the Superior Bank of Canada, and to amend the Act of Incorporation of the said Company.

* * *

JOINT STOCK COMPANIES

Hon. Mr. LANGEVIN introduced a bill to amend the Act respecting Joint Stock Companies, to construct works, and to facilitate the carrying of timber down rivers and streams. Companies were bound by law to make certain returns to the Government, which, in some cases, they had failed to make. These returns were necessary in order to determine the amount of dues to be levied the following year on the booms and timber coming down the river, and this bill provided for the infliction of penalties in cases of neglect.

Hon. Mr. POPE (Compton)—To amend the Patent Act of 1872.

Hon. Mr. MACKENZIE reminded the hon. gentleman that the Patent Act had been recently passed, and he would like to know what the amendments were.

Hon. Mr. POPE (Compton) said he did not intend to make any changes in the principles of the Bill; he merely proposed in future they may be printed, as in the United States, and not written upon parchment, as at present. He also proposed that they might be attested not merely before judges, as at present, or as in Ontario, but also before chief magistrates or mayors.

Mr. BEAUBIEN—To incorporate the Merchants' Warehousing Company.

Hon. Mr. McGREEVY—To grant additional powers to the Quebec and Gulf Ports Steamship Company.

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PACIFIC RAILWAY COMMITTEE'S REPORT

Hon. Mr. CAMERON (Cardwell) called the attention of the Minister of Justice to the report of the Committee on the Pacific Railway matter, because, though in ordinary cases it would be the duty of the chairman of the committee to introduce such a bill as that referred to, it would be useless for him to do so in this instance. He therefore called the attention of the Minister of Justice to the subject in order that his hon. friend might take the necessary steps.

Hon. Sir JOHN A. MACDONALD said he had not read the report, but would do so at once.

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NEW BRUNSWICK ACTS

Hon. Mr. ANGLIN asked if the Government had received copies of the Acts of the New Brunswick Legislature which he had moved for.

Hon. Sir JOHN A. MACDONALD said he had not.

Hon. Mr. ANGLIN said he would then lay on the table certified copies which he had himself received, and he begged to call the attention of the Minister of Justice to them.

Hon. Sir JOHN A. MACDONALD said the Government had no power to take action upon them. They would have to wait till they received the official copies from official sources.

The SPEAKER said a private member could not lay documents upon the table.

Hon. Mr. ANGLIN said in that case he would merely hand the copies to the Minister of Justice and request him to consider the matter, which he could do before he received the official copies.

Hon. Sir JOHN A. MACDONALD said he would do so.

* * *

MALICIOUS LIBEL UPON MEMBERS

Hon. Mr. McDONALD (Pictou) desired to call attention to a matter which he thought was of great importance to the House. It would be recollected that some days ago, the hon. member for Napierville (**Hon. Mr. Dorion**) had brought the attention of the House to a paper originating in one of the newspapers of this city, in which it appeared that reflections were made upon the conduct of some members of the House. That charge had appeared to him at the time to be one of very small importance, as it was not directed against the conduct of any member in his capacity as a legislator, but rather had regards to a matter of fact as to the conduct of the member in relation to his constituents alone. However, the paper did contain a reflection upon the conduct of a member, and the result was, that by a resolution assented to by every member of the House, the party alleged to be the author or conductor of that newspaper, was called to the bar of this House, and, he was informed, was dismissed from his position as an officer of the House, and to that extent suffered the penalty which he had incurred by reflecting upon a member of the House.

He (**Hon. Mr. McDonald**) regretted that it was his painful duty to call the attention of the House to a case of much more serious import. He did this with very great pain, but he could not, so far as his own character was concerned, consent to sit quietly in this House and have himself and the House, the High Court of

Parliament of this Dominion, handled in the language which appeared in the paper he would presently lay upon the table. He would read a portion of that paper, and would prove conclusively to the House and country that the man who penned the lines, the man who printed that paper, was guilty of a most foul, malicious and defamatory libel upon the High Court of Parliament. (*Hear, hear.*)

The man who wrote those lines, if he were a member of this House, and he might say at once that he intended to charge upon a member of this House the authorship of that paper, ought, for the sake of his own character, to have retired from these walls before writing such an article, because if his statement were true he had associated for weeks with men who were not fit associates for gentleman and men of honour. Therefore he, if he set up for being a man of honour and the censor of this House, should not have sat amongst perjurers, convicted swindlers and the receivers of bribes. That was the character which that person had dared to give this High court of Parliament.

The principle which ought to animate the breast of every British subject, and did more, he believed, than anything else to bring to the counsels of the sovereign, men well qualified in a moral and intellectual respect to give advice to their own—the principle which caused honest pride to the holder a seat in Parliament, was lost if Parliament became the object of contempt in the sight of the people. If members became not only dishonourable themselves but also consenting parties to a system which, in degrading Parliament, degraded the people and destroyed the very influence, power and position necessary for them to be of good to the country, they would be unable to do that duty which the constitution imposed upon them. He had come there feeling his position to be one of high honour.

He had considered that Parliament was an assembly of gentlemen and men of honour who had come there to discharge their duty with a full sense of the high responsibilities, and there took upon themselves a sense of the grandeur and importance of the institutions they were to guard and protect. If any member, forgetful of that duty, endeavoured to disseminate in the minds of the people any feeling which tended to degrade the members of the house, he was not fit to sit in that chamber—(*cheers*)—or to be an associate of gentlemen. If he were a gentleman he ought to seek some other arena than the service of the Queen in Parliament. Their strength here depended on the influence which they exerted upon the people they represented. To take away from the members as a body, or individually, the respect and regard of the people, to instill into their minds the idea that the men to whom they entrusted their dearest interests were so corrupt, so devoid of the honour of gentlemen, and of common integrity as for any motive whatever—not to speak of a base personal motive—to betray the interests they were sworn to protect, the person who did that could not have the respect of the people of the country and should not even of such a portion of them as would give him a seat in this House. (*Hear, hear.*) He found by the precedents which had been established that the proper course to pursue was, after the statements complained of had been read at the table, for the member complained of to be heard, and the member

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complaining might then make such a motion as the circumstances demanded.

He would read the passages he complained of in the article in question. It appeared in a paper purporting to be published in St. John, New Brunswick, and named the *Morning Freeman*. On the impress he found that a gentleman of the name of T.W. Anglin was the proprietor and editor of this paper, and he was informed, and verily believed, that the same gentleman was a member of this House for the County of Gloucester. The article in question was headed Editorial Correspondence, was dated from Ottawa, and concluded with the initials T.W.A., which he firmly believed to be the initials of the editor and proprietor of the paper, who was a member of this House. He would read the communication in question which he could not but characterise as a malicious, foul, unjustifiable, scandalous libel upon this House. (*Cheers.*) He did not believe that from the earliest times down to the present such indecorous and improper language with regard to members of the house or to the House itself—language so foul and improper—could be found in the annals of English procedure, and, therefore, it would be unworthy of this House to pass it over. If he or some other member did not vindicate the honour of the House he should be ashamed to go down among the honourable men who had sent him there. If any one outside of this House had used such language with regard to him, he would not have failed long for an opportunity to inflict that condign punishment which the author deserved.

The article commenced as follows:—"THE VOTE OF APRIL 2ND.—A Test Vote has at length been taken, and the Government and Opposition and the country know how many men are willing to vote with the Government, and for the Government sacrifice honour, character, honesty, reputation and all that men should prize most highly, and cover themselves with infamy unspeakable for a consideration. The infamy of that vote is indeed unparalleled, indescribable, ineffable, as it is indelible. It may be said, and no doubt it will be said, that many of those who composed the majority were actuated by public consideration, by some regard for the welfare of their constituents, by a desire to secure some great public improvement which the present Government are disposed to carry out, but which, if they remained in power, they would refuse to carry out, unless the representatives of the districts or the Province voted to sustain them in such an emergency. But it will not be easy to persuade those whose esteem is worth having that any man would deliberately incur the disgrace and shame and infamy of such a vote for any but a personal motive. It is not creditable to humanity, about which in various ways much has been said in the House of late, that men with characters to lose, with reputations to forfeit, will wade through filth so vile to Governorships, Judgeships, places in the Cabinet, places out of the Cabinet, profits, and so called honours. To sound the depth of the infamy of this vote, far as plummet will reach, it would be well to review all the notorious acts which preceded this change.

The Government of the Dominion made an arrangement with the Government of British Columbia, that as one of the conditions on which that that Province should join the Confederacy, the Dominion

should within ten years from the admission build a railroad from a point on some existing railroad within the Dominion to the Pacific.

The road must be at least 2,500 miles long, and its cost must be enormous. Last year the Government, as a means of fulfilling the arrangement, introduced a Bill authorizing the Governor in Council to make a contract for the construction of the road with any existing company or with any amalgamated companies, or failing to arrive at any agreement with them, to create themselves a new company for this purpose, and with the company so created to make such arrangement as they please. The company so formed were to get thirty million of dollars and fifty million of acres of land along the line of railroad, as subsidies to aid them in carrying out their contract. A servile majority passed this measure. The power thus conferred on the Government was enormous. The responsibility for its proper use was necessarily quite as great.

Two rival sets of "promoters", as they are technically called, sought to obtain the contract. The Hon. Mr. McPherson, a man of great wealth and high character, a life-long and much valued supporter of the Government, was the Chairman of one Company, and associated with him were several gentlemen also of unquestioned respectability. Sir Hugh Allan was the Chairman of the other Company, and indeed it may be said was himself the Company. The Government sought to induce the Companies to amalgamate. Mr. McPherson's Company refused, alleging that Sir Hugh Allan and his associates were bound to give the control of the work to Americans interested in a rival undertaking, and to this determination they adhered. The works are of enormous magnitude, the country is deeply interested in the mode in which it is to be constructed, and it was unquestionably the duty of the Government to do all they could to protect the interests of the Dominion, and to discharge that duty honestly and conscientiously.

The charge made by Hon. Mr. Huntington (Shefford) was the gravest and most serious perhaps ever made in any Parliament against any Minister. There have been instances in which governments have been accused of bribing their constituencies and of bribing members of the Legislature, but I do not believe that any Government was ever before charged in any Legislature with having sold a great charter—with having sold itself and the country for money, wherewith to purchase a new lease of power. It cannot be said that a charge so grave was made in a way to justify its being treated with "silent contempt", sometimes the favourite refuge of embarrassed politicians. Hon. Mr. Huntington, who made the charge, is a man of high position in the House and in the country.

He made the charge, as the public now know, with the greatest possible circumstantiality, and stated that he believed he could produce satisfactory evidence to sustain the charge, yet the majority refused to allow an enquiry to be made refused to allow him to produce his evidence. The motion was not necessarily a motion of want of confidence or a motion of censure. Were the Government innocent, they would have been delighted to have such an opportunity of resenting all calumnies and triumphantly vindicating their innocence afforded them; they would have courted, not

shunned, enquiry. Perhaps, if they had known previously the precise nature and scope of the charges to be made, the Ministers would have devised some means of escaping from the position which they and their supporters now occupy—a position no better than that occupied by a set of convicted criminals, crowded in a dock, but although notice was given five days before that a committee to enquire into all matters relating to the Pacific Railway charter would be asked for, they evidently had no idea that the charges so circumstantial would be made; and overwhelmed for the moment by the consciousness of guilt, and dreading revelations which they knew may be of the most fearful character, they by their silence pleaded guilty, and relied upon the votes of the men whose elections were purchased by means of that great bait, to defend them—not from conviction, indeed, for that was inevitable, but from condign punishment.

In the late House sat a man, professedly on the Government side who was convicted of forgery some years ago, yet thanks to the interference of his kind friends was never called up for judgment. This was all government could hope for, and they found friends willing to shield them from punishment, even while they tacitly admitted their guilt. Not one word did they say in reply to so grave a charge.”

Mr. RYMAL: Hear, hear.

Hon. Mr. McDONALD (Pictou) said the hon. gentleman cried hear, hear, but any man who would vote that this language was not a libel would have more hardihood even than politicians usually had.

He continued to read: “No man conscious of his innocence would have allowed such a charge to pass uncontradicted, but they dared not provoke discussion by venturing even on a bold debate. They had persuaded a majority to support them on a vote of want of confidence, without reference to the character of any motion to that effect which may be made, and now they called upon that majority to refuse the enquiry into the charges made and to say that though they dare not deny their guilt, they should still retain the power they had so shamefully, so disgracefully abused.

Of the majority, some I know are men who would resent any personal imputation on their honour to the death. They imagine that politically they may do with impunity and without stain that which, in private, would render them loathsome in the eyes of all honest men; but they may be assured that their vote of yesterday has consigned them to political infamy, and not to political infamy alone, and has so smirched their character and begrimed their reputation that not all the waters of the Atlantic or the Great Lakes could wash them clean nor any number of minor votes ever atone. It will be absurd, as well as useless, for any man who in this great case voted to refuse enquiry to hide the truth and to screen the guilty, ever hereafter to pretend to political honesty or independence. Probably they feel this themselves, and that the Government can rely upon the 107 in all emergencies, and whenever any particularly black, ugly, or dirty job must be done. To

those who ate the dirt forced upon them yesterday, filth less disgusting and vile may hereafter prove even agreeable, and if at any time any of those regret any of the dishes served up to them, it must not be supposed that they would not willingly swallow them all if their leaders insisted upon it.

The Nova Scotians were invited to meet Mr. Howe at his house some days ago, and nearly all of them then promised to support the Government, some of them influenced, it is said, by a desire to secure for that wretched old man the Lieutenant Governorship, which he wishes to purchase at the sacrifice of any shred of his old reputation that is yet left him. Others have other ends to serve, which are generally endorsed. Notwithstanding the promise they then gave, it might be supposed that some of them, in all events, would refuse to join in so disgraceful a vote, but only Messrs. Forbes, Church, and Pearson remembered what they owed to the country and their own good name.”

An analysis of the vote was then given, and the letter continued—“The eastern townships constituencies stand pretty much in the same rank as the Nova Scotians and Manitobans. It is said that several of those who voted with the Government yesterday now feel that unless something be done the country will thoroughly understand the nature and effect of their vote, and these say that the matter cannot be allowed to rest where it is—that something must be done to satisfy the country that the charges are unfounded. They may as well keep quiet, nothing now possibly can in the slightest degree alter the character of yesterday’s proceedings or of their share in them. No amount of whitewash can possibly conceal its hideous blackness. The plea of “Guilty” stands on the record and cannot be withdrawn. I have no doubt that a committee may now be had who, all professing to be eminently honourable men, would nevertheless bring in a report which, as far as a report could do so, would exonerate the Government; and I wonder that even in his moment of surprise Sir John, so ready and so fertile on expedients, did not prefer to pretend that he was eager to court enquiry, and contrive to get such a committee appointed. But even for this it is now “too late,” and any attempt to alter the character of the proceedings now must only increase the disgust and loathing with which all honest men in the Dominion and throughout the empire will regard them.”

In the same paper was another letter, dated 4th of April, in which was the following:—“Yesterday Hon. Sir John A. Macdonald gave notice that he will move for a Committee to be appointed by the Whole House, to enquire into the charges made by Hon. Mr. Huntington. This was received with loud cheers by the Opposition and several of the Government supporters, who, if it was not offensive, might probably be called *claqueurs*. What led to this extraordinary action? The plea of guilty on the record which is ineffaceable, indelible. Many of the men who, defying public opinion and the prompting of their own consciences, voted to refuse enquiry, felt, when time for reflection was given them, that public opinion would be grievously offended by such a refusal, and that something must be done if possible to neutralize the effect of such a refusal.

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Almost as soon as the House took recess for dinner on Wednesday, these men began to say that the matter could and must not be allowed to rest where it was. They tried to shut their eyes to the fact that what they had done, so far as it affects their own reputation, could not possibly be undone, and was irreparable. They had shown that at the bidding of a Minister, who, taken by surprise, could devise no means of escaping the confession of guilt which must have led to his conviction, and perhaps to a revelation more damning than even the charges made and uncontradicted, they were willing to wade through such a sea of mire, and join in refusing to enquire into a charge the most monstrous ever made against any Government in any Parliament; that they are now willing to follow Sir John again in any attempt he may make to escape from the dilemma in which he finds himself placed, will not be regarded by the country as exculpating or excusing them for their vote of Wednesday. If they could plead that they did not quite understand the nature of Hon. Mr. Huntington's motion when it was made, and that when they did understand it they too insisted upon enquiry, their pleas might be accepted by the good-natured public, but Hon. Mr. Huntington's motion was too plain, circumstantial, and intelligible to admit of any such plea as that. They knew what they were doing full well, and if any feeling of honour or honesty or patriotism revolted against doing the work they were called upon to do, they repressed and smothered that feeling.

Dearer to them than honour and honesty and reputation and patriotism was the safety of the Government, and all that the maintenance of that Government involved for them. Some say that Sir John, though he felt that he could not evade enquiry, was determined first to force his followers, including the newly purchased, to plunge into this depth of degradation that they, may thus be fully committed to him, so that having no shred of reputation, no particle of self-respect left, and despairing of ever recovering the position they once affected to hold, they may henceforth be his most obedient vassals. This some of the old Roman writers tell us, was the favourite policy of Satan when he was not quite sure of ultimately gaining complete possession of the souls he had purchased, unless he could create in them an all-absorbing feeling of despair.

I do not think, however, that Sir John had any such purpose in pleading guilty to the great charge made against him, and forcing his followers to vote refusal of enquiry. He was surprised, stupefied, afraid to venture on a discussion, afraid to make even a denial of the charge, lest a full revelation may be made, and the only course he could resolve upon was to maintain a silence and rely upon his supporters. The man who could call their votes for any promises he was able to make, would perhaps, he thought, not do so chary of their reputation as to fell him at such a crisis; perhaps he did not think at all, but, reduced to silence doggedly awaited the result of the vote. That the vote committed a majority absolutely to him satisfied him that he may go as far as he pleased—for no vote so disgraceful in every way could possibly be given again—and made him master of the situation in Parliament, is quite true.

The loafing class—the men who live luxuriously on the public, dining and wining sumptuously everyday at the public expense, and rendering in return only the service they render to their party—rejoiced heatedly and sincerely at the result. Callous, and insensible to shame, they saw in it only a renewal of their lease of the power to plunder. So much champagne, it is said, never was drank in any one day and night in Ottawa; but there are others who, feeling how much they had sacrificed, showed no sign of exultation or joy for their victory, and who, almost as soon as the vote was given began to hope that Sir John, so fertile in expedients, would find out some mode by which they might hope to escape the consequences of their vote.

Today some of the Government supporters pretended to rejoice in the course taken by Sir John, to regard his notice of motion as a signal proof of his great ability; they even talk of it as a challenge to Hon. Mr. Huntington, and bluster as if he were eager to vindicate his innocence—indeed, as if he were already fully vindicated—as if, having shown his supreme control of Parliament, his power to grant or refuse anything, he then graciously condescended to “grant”—that is the word—a Committee of Enquiry, before which he knows he can establish his innocence. Not many can be humbugged by such arrant nonsense as this period. The *claqueurs* will repeat, the newspaper hirelings will take up the cry, but the case, unfortunately for their masters, is too plain. No honest man would submit in silence to such an imputation for an instant. Only the consciousness of guilt could make a man dumb under such a charge.”

Then followed language which he was pained to see, and which should never have been written. “Only of one is it recorded that being accused of crimes he was innocent of, he opened not his mouth, but even he, when adjured to reply repudiated the accusations made against him. Even should Hon. Mr. Huntington now fail to establish his charge, the universal feeling, no matter what anyone may say would be that it was consciousness of guilt, and that alone, which kept Sir John silent when that charge was made. Hon. Mr. Huntington, I think from what I hear, is in a position to adduce evidence which will satisfy the public that his charges are well founded.” No man could be more pained at having to perform this duty than he was, but he felt if he allowed this matter to pass unnoticed he would be as bad as the man who wrote this letter. (*Ministerial cheers.*)

He referred to the case of O'Connell in 1836, in which the Speaker laid down the rule that the person complained of could make a statement and then the member who laid the complaint could submit a motion. He was prepared to make the motion now if the House desired. He did not know what the Canadian precedent was on the point.

Hon. Mr. MACKENZIE said he did not think there was any precedent in the Canadian Parliament on the subject.

Hon. Mr. DORION (Napierville): I do not think that the hon. member for Pictou has any precedent for the course he has now taken.

Hon. Mr. McDONALD (Pictou) said the case he had just cited was a precedent. The speech in that case appeared in the *Morning Chronicle*. The publisher was sent for, and having appeared at the bar, stated that Mr. O'Connell was the writer. The paper was laid upon the table, and the course he had just referred to was laid down by the Speaker.

Hon. Mr. DORION (Napierville): If the hon. gentleman will refer to precedents, there is always a motion made for the production of the papers.

Hon. Mr. McDONALD (Pictou): I move, seconded by Mr. Domville (King's, New Brunswick) that the matter contained in the papers laid upon the table be read to the House.

The SPEAKER: The question is on the motion that these papers be read.

Hon. Mr. DORION (Napierville): It must be read in French and English according to the rules of the House. (*Hear, hear, and cries of "Dispense."*)

The SPEAKER: Shall the motion pass? (*Cries of "Lost" and "Carried."*)

The SPEAKER: I am of opinion the nays have it.

Hon. Mr. DORION (Napierville): I insist that it be read in French and English. I have the right as a member of the House.

Hon. Sir JOHN A. MACDONALD: Hear, hear.

The SPEAKER ruled that it must be read in full, in French and English, on any member making the request.

The Clerk accordingly proceeded to read the articles referred to at 4.25 p.m. and the French assistant finished at 5.35 p.m.

After the reading of the papers was completed,

Hon. Mr. McDONALD (Pictou) rose and said: Mr. Speaker,—As the course indicated in the precedent I put in your hands has not been pursued, I will read the resolution I propose to offer to the House:—I move, seconded by Mr. Domville, "That the paper published in the newspaper called the *Morning Freeman*, of date the 12th of April, 1873, under the head of editorial correspondence, and read by the Clerk of the House at the table, is a scandalous, false, and malicious libel upon the integrity of the House and certain members thereof; and that the said publication is a high contempt of the privileges and constitutional authority of this House." (*Ministerial cheers.*)

Hon. Mr. DORION (Napierville) said the hon. member for Pictou had quoted as a precedent to justify himself in his present proceeding, the manner in which he (Hon. Mr. Dorion) had recently brought a matter of privilege before the House. Now, if the hon. gentleman had listened to what was said on that occasion, he could not have failed to see that the case was really no precedent at all.

What was that case? It was based upon the question of the propriety of any officer of this House being proprietor and editor of a journal, it was true, yet, nevertheless, a servant of this House, writing articles which reflected upon the personal character of members of this House, and charging them with having violated the pledges given by them on the hustings at the recent elections.

That charge was not that libels had been written, but that they had been made by an officer of the House, and by one with whom the officers of the House were in constant communications; by an officer with whom they were liable at any moment, when asking him to perform the duties they required of him in the reading-room, and everywhere about the precincts of the House, they were libel to come into personal contact; an officer of the House who took upon myself to call member to the House by name as traitors of the worst description. Such was the case out of which the hon. gentleman tried to manufacture a precedent for his present conduct, the character of which he thought it his duty to bring under the attention of this House.

The hon. gentleman would note that he could not find in the whole course of his previous career in Parliament for 18 years, or in that of any other member of this House, a precedent for his conduct. Sometimes, it was true, newspapers did write rather strongly upon some subjects, but what was the article in question?

He supposed it would be admitted by members of the House that any member was not debarred from writing to newspapers, and by so doing he was no more liable to be called in question for his writings at this tribunal than if he were outside this House. A writer in the newspapers was no more reprehensible for having written any particular articles because he belonged to the House than one who did not belong to it. If the hon. gentleman would look into other newspapers and the articles they had published since the beginning of this session, he would find that articles had been written by those on his own side in more strong and opprobrious language than this one. (*Cries of no, and yes, yes.*)

He would repeat it in stronger and more offensive terms than this. (*Cries of name, name.*) Hon. gentlemen cried name, name. He could soon name. Where were the articles of the Ministerial papers against the hon. member for Quebec Centre (Hon. Mr. Cauchon)? (*Opposition cheers.*) But that was not the only one, and stronger language could not be found in more cases than one. (*Government cheers and interruption.*) He (Hon. Mr. Dorion) was accustomed to those cheers. Sometimes he had heard in theatres clappers need for the purpose of applauding when desired. (*Order, order.*) He was quite in order. Those who cheered from the Opposition benches this time did not cheer at the proper time. They manifested their

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approval of the speech of the hon. gentleman opposite when he made his grandiloquent statement, but while the passages were read upon which he founded his charge, they did not think any manifestation necessary, even though one would have thought it most required.

The hon. gentleman referred to the case of O'Connell. He would remember that that gentleman had charged eleven members of the Election Committee with having perjured themselves. It might be well to note how that case was proceeded with. Mr. O'Connell was simply reprimanded by the Speaker, and immediately afterwards he rose and reiterated the very charges for which he had been reprimanded, and moved for a committee to enquire into the correctness of his statement, and the House did not dare to proceed on that motion. Why did hon. gentleman opposite, when the hon. member for Shefford (Hon. Mr. Huntington) brought grave charges against the Administration—charges as grave as could well be preferred against any body of men—why did not hon. gentlemen take the same course in that matter as in this? Why, those charges were actually that the members of the government had sold the largest interest to the country, and bribed the people of this country at the late election; why did they let that charge rest as it was; why did they not bring him also before the bar of the House to answer for having committed a libel on its members?

Hon. Mr. McDONALD (Pictou): We voted that it was a libel.

Hon. Mr. DORION (Napierville): Yes, one day you voted that it was a libel, and the next day you voted that it was not. (*Great cheers from Opposition.*) He referred to the case of Sir F. Burnet, of England, in 1810, who had written a libellous letter to his constituency, and pointed out that over it three lives were lost from the streets of London. If hon. gentleman took exception to the mention of the hope of reward, he could only say that appointments to Governorships had been held dangling before the eyes of certain gents; and at dinners and parties conspicuous for the champagne consumed at them, certain gentleman were highly lauded, and spoken of by members of the Government as suitable for filling Governorships. This was no mere rumour, but a matter of fact. Surely that could not be a crime, and he warned the hon. gentleman that the proceeding which he proposed, if adopted, would lead into inextricable difficulties.

The hon. gentleman then again referred to the case of O'Connell, and showed that the opinion was that that vote would not be echoed by the country. He thought the same might be said in this instance. He maintained that if the course suggested by the hon. gentleman opposite were followed, they would get themselves into difficulties unprecedented. The best thing for the hon. gentleman to do was to withdraw his motion. Let the matter rest where it was. The writer of the articles referred to had not written anything so strong as had appeared in papers published in the city from which the hon. gentleman hailed. He had written nothing nearly as strong as had by the Nova Scotia papers.

Hon. Mr. McDONALD (Pictou) admitted that very strong articles had been written in the Nova Scotia papers.

Hon. Mr. DORION (Napierville) said that the *Morning Chronicle*, the leading paper in Halifax.

Hon. Mr. McDONALD (Pictou): It is published in Halifax, but unfortunately derives its inspiration from elsewhere.

Hon. Mr. DORION (Napierville) continuing, said the *Morning Chronicle* reflected the opinion of the Government of that Province, and in that paper the majority of the Nova Scotia members were called sneaking time-servers, and that they brought disgrace upon the country by their cold blooded meanness and cowardice. After reading several paragraphs from that paper, he said he only read them to show that if the hon. gentleman had wished to make an example, he could have gone nearer home and have instanced papers published in the Province from which he hailed. If he had wanted to make an example, it was there, and he could have done it and shown the people of Nova Scotia, who read the articles, the slanderous libels published there.

The hon. gentleman had made an attack on the Opposition (*hear, hear*) it was not the dignity of the House he wanted to preserve, he wanted to have a fling at the members on that side of the House. That was the light in which this attack would be regarded outside these walls, and in that light they would take those attempts to exercise the privileges which had fallen into disuse in this nineteenth century. Nothing more was required to keep in check a licentious press but an enlightened public opinion. Interference with the liberty of the press would be looked upon outside these walls as an unjustifiable attempt to renovate or put into operation obsolete privileges which are not acted upon in this age. He had shown that many years ago Sir John Russell and other members of the Imperial House of Commons considered that that case was one which ought not to have been considered by the House.

It being six o'clock, the House rose for recess.

AFTER RECESS

Hon. Mr. DORION (Napierville) resumed his speech. He said such proceedings never failed to lower the standing and tone of the House. He instanced the case of Wilkes and the three cases in Lower Canada, in which cases the members dealt with were returned by their constituents. The public did not accept the judgment of the opponents in the House. The freedom of the press was worth something, and it was not wise for those who felt themselves aggrieved to deal harshly with those who write upon the press. There was no accusation against any individual member; and in the proceedings of the English Parliament lately, when a certain article was brought before the House as reflecting upon all the Irish members, the House would not entertain it for a moment. He advised the hon. gentleman to withdraw his motion, because it

would not add much to the dignity of the House, but would deteriorate from it. (*Cheers.*)

Mr. ROSS (Middlesex West) drew attention to an extract from the *Leader*, published by the member for Toronto East. They were in that paper described as political mountebanks, annexationists and independents, and Huntington's motion was characterized as false. The Reform Party meant spoliation and annexation, and the destruction of the future greatness of Canada. Who had burnt the Parliament House of Montreal, deluged the streets of Brockville, and done other similar patriotic deeds. (*Opposition cheers.*) The leaders of the Opposition were attacked in as many words as having offered gain or the promise of gain to defeat the patriotic Government of Hon. Sir John A. Macdonald. Forsooth hon. gentlemen opposite had better beware before curtailing the freedom of the press, whose privileges were as great, if not greater, than the privilege of sitting in the House.

If he had the choice of both privileges, he would certainly choose the liberty and privilege of the press and vacate his seat. The hon. gentleman would require to remember that there was a Court higher than the tribunal of this House, and that was the opinion of the people. He did not think that it was a good case that the hon. members would require to have recourse to arbitrary judgment of interested parties as they were themselves. He could assure the hon. gentleman who was said to be the author of the article, that in case he were prosecuted for the free statement of his political opinion, he would have the sympathy of the people of the Province of Ontario, and especially those of the people of that portion of it which he represented. (*Cheers.*)

Mr. GLASS while highly esteeming the dignity of the press, thought that dignity was not maintained when the press was used to demoralize that dignity. The House had to look particularly to the statements made in the article complained of as highly slanderous of a part of the House, and he argued that a Parliament had never given up its right to judge of the conduct of its members. He called attention particularly to a sentence in which the Government members were likened to convicted felons in the dock, which he maintained to be most grossly libellous, and such as ought to be dealt with by the House. Either the members must have the charge removed, or they stood as slandered men. He had waited for explanations from the member for Gloucester (Hon. Mr. Anglin) but when he declined to speak what could the House do? Were members to be allowed to write of their fellow members in a way that was calculated to destroy confidence in them while at the same time the rules of the House provided that no member should speak disrespectfully of another?

It had been urged that members expelled had almost invariably been re-elected, but he maintained that that should not influence the action of the House. No instance could be shown in which the House had waived its right to judge of the conduct of its own members, and also of those outside the House, and if the language used was a contempt of the House it ought to be dealt with by the

House. He quoted from May as to the action taken in England in the O'Connell case and the reprimand administered.

Mr. RYMAL: Did O'Connell outlive that reprimand? (*Laughter.*)

Mr. GLASS said that no doubt such a reprimand would have very little effect on the member for Wentworth. He might be able to bear many reprimands. Continuing to quote from the article complained of, he argued the House should not allow it to pass. Speaking particularly as to the expressions used of Mr. Howe, he referred to the high reputation built up by that gentleman which would live as long as the Dominion lasted. He also referred to the action in the case of Mr. Tassé, when the motion of gentlemen opposite was not opposed. He thought the matter ought to be settled, in justice to the accuser as well as the accused, and if the statements made were not maintained by the gentleman who had written them they ought to be condemned.

Mr. BLAIN on rising, was interrupted by Mr. Speaker, who said the correct practice in such cases was to give the hon. gentleman against whom the motion was made an opportunity of making an explanation. (*Hear, hear.*) That statement might completely change the aspect of the whole case. Should the hon. gentleman think proper to make a statement, then the proper course for him to pursue would be to retire when the debate became general.

Hon. Mr. McDONALD (Pictou) said that was the course he had suggested before he made the motion, but, as the hon. gentleman did not offer his explanation, the motion was put.

Hon. Mr. DORION (Napierville) said the practice adopted in England, was that the Speaker was called upon to put the question before any motion was made. He had not done so, and it was then too late to ask the hon. gentleman to make an explanation.

Hon. Mr. CAMERON (Cardwell) said the hon. member for Pictou (Hon. Mr. McDonald) had adopted the proper course, and had distinctly asked if any statement was to be made. That was the proper time to make his statement if he intended to.

The SPEAKER concurred in the view that the hon. member for Pictou (Hon. Mr. McDonald) has followed the proper course. He referred to the O'Connell case in order to show that the hon. member for Napierville (Hon. Mr. Dorion) was slightly in error in saying that a call from the chair was necessary.

Hon. Mr. DORION (Napierville) still thought the Speaker would find that it was the practice for the Speaker to put the question.

Mr. BLAIN said that no hon. gentleman had been named in the article, and, therefore, it was not necessary for any gentleman to defend himself. He maintained that the motion ought to be ruled out of order. No person was charged, and therefore it ought not to be taken into consideration. He asked why the mover of the resolution

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did not say the writer of that article was an hon. member of the House, and that since he was in the House, they had power to deal with the subject. He felt that the article was not libellous, and an action for libel could not be sustained upon the facts.

Hon. Sir JOHN A. MACDONALD was quite certain that the person who wrote the articles could be indicted and convicted for libel upon those articles.

Mr. BLAIN said he was still of a different opinion. (He continued but the House almost refused to hear him, there being so much noise that he could scarcely be heard.) He thought that a distinction could not be drawn between the members of the House and a single member; and he maintained that it was not within the power of the House to call upon the hon. gentleman even if he had associated his name with the article. There might be a defect in the law as it stood, but that should be removed. If the hon. gentleman had risen in his place and used exactly the same words as were used in the article which had been read, it would have been moved, in consequence of gross accusations having been made against the members of the House, a Committee should be struck to inquire into the statement.

The right course for the hon. gentlemen to pursue is to move for a Committee to inquire into this matter; and if it were found the statement is true, he could then move that some action should be taken upon it. The motion, however, should not have come before the House in this irregular manner. The hon. gentleman was not bound to get up in his place and say he had written the article; and, while it remained unproved that he had written the article, the House was not in a position to take action in the matter. The mere statement that he was the writer was no proof that he was the writer, and the proper course to be taken was to appoint a Committee to consider the charge. The motion was then read by the Speaker.

Mr. YOUNG (Waterloo South) said the article which was under consideration varied very little from the articles to be found in most of the daily newspapers throughout the Dominion. This motion looked very much like an attempt to put a check to free expression of opinion in the press. He proceeded to point out that if the motion was adopted every newspaper editor might be brought up on a similar charge. He showed that he, as an individual member, had had corrupt motives imputed to him, for the purpose of coercing him in the discharge of his duty in the House. He referred to an article in the *Ottawa Citizen* as to his action last year in connection with the printing contract of the proprietor of that paper when he was charged with corrupt motives in the course he had taken.

He, however, did not, like the member for Pictou (Hon. Mr. McDonald) have the latter before the House and make a mountain out of a mole hill. He knew the quarter from which it came, and treated it with silent contempt. He thought it would have been more creditable to the hon. member for Pictou if he had not shown himself so thin-skinned. He went on to show that other

papers had made statements equally as strong, and was proceeding to read them, when he was interrupted by—

The SPEAKER, who called him to order. The newspaper quotations had no bearing upon the question before the House.

Hon. Mr. MACKENZIE: You must allow that is a matter of opinion. I think they are relevant, and so does the hon. member for Waterloo South (Mr. Young).

The SPEAKER: That is my decision.

Mr. YOUNG (Waterloo South) accepted the decision, and said he understood the letter he was reading from the *Halifax Express* was written by one who was engaged in some capacity in that House.

Hon. Mr. TUPPER explained that the person referred to was engaged as one of the Sessional Clerks upon his recommendation but attention being drawn to the character of the correspondence sent by that official to the paper he represented, he asked him to send in his resignation to the Speaker. He had now no connection with the House.

Mr. YOUNG (Waterloo South) said the hon. gentleman might rest assured that if this motion was adopted it would be used as a precedent for the purpose of treating other editors in a similar way. He could not recollect any analogous case to this since the time of William Lyon Mackenzie. The present time was one in which strong stands might be expected. They had just returned from an election, in which it was admitted large sums had been spent, and with such strong facts before them the people would speak. He said the country would regard the motion as an attempt to stifle the free expression of opinion by the press as to Parliamentary proceedings.

Mr. DALY referred to the quotation made from newspapers by the member for Waterloo (Mr. Young) as most unbecoming, and it could only be explained on the ground that that gentleman knew no better. (*Hear, hear.*) He, however, cared nothing for what newspaper writers might say about him. He was only accountable to his constituents, but he could say that in no paper in the West had such scurrilous articles appeared as in that supposed to be inspired by the member for Waterloo. He argued that it was a very different thing for a member of the House to write the filth in question and an ordinary writer for the press.

The article was scurrilous, low, and beneath the dignity of any member of the House, and if the member for Gloucester (Hon. Mr. Anglin) chose to remain in the House and call himself a gentleman he should only treat him with silent contempt, and he did not think he deserved the notice that was being bestowed on him and his paper.

Hon. Mr. TUPPER was astonished at the tone of hon. gentlemen opposite. He thought this was a case upon which they ought to agree, in order to maintain the dignity of the House and its character throughout the world. When any member of the House so far forgot what was due to himself, his constituents, and his country

as to degrade the dignity of the Parliament, gentlemen ought to deal with it independent of party feeling. This was what had given the English Parliament such a high character in standing, the wish to have a seat in the Commons of his country being the highest dream of the greatest mind of that country. There was not an instance equal to this on record.

Mr. MILLS held that the hon. gentleman was out of order. He was not confining himself to the matter contained in the motion, as the charge was made against the hon. member for Gloucester in that motion.

Hon. Mr. TUPPER then would speak to the question of order. He maintained that the member for Pictou had made a distinct charge, and had allowed the member for Gloucester an opportunity to reply, but that gentleman preserved a discreet silence. He referred to the case of Mr. Plimsoll, in a case recently before the British Parliament, who was charged with having made certain statements in a book reflecting upon members of the House. This was a case in point.

The SPEAKER ruled that the whole question for the discussion of the House was that the hon. member for Pictou had charged the hon. member for Gloucester with being the author of certain statements. The question was now an open one, and could be proceeded with by anyone.

Hon. Mr. DORION (Napierville) raised another point of order. According to the precedent afforded by the case of Sir François Burnet, in 1840, where the hon. gentleman had replied before the charge was made in the form of a motion, and it then was spoken, no motion had been charging the hon. member for Gloucester.

Hon. Sir JOHN A. MACDONALD referred to the case of Plimsoll, in which the motion was made by a hon. member making a charge before he sat down. It was an exact precedent for the present case. On this occasion Mr. Plimsoll apologized for what he had written.

The SPEAKER said he had laid down the proper course at the beginning, according to the precedent afforded by the British Parliament in 1838, which was later than the case quoted by the hon. member for Hochelaga (Mr. Beaubien).

Hon. Mr. TUPPER then resumed, referring to a previous occasion when he had termed a vote of the House unpatriotic, and had at once been called to order by the member for Châteauguay (Hon. Mr. Holton) and he called on that gentleman to read the article in question, and say whether it was possible to pronounce a fouler or more malicious libel than that article contained. The article charged a majority of the House with being ready to barter honour and integrity for a consideration, and he would ask any member to say whether a more foul and infamous libel could be pronounced. (*Loud cheers.*)

When he spoke on a question of this kind, he forgot on which side of the House he sat, for the whole honour of the House was

affected. The member for Napierville (Hon. Mr. Dorion) had maintained that a member of the House was no more responsible in such matters than any newspaper editor in the country, and had claimed that the Halifax *Chronicle* had the confidence of the people of Nova Scotia, and he would read him one line to show the character of that paper.

Hon. Mr. MACKENZIE raised to the point of order that newspapers were not to be read.

The SPEAKER said that if the newspaper article bore on the subject before the House it could be quoted.

Hon. Mr. TUPPER said he was replying to a distinct statement of the member for Napierville, but he would not read what he was about to read if it was out of order. No better evidence could be adduced of the force of his witness than the unwillingness of gentleman opposite to allow him to proceed.

He then proceeded to refer to the members for Nova Scotia as the most independent body possible, but urged that the libel affected the whole parliament equally without reference to Party, and it was a blow that deserved to be resented and repelled by every member in the House. In all such cases in England, both sides had been equally ready to resent the injury. Referring to the utterances of the member for Waterloo South (Mr. Young), they were utterly unworthy of him, for though Parliament had, no doubt, the power to bring any newspaper editor to the bar, he should be sorry to see such a course followed. This case was far different. Here there was a man bound by his honour, by his oath of office, and by every tie possible to maintain the dignity of Parliament, using such language as would, if true, warrant the people of the country in ignominiously expelling every member from the House, and yet hon. gentlemen opposite maintained that this foul and dastardly attempt to degrade the character of the House should not be dealt with.

He maintained that the present Parliament was in a position to compare favourably with that which preceded it, and he asked gentlemen on both sides to take a course which would show that nothing should prevent them from vindicating the character of the House.

Reading from the article, he would ask gentlemen opposite whether the statement should go forth to the world that a majority of the House occupied the position of convicted felons in the dock. Such language placed a man outside the pale of gentlemanly intercourse, and he asked gentlemen opposite to say whether a man who used such language could expect to receive anything but the loathing and contempt with which he had tried to invest the Parliament of his country. Such a man deserved no pretension to consideration, and he had generally found that these charges brought against others usually emanated from the corrupt dark recess of his own heart. The upholding of the honour and integrity of the Parliament must be done not only with regard to the present, but to the future also. He sat down amid loud cheers.

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Hon. Mr. HUNTINGTON having been in some measure the cause of this discussion, had withheld from speaking on the question; but he might tell the hon. Minister, who had evidently pointed his remarks at him, that he was in no way afraid of his declamatory oratory, or the fist which he brought down with such vehemence. Hon. gentlemen were very much exercised over the charge that had been made, but he reminded them that there was a difference between the charges made in a newspaper and those made by an hon. member in his place, as he had himself done, which the hon. gentleman had not then denied and had not yet denied. (*Opposition cheers.*) The hon. Minister of Customs had made a charge against somebody which he could not help thinking was pointed at him (Hon. Mr. Huntington)—that they were black-hearted and corrupt. He did not care to review the history of the hon. Minister of Finance (Hon. Mr. Tilley) which was probably not the most creditable imaginable—he would not refer to such parts of that hon. gentleman's speech as the MacNab scandal; the less said of that the better. He was sorry the hon. member for Pictou (Hon. Mr. McDonald) had risen in his place and went across the floor of the House to him (Hon. Mr. Huntington) the charge he had made, and offer another Committee to investigate the question. He was sorry to see the partisanship displayed by that hon. gentleman. He was quite as sorry for the grossness of the attack made upon himself, which, but for fear of the ruling of Mr. Speaker, would have been more specific.

Hon. Mr. TUPPER said he had not the slightest reference to the hon. member when he made his observations.

Hon. Mr. HUNTINGTON was glad to accept the explanation. He was one who had never had any favour from the press, and had none to expect, and he did not think that one expression was calculated to bring down the dignity of this House. He did not believe there was any licentiousness on the part of any particular side. The press on the Opposition side of the House had little pecuniary advantage from taking any part with the Opposition. He only read three papers in this city, and he found that they all agreed in lauding the hon. gentleman who had just spoken. He did not know what connections these papers had with the Government, but he thought a Committee of Enquiry might establish that there was some reason for the blandishment they heaped upon the Adonis of the House. (*Laughter.*) He had himself arrived at the dignity of being abused by these papers—perhaps not abused, but called anything but a gentleman or an honest man. While the press on both sides was assuming an improper license nothing could check it but public opinion.

Hon. Mr. TUPPER said he had not had the slightest reference to the hon. gentleman, and should not have thought of him but for his very extraordinary speech.

Hon. Mr. HUNTINGTON said he was glad to find that the remarks as to bad men and corrupt hearts were not applied to him. The press, when fairly and honourably conducted, was a blessing to the country, (*cheers*) and no one had more respect for such a press than he had, and he believed the press of Canada was a credit to the

country. Still there was in it a licentiousness which should be abated. The Opposition press had no great pecuniary inducement for the course it might take, but how was it for instance that the Ottawa newspapers all supported the member for Cumberland and his colleagues. A committee of investigation might show that Government paid so much a piece for the extravagant eulogies published of them by those papers while the press on both sides was assuming an improper license nothing could check it but public opinion.

Hon. Mr. McDONALD (Pictou) said that while he was anxious to stand well in the estimation of the House there was a tribunal which he considered infinitely higher, and that was his own self-respect, and he would have considered he had forfeited that self-respect if he had not taken the course he had done. The member for Shefford (Hon. Mr. Huntington) had charged him with having taken an unworthy course in view of his being a member of an important committee appointed by the House. There was no one who recognized the distinguished honour of that appointment more than he did, and he trusted he would be able so to discharge his duty as at least to please his own understanding, and to show to the country that he had acted to the best of his ability.

The hon. member for Shefford was the last who could sneer at him. What had been his course? He took the responsibility of charging crimes upon the Government which, if true, would consign them to eternal oblivion in the country, and yet he did not adduce the slightest proof of what he charged, and this being the case, the country would sustain him (Hon. Mr. McDonald), and those who had agreed with him in choosing to support a Government which had the confidence of the country, until some proof were adduced on the charge made. It would also be remembered that the want of words with which the member for Shefford made his charge was hardly known, when the paper of his own Party taunted him with incapacity in the discharge of the duty which had been placed in his hands.

As to the question before the House he thought the arguments had departed from the real issue, which was whether the publication of the article in question was a libel or not, and after the resolution passed, as he believed it would, it would then be his duty to take such measures as he might think wise to fasten the responsibility of the publication on the party to whom it belonged; but a square vote would have to be given as to whether the article was a libel or not. On it the dignity of the House should be sustained. He cared not what course the House might pursue with reference to the person who should be found guilty, as he had been actuated by no personal feelings in the course he had taken.

Mr. MILLS rose to move an amendment. He pointed out that Lord Macaulay had used very strong language against Parliament. He argued that the acceptance of the motion submitted would be to exonerate the Government beforehand of the Pacific Railway charge, upon which the article in question was based. He moved, seconded by Mr. Charlton (Norfolk North) that all the words in the original motion be expunged after "that", and that the following be

substituted, "That while this House will always be disposed to assert and vindicate its privileges on all suitable occasions, it does not deem it advisable to interfere with the freedom of the press in its general comments and criticisms on proceedings of this House." (*Cheers.*)

Mr. CUNNINGHAM said he thought the wise course for the House would be to swallow the dirty composition as a certain actor once did, and not let the country think that they were resting their reputation upon the utterances of a newspaper away down in New Brunswick. He would vote against the motion simply because he thought it too vile to be taken any notice of, too villainous to be worthy of the notice of the House.

Mr. THOMSON (Welland) said had it not been for the remarks of the Minister of Customs he would not have spoken on this question. The reputation of this House was quite well established, not to be hurt by newspaper articles. He could not help thinking, after hearing the elaborate speeches of the hon. gentleman opposite, that there was some other purpose in view than of vindicating the dignity of the House. He had risen to justify the vote he was about to give.

Mr. THOMPSON (Cariboo) referring to the remarks of the member for Waterloo South (Mr. Young), would just say that he had taken no notice of the observations which had appeared in a Halifax newspaper against himself, as they were quite beneath his notice. There was, however, no analogy between the case of a few days ago and that of today. Then a newspaper writer had written affecting the character of two members, but here a man well known to be a member had characterized a majority of his colleagues as the beast of mankind, and there could be no better opportunity for the House to vindicate its honour.

Mr. BERGIN said he understood that there were other motives than the upholding of the dignity of Parliament. The hon. member for Gloucester (Hon. Mr. Anglin) was the leader of the Irish Catholic party in his Province. He had been giving and was still giving the Government considerable trouble about the New Brunswick school question. He had advocated very ably and with great perseverance the interests of his co-religionists in that Province, in that capacity had given some inconvenience to the Government thereby and he thought his co-religionists in this House should see that in the discharge of these duties, he should receive a generous support. He maintained that the article was in no wise libellous; and if the gentlemen on the floor of the House who were connected with the press were not allowed to criticize the conduct of the Government and Parliament, the people of this country would know what was the reason. (*Hear, hear.*) He would oppose the motion, as he believed it would utterly fail in the object in view.

Hon. Sir JOHN A. MACDONALD here called him to order, no member having a right to impute motives to others.

Mr. BERGIN then resumed deprecating the whole discussion as being calculated to give wide publicity to what otherwise would have been very little known.

Mr. COSTIGAN thought it most unfortunate that the last speaker should have made any mention of the New Brunswick School Law for there were many members affected by the article fully as sincere on that question as the member for Gloucester (Hon. Mr. Anglin) himself. He thought that the present article being known to have been written by a prominent member of the House, and going to the country with his initials attached, was very different from ordinary newspaper articles.

If the member for Gloucester had run over in his mind the names of the 107 members included in his article, he must from his own personal knowledge have known that there were in the number many gentlemen utterly free from any such charge, and he believed if he were asked the question now, he would not repeat the words he had used; and for their long continued political connection he (Mr. Costigan) could appeal to the member for Gloucester to say whether he had given any vote which would lay him open to the charge made. He also referred to the member for Westmorland (Hon. Mr. Smith) whose honesty and independence was so well known in his own Province as having the fullest confidence of those who knew him. Referring to the article, he maintained it to be utterly unfounded and untrue.

Mr. MACKAY said that the language in that paper was in his opinion unbecoming a member of that House, and a member ought not to make remarks in the columns of a newspaper which he would not say on the floor of the House. The question for the House to decide was simply whether the conduct of the hon. gentleman who wrote the article should be looked upon as requiring the condemnation of the House. He felt that the conduct of writers of articles should be condemned, and he was in favour of the motion for which he intended to vote.

Mr. SCATCHERD did not see why the discussion of this question should be hurried, as there did not appear to be much business before the House, and this might as well be discussed for three or four days as any other. The Maritime Provinces seemed to have more weight than either Ontario or Quebec, and the motion was only brought in personal opposition to the member for Gloucester. In a private action the article might be libellous, but it was not so in a Parliamentary sense, nor would the country regard it as such. It was simply that the member for Cumberland was forcing the motion through the House, because the member for Gloucester was in opposition.

Mr. FORBES referred to the independent position he occupied in the House, and said that in bringing up this question an uncomfortable feeling had been stirred up. He did hope the motion would have been called to pass a verdict upon it. It had been stated that the motion was made in an aggressive spirit. He

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did not for one moment believe it was done in that spirit, he believed it was done in the spirit of justice. He stood outside the 107 members who were attacked, but he could not help feeling that his friends and colleagues, who were as independent in position, had been assailed most wantonly.

He maintained that those independent members had a perfect right to support the Government or to oppose the Government, and he was sorry to see a gentleman who had occupied a creditable position in the Government and who was about to leave the scene of his labours to take a Governorship in his native Province, where he would be warmly welcomed, referred to as a miserable old man. He regretted that this reference should have been made.

He did not know that the hon. gentleman had written the article but at the same time his initials were attached to it, and whether he would insert anything in his own paper with his own initials which was not written by him, he left for himself to answer. He would only say in conclusion that he sincerely regretted that these questions should have arisen.

Mr. WILKES deeply regretted the action that had been taken, and thought the language had been construed in a too liberal sense. He described how much Irishmen were misunderstood, and explained the manner in which he created a chance of corruption brought against him by a countryman in his paper. He did not think newspaper criticisms should be accepted in their literal sense, and he hoped the hon. gentleman would not regard this case from the extreme stand point it had been regarded that night. Of course there were things in the article which neither he nor anyone would pretend to justify for a moment.

He thought the hon. gentleman who had moved the motion would do himself credit if he withdrew it. It had served the purpose for which the action was taken, and he thought the proper course, after so much time had been consumed in its consideration, was to adopt the course with regard to the motion he had suggested.

Hon. Mr. GIBBS (Ontario South) did not think they would do justice to themselves if they allowed the course suggested by the hon. member for Toronto Centre (Mr. Wilkes) to be pursued. Had it been an accusation against himself he would have been inclined to treat it with silent contempt, but where 107 members of the House were included in the charge he was of opinion that a vote should be taken upon the subject. He thought the articles were unworthy of the position the hon. gentleman (Hon. Mr. Anglin) held. The least the House could expect was that he should rise in his seat and express his regret, but without that the matter could not rest in its present position. (*Cheers.*)

Hon. Mr. MACKENZIE said they were all liable, both in course of debate and in writing, to express themselves much more strongly than was necessary to indicate the views they held, and he was sure no one could plead guilty of using stronger and more offensive language than the hon. Minister of Customs (Hon. Mr. Tupper). With regard to newspaper warfare he himself had the

honour to edit a newspaper once, and he might say that his newspaper was characterized by that moderation which was peculiar to himself. (*Laughter.*) Notwithstanding the moderation he sustained a very heavy libel suit; and he had known many instances of that kind in which people has pushed foolishly into libel suits both in Parliament and out of it. He had had grievous statements made concerning himself in a newspaper lately, but he trusted to his public character to sustain him.

The whole evening had been taken up by a disputation, in the cause of which he had heard most aggressive and violent speeches. The whole tone of the speeches delivered by the hon. gentlemen opposite displayed an exceedingly partisan and aggressive spirit. They ought to bear in mind that in passing this motion they were undertaking to be censors of the press, and they would vote that the language was libellous and a violation of the privileges of the House. It was deciding to point out where fair criticism ended and where licentiousness commenced. He might have an opinion as to the precise length he might be disposed to go, while others who had never had anything to do with newspaper writing, and who had not perhaps been much in public life, would draw the line more strictly. The line must be drawn somewhere, and would gentlemen undertake to show the precise point at which to draw that line, and to decide when an article was deserving of censure and when a fair criticism upon public men?

With regard to the recent case, the case of O'Connell had been referred to, and his hon. friend from Napierville (Hon. Mr. Dorion) had pointed out the opinion of Lord John Russell with regard to that case. A case had occurred within the last fortnight in England. Mr. Munster, in the Imperial House of Commons, drew attention to an article in the *Pall Mall Gazette*, in which certain Ultramontane members were called venal. This was the strongest language used. Mr. Disraeli rose immediately afterwards and remarked that before taking further steps there ought to be some more specific information as to the individuals who had been libelled. For himself, he said, he did not know who the Ultramontane members were, but if somebody stated who they were, then they would be able to give the matter consideration. The Attorney General, Mr. Gladstone, Mr. Bernal Osborne, and other members, were of opinion that the motion should be withdrawn, and Mr. Munster eventually withdrew it.

The terms of the amendment of the member for Bothwell (Mr. Mills) no one could object to, as it afforded a means of indicating the privileges of the House, and at the same time enabled gentleman to vote for it without sanctioning the article. He afterwards pointed out the absurdity of the language used by the Minister of Customs, and maintained that if the articles were wrong they would prove themselves so in the end, and the wholesome influence of public opinion would remedy an aggressive and licentious press. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD said he could understand how some hon. members were actuated in some degree in endeavouring to protect a friend and follower. There was one thing,

and only one thing, which gratified him in the course of this debate; and it was that not one single gentleman on either side of the House had ventured to offer any justification or excuse for the language used in the article published and read at the table. (*Hear, hear.*)

Not one of those gentlemen who acted in concert with the hon. gentlemen opposite, but in the whole tenor of their speeches censured him in the most unquestionable language, but they had entered into an idle discussion upon the liberty of the press and the importance of the House standing upon its own dignity and disregarding attacks of this kind. They had not hesitated for the purpose of protecting the hon. gentlemen to represent that his statements were of no consequence; that although he had reviled and libelled and scandalized 107 members of this House, this was the only excuse or defence they had to offer for him. This was not, as was represented, a mere question of the freedom of the press.

The press must be held responsible for its utterances, and when its power was used improperly it should be visited with just censure and punishment; but in this case it was an insult offered to this House by a member sitting in the Chamber of Parliament—a reflection upon, not the mere majority, but upon the character of the whole House by a member of the most important of the two Houses of Parliament. Were the members of this House to submit to crouch to the violence and not show their indignation? In the House of Commons in England the expression of opinion on this question would be unanimous.

The hon. member for Lambton had quoted the case of Mr. Plimsoll, but there was a great difference between the cases. He proceeded to show that Mr. Plimsoll had apologized and retracted his article, but they had not heard a word of apology or explanation from the hon. gentleman concerned in this case. The hon. member for Napierville (Hon. Mr. Dorion) by his conduct had shown that he was apparently authorized to say that the hon. gentleman was the author of the article in question, and the hon. member did not deny it.

The House must show that they would not allow any member to forget what was due to the House, to the representatives of the people, and to the people themselves. No insult could be conceived more vile than the present, and if it were not resented, the House could never again attempt to vindicate its honour. (*Loud cheers.*)

Hon. Mr. DORION (Napierville) said the Minister of Justice, feeling the weakness of his case, had had to resort to misrepresentation of what he (Hon. Mr. Dorion) had said. He had never said anything which could be construed as admitting that the member for Gloucester had written the article. He urged that the expression, “convicted felons,” applied not to the 107 members, but to the Ministers only.

Hon. Sir JOHN A. MACDONALD read the words of the article showing this not to be the case. (*Loud cheers.*)

Hon. Mr. DORION (Napierville) admitting his mistake, continued to show that the course being taken was not the correct one, but that no motion should be passed until after the proper equity, and argued that the proper course would be for the Attorney-General to prosecute.

Hon. Mr. MACKENZIE asked if the hon. gentleman meant to say that, because the hon. member for Gloucester (Hon. Mr. Anglin) did not deny it, therefore he was the author of it.

Hon. Sir JOHN A. MACDONALD said the hon. member had no right to put the question. He would be prepared to state his opinion on that at the proper time, and would state it against all comers. He did not say that the simple fact of the hon. member sitting still was proof of the authorship, but he had not denied a statement of his leader to that effect.

Hon. Mr. DORION (Napierville): I never said so. I appeal to the House. (*Cries of “no,” and “yes.”*)

Hon. Sir JOHN A. MACDONALD said the hon. gentleman had said so.

Hon. Mr. DORION (Napierville) said the hon. gentleman had no right to say so, after he had denied it.

Hon. Sir JOHN A. MACDONALD said he had a right to say so. Whether the hon. gentleman had meant to say so or not, he really did say so.

Hon. Mr. DORION (Napierville) distinctly denied the statement.

Hon. Sir JOHN A. MACDONALD finished by hoping that the freedom and privileges of Parliament would be upheld by the Parliament of Canada. (*Cheers.*)

Hon. Mr. DORION (Napierville) again denied having made any such statement as that attributed to him by the Prime Minister. He denied that the 107 men were characterized as convicted felons, but, in reference to the paper, admitted that the language was stronger than he thought.

Hon. Sir JOHN A. MACDONALD asked whether the hon. gentleman ever knew a case in which the Attorney-General had been ordered to prosecute without a preceding motion.

Mr. De COSMOS admitted that the article was libellous, but did not think the dignity of the House would be enhanced by anything beyond an expression that the article was libellous. There seemed to be a necessary consequence of the motion that a member of the House was to be called to the bar and made to apologise, a degradation he could not approve. He moved the following amendment:—“That whilst we hold the article in the *Freeman*, read in this House today reflecting on some of its members, as libellous, yet we deem it to be undesirable to interfere with the freedom of the press, and the dignity of this House will be generally better upheld

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by leaving the utterances of the press with reference to its members to the verdict of public opinion.”

Hon. Mr. HUNTINGTON would just say one word. It was to be regretted newspapers went so far in imputing motives to public men. The course the House was now about to pursue would not result in any credit on its members. It was nothing unusual for gentlemen who supported the Government to receive Government appointments, and was the whole vengeance of the majority to be wreaked on an individual member because he had said something that was distasteful to that majority. If they wanted to make the member for Gloucester more popular than ever, if they wanted to make him the Premier of New Brunswick, they had only to oppress him as they were doing. What had been done in the present case had been done by government newspapers for years.

Mr. WALLACE (Norfolk South) said it was clear that the writer of the article in question had been guilty of libelling his fellow members, and the House ought to express its opinion clearly. He defended his vote against the motion of the member for Shefford (Hon. Mr. Huntington) and supported the amendment of Mr. De Cosmos.

The House then divided on **Mr. De COSMOS'** amendment to the amendment, which was lost. Yeas, 10; nays, 146.

YEAS

Messrs.

| | |
|-------------------------|------------------------|
| Brouse | Church |
| Cunningham | De Cosmos |
| Harvey | McDonald (Cape Breton) |
| Pickard | Scatcherd |
| Wallace (Norfolk South) | Wilkes—10 |

NAYS

Messrs.

| | |
|------------------------------|-----------------------|
| Almon | Archambault |
| Archibald | Baker |
| Beaty | Beaubien |
| Béchar | Bellerose |
| Benoit | Bergin |
| Blain | Blanchet |
| Bourassa | Bowell |
| Bowman | Boyer |
| Brooks | Brown |
| Buell | Burpee (St. John) |
| Cameron (Cardwell) | Cameron (Huron South) |
| Campbell | Carling |
| Caron | Carter |
| Casey | Casgrain |
| Cauchon | Charlton |
| Chipman | Chisholm |
| Coffin | Colby |
| Cook | Costigan |
| Crawford | Currier |
| Daly | Delorme |
| De Saint-Georges | Dewdney |
| Dodge | Domville |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Doull | Dugas |
| Duguay | Edgar |

| | |
|-------------------------|----------------------------|
| Farrow | Findlay |
| Fiset | Fleming |
| Forbes | Fournier |
| Galbraith | Gaudet |
| Gendron | Gibbs (Ontario North) |
| Gibbs (Ontario South) | Gibson |
| Gillies | Glass |
| Grover | Haggart |
| Harwood | Higinbotham |
| Holton | Horton |
| Huntington | Joly |
| Keeler | Killam |
| Lacerte | Laflamme |
| Landerkin | Langevin |
| Langlois | Lantier |
| Le Vesconte | Lewis |
| Macdonald (Sir John A.) | McDonald (Antigonish) |
| McDonald (Pictou) | McDougall |
| Mackay | Mackenzie |
| Mailloux | Masson |
| McGreevy | Mercier |
| Metcalfe | Mills |
| Mitchell | Moffatt |
| Morrison | Nathan |
| Nelson | O'Connor |
| Oliver | Pâquet |
| Pelletier | Pinsonneault |
| Pope | Pozer |
| Prévost | Price |
| Ray | Richard (Mégantic) |
| Robillard | Robinson |
| Robitaille | Rochester |
| Ross (Champlain) | Ross (Durham East) |
| Ross (Middlesex West) | Ross (Prince Edward) |
| Ross (Victoria) | Ross (Wellington Centre) |
| Ryan | Rymal |
| Savary | Schultz |
| Smith (Peel) | Smith (Selkirk) |
| Smith (Westmorland) | Snider |
| Staples | Stephenson |
| Stirton | Taschereau |
| Thompson (Cariboo) | Thompson (Haldimand) |
| Tilley | Tobin |
| Tourangeau | Tremblay |
| Trow | Tupper |
| White (Halton) | White (Hastings East) |
| Witton | Wright (Ottawa County) |
| Young (Montreal West) | Young (Waterloo South)—146 |

The House then divided on **Mr. MILLS'** amendment, which was also lost. Yeas, 66; nays, 93.

YEAS

Messrs.

| | |
|------------------------------|----------------------|
| Archibald | Béchar |
| Bergin | Blain |
| Bodwell | Bourassa |
| Bowman | Boyer |
| Brouse | Buell |
| Cameron (Huron South) | Casey |
| Casgrain | Cauchon |
| Charlton | Cook |
| Cunningham | De Cosmos |
| Delorme | De Saint-Georges |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Edgar | Findlay |
| Fiset | Fleming |
| Fournier | Galbraith |

Gibson
Harvey
Holton
Huntington
Laflamme
Mackenzie
Metcalf
Oliver
Pelletier
Prévost
Ross (Durham East)
Ross (Prince Edward)
Rymal
Smith (Peel)
Stirton
Thompson (Haldimand)
Tremblay
White (Halton)
Young (Montreal West)

Gillies
Higinbotham
Horton
Joly
Landerkin
Mercier
Mills
Pâquet
Pozer
Richard (Mégantic)
Ross (Middlesex West)
Ross (Wellington Centre)
Scatcherd
Snider
Taschereau
Thomson (Welland)
Trow
Wilkes
Young (Waterloo South)—66

NAYS

Messrs.

Almon
Baby
Beaty
Bellerose
Blanchet
Brooks
Burpee (St. John)
Campbell
Caron
Chipman
Church
Colby
Crawford
Daly
Dodge
Doull
Duguay
Forbes
Gendron
Gibbs (Ontario South)
Grover
Harwood
Killam
Langevin
Lantier
Lewis
McDonald (Antigonish)
McDonald (Pictou)
Mailloux
McDougall
Mitchell
Morrison
Nelson
Pickard
Pope
Ray
Robinson
Rochester
Ross (Victoria)
Savary
Smith (Selkirk)
Staples
Thompson (Cariboo)
Tobin
Tupper
White (Hasting East)
Wright (Ottawa County)—93

Archambault
Baker
Beaubien
Benoit
Bowell
Brown
Cameron (Cardwell)
Carling
Carter
Chisholm
Coffin
Costigan
Currier
Dewdney
Domville
Dugas
Farrow
Gaudet
Gibbs (Ontario North)
Glass
Haggart
Keeler
Lacerte
Langlois
Le Vesconte
Macdonald (Sir John A.)
McDonald (Cape Breton)
Mackay
Masson
McGreevy
Moffatt
Nathan
O'Connor
Pinsonneault
Price
Robillard
Robitaille
Ross (Champlain)
Ryan
Schultz
Smith (Westmorland)
Stephenson
Tilley
Tourangeau
Wallace (Norfolk South)
Witton

A vote was then taken on the original motion, which was carried.
Yeas, 92, nays, 66.

YEAS

Messrs.

Almon
Baby
Beaty
Bellerose
Blanchet
Brooks
Burpee (St. John)
Campbell
Caron
Chipman
Coffin
Costigan
Currier
De Cosmos
Dodge
Doull
Duguay
Forbes
Gendron
Gibbs (Ontario South)
Grover
Harwood
Killam
Langevin
Lantier
Lewis
McDonald (Antigonish)
McDonald (Pictou)
Mailloux
McDougall
Mitchell
Morrison
Nelson
Pinsonneault
Price
Robillard
Robitaille
Ross (Champlain)
Ryan
Schultz
Smith (Westmorland)
Stephenson
Tilley
Tourangeau
Wallace (Norfolk South)
Witton

Archambault
Baker
Beaubien
Benoit
Bowell
Brown
Cameron (Cardwell)
Carling
Carter
Chisholm
Colby
Crawford
Daly
Dewdney
Domville
Dugas
Farrow
Gaudet
Gibbs (Ontario North)
Glass
Haggart
Keeler
Lacerte
Langlois
Le Vesconte
Macdonald (Sir John A.)
McDonald (Cape Breton)
Mackay
Masson
McGreevy
Moffatt
Nathan
O'Connor
Pope
Ray
Robinson
Rochester
Ross (Victoria)
Savary
Smith (Selkirk)
Staples
Thompson (Cariboo)
Tobin
Tupper
White (Hastings East)
Wright (Ottawa County)—92

NAYS

Messrs.

Archibald
Bergin
Bodwell
Bowman
Brouse
Cameron (Huron South)
Casgrain
Charlton
Cunningham
De Saint-Georges
Dorion (Napierville)
Findlay
Fleming

Béchar
Blain
Bourassa
Boyer
Buell
Casey
Cauchon
Cook
Delorme
Dorion (Drummond—Arthabaska)
Edgar
Fiset
Fournier

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Galbraith
 Gillies
 Higinbotham
 Horton
 Joly
 Landerkin
 Mercier
 Mills
 Pâquet
 Pickard
 Prévost
 Ross (Durham East)
 Ross (Prince Edward)
 Rymal
 Smith (Peel)
 Stirton
 Thompson (Haldimand)
 Tremblay
 White (Halton)
 Young (Montreal West)

Gibson
 Harvey
 Holton
 Huntington
 Laflamme
 Mackenzie
 Metcalfe
 Oliver
 Pelletier
 Pozer
 Richard (Mégantic)
 Ross (Middlesex West)
 Ross (Wellington Centre)
 Scatcherd
 Snider
 Taschereau
 Thomson (Welland)
 Trow
 Wilkes
 Young (Waterloo South)—66

* * *

PACIFIC RAILWAY

Hon. Mr. DORION (Napierville) asked if the Government intended to introduce a Bill to give the Committee on Pacific Railway matters power to examine witnesses under oath.

Hon. Sir John A. MACDONALD said he would have to consult his colleagues, and would announce tomorrow.

* * *

CONTROVERTED ELECTIONS BILL

In answer to Hon. Mr. Mackenzie, **Hon. Sir John A. MACDONALD** said he would take up tomorrow the Controverted Elections Bill.

* * *

FIRST READINGS

The following bills were brought down from the Senate and read a first time:—

To amend the act respecting procedure in criminal cases.

To amend the act making further provision for the Government of the Northwest Territories.

Bill respecting claims for lands in Manitoba for which no patents are issue.

The House adjourned at 2 o'clock in the morning.

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HOUSE OF COMMONS

Friday, April 18, 1873

The **SPEAKER** took the chair at 3 o'clock.

Prayers

NEW MEMBER

Hon. Mr. WOOD was introduced by Messrs. Mackenzie and Ferris and took his seat for Durham West amid loud cheering.

* * *

EXEMPTION FROM COMMITTEE DUTY

Mr. ALMON claimed to be exempted from sitting on an Election Committee, on the ground of conscientious scruples, as he had already expressed an opinion upon the case he would be called upon to try, and on the ground that important business would call him away before the close of the session.

Hon. Mr. DORION (Napierville): Sufficient to excuse the hon. gentleman.

The **SPEAKER** said it was not then competent for the House to excuse him from serving on the Committee. The law upon this point was that no member could be excused if he did not claim to be excused before he was chosen to serve upon the Committee.

* * *

INSPECTION OF SALT

Mr. CAMERON (Huron South) presented a petition praying that an Inspector of Salt be appointed.

* * *

REPORTS

Hon. Mr. CAMPBELL presented the report of the General Committee on Elections, with the names of the Committee selected to try the Controverted Elections of Toronto East and Huron North.

Mr. CRAWFORD presented the third report of the Standing Committee on Banking and Commerce.

Mr. CRAWFORD moved that the notice required in rule 60 to be given before the consideration of Private Bills be reduced to three days for the remainder of the session.

* * *

EXAMINATION OF WITNESSES ON OATH

Hon. Mr. CAMERON (Cardwell) introduced a Bill to provide for the examination of witnesses on oath by the Senate and House of Commons and Committees thereof on certain occasions. He thought there might be some difficulty in doing so under the provisions of the British North America Act; but instanced the action of the British Parliament in 1871, to show that the privileges and immunities of the House, which were confined by the British North America Act to the powers and immunities of the English Parliament, were extended as provided for in the Bill he presented.

He showed that in England there was no inherent power in committees of the Commons to examine witnesses on oath, except in certain cases, when by statute that power had been specially conferred on those Committees; arguing that the same was the case in Canada, and that though committees of the House had no inherent power of examining witnesses on oath, this power might be conferred by statute.

This was the subject of the bill he now introduced.

The bill was read a first time.

Hon. Mr. DORION (Napierville) said the Bill ought to be taken charge of by the Government, passed through the House, and sent up to the Senate as expeditiously as possible, because as little delay as possible ought to be caused over the matter. As had already been said by the hon. member for Cardwell (Hon. Mr. Cameron) a precedent was afforded by the Bill of 1871 in the British Parliament, and there was one in 1868 in the Legislature of New Brunswick to the same effect. There could be no great discussion upon it if the principle were admitted. He thought the 18th clause of the British North America Act did not apply to the present case, and was only intended to prevent an abuse of powers, privileges, and immunities of the House to the danger of the liberty of the subject.

Mr. JOLY said that such power was not vested in the Local Legislature of Quebec, and he did not think that any gentleman would argue that an inferior House could have powers that were not possessed by the Federal Legislature. The Minister of Justice, in giving his assent through the Governor General to that law in Quebec, had given his assent to the principle.

Hon. Mr. McDONALD (Pictou) had consented as a member of the committee to the introduction of the bill, as he thought it most desirable that the committee should possess the power of Parliament to confer the power of taking evidence on oath by committees. In England the power had only been conferred on the Commons by special Act, as it had there been held that such power was a new privilege which the House had not previously possessed, and on that occasion the bill had been objected to by the Lords on the ground that it was unwise to confer this new power on the House of Commons, though the objection was afterwards withdrawn; and though he would not presume to judge of the question, he thought the matter should be fully considered by the legal members of the House. In connection with the provision of the British North America Act the powers of the Canadian Commons should not exceed those of the Commons in England at the time of the passing of that Act, as there was no doubt that the power of enabling their committees to take evidence on oath was not possessed at that time by the Commons in England.

Hon. Mr. CAUCHON said the question for them to consider was, whether, the House of Commons having acquired the privilege of hearing witnesses under oath in Committees considering Private Bills, the same privileges could not be extended to other Committees. The privileges of the Senate and the House of Commons were the same, and they had passed a law empowering the Senate in a question of Divorce to take evidence of witnesses under oath. The question was one of great importance, and the legal minds of the House should examine the matter seriously.

Mr. EDGAR said the Ontario Legislature had passed a law such as the English House of Commons had, since Confederation, empowering all committees of the House to have witnesses examined under oath. That Act had been passed more than a year and had not been disallowed by the Governor General, therefore, he took that as a precedent and expression of opinion on the part of the executive on this question.

Mr. TODD was clearly of opinion also that under the eighteenth clause of the British North America Act the House had power to pass such an Act. That clause stated that the privileges and powers, enjoyed by the English House of Commons at the time of Confederation should be enjoyed by the Canadian House. Now, the English House, whether they had the right or not at the time of Confederation to examine witnesses under oath, had assumed the power to make a law to that effect, and at the time of Confederation they had constitutional right to pass a law saying their committees might do so. He contended that under the eighteenth clause they acquired that right as soon as they chose to do so. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD assumed that one of the questions they had to consider was, whether the Parliament of Canada had the power to confer upon committees the power of examining witnesses under oath. The subject might have been considered whether the hon. member for Shefford (Hon.

Mr. Huntington) had made his motion or not, and he hoped the House would consider it quite apart from that case. The question was surrounded with difficulties. The hon. member for Napierville (Hon. Mr. Dorion) and several other gentlemen who had spoken would not give a conclusive opinion upon the subject. He thought the appearances were against the House having that power.

It was well known that the right of the Imperial House to examine witnesses by oath was not possessed at the time of Confederation and therefore could not be conferred upon the Canadian Parliament.

The first addition to the power of the House in that respect was made under the Grenville Act. Then the powers were given to Railway Committees, and afterwards that power was given to Private Bill Committees; and, as his hon. friend from Pictou (Hon. Mr. McDonald) has stated, the House of Commons had no such power in the cases of controverted elections, or on railway or private bills till they were conferred by Act of Parliament; and if these powers had not been conferred by Act of Parliament the House of Commons would not have possessed these powers up to this time.

He explained that the power given to Select Committees in the House of Commons was not given until 1871, long after the Act of Confederation had been in force. They could not, therefore, assume greater powers than those possessed by the House of Commons in England. He contemplated the possibility of a Bill of this character. The government desired that the examination of these witnesses should be proceeded with, with all competent speed, and that the question should not hang over their heads till next session. They desired, with a sense of the justice due to the parties concerned, that the examination should proceed at once, and that the evidence should be taken under oath. It was in consequence of the difficulties he saw that he suggested there should be a Royal Commission.

He would further consider the matter, but he thought there was great doubt as to the House having power to pass such an Act. There should be no difficulty in issuing a Royal Commission, which would have precisely the same powers and would be able to deal with the subject in precisely the same manner as a Committee, and the Commission could be given power to examine witnesses under oath. Under the circumstances he thought this was the course to pursue, as there was very great danger that if they passed a Bill of this nature, it would be disallowed in England, as beyond our jurisdiction, consequently all that time would be lost and the Government would be held in a state of semi-trial, a position they did not covet, and which they hoped would end as soon as possible.

Mr. JOLY said he had merely stated that for the past three years the Local Legislature of Quebec had had the power of administering oaths to witnesses before the Committees of the House, and that power had been sanctioned by the Executive.

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Hon. Sir JOHN A. MACDONALD said it was true that the Legislatures of Ontario and Quebec had passed laws for administering oaths to witnesses, but if the hon. gentleman would study the British North America Act in this particular instance he would notice that there were limitations to the powers of the Parliament of Canada which did not at all apply to Provincial Legislatures. These latter had the power to change their entire constitution in every respect except as to the appointment of the Lieutenant Governor, because these powers of legislation were so limited. He believed that the Local Legislatures could also confer this power upon municipal institutions, and still the Parliament had not the authority to confer that power upon itself. He granted that the question rested upon rather a nice Constitutional point.

Hon. Mr. WOOD who was received with cheers, said it was refreshing to see how very anxious the hon. gentlemen had become for the preservation intact of the great charter of the liberties of the people. In times gone by they were not so solicitous; not so ready to appear in the same character as they had today, in reference to encroachments upon the Constitution. (*Cheers.*) Passing that aside, however, it did seem to him strange that the leader of the Government (Hon. Sir John A. Macdonald) found himself in a difficulty which could arise in reference to the principle of the Bill.

It must seem strange to the country, it must seem strange to gentlemen of this House, that the Parliament of Canada had not the power of itself to say that certain parties appointed by themselves shall have the power to administer an oath. From the very nature of this Committee it must have the power to regulate its own proceedings, and if such were necessary in taking these proceedings, an oath should be administered. It did surprise him that any hon. gentleman should find himself in any difficulty whatever. It might just as well be said that they had not power to provide that any officer of this Government or any person shall have power to administer an oath. He was amused to see such a great constitutionalist as the right hon. the leader of the Government, he who claimed to have been the mechanic of the British North America Act, and who really fashioned it, in any difficulty with regard to its proper interpretation. The question really was not had the House of Commons of England, at the time this Act was passed, the power of administering oaths, but had they the power to pass an Imperial Act conferring that power upon their committees. (*Hear, hear.*)

It was avoiding the question to ask whether or not the British House of Commons had the power to administer oaths to committees at the time of passing of the British North America Act, and if the Minister of Justice would just read the clause he would see that he had misapprehended its meaning. The privileges and immunities of parliament were quite different things from its powers.

He read the eighteenth clause of the Act, and contended that the powers of parliament were inherent. Did any person argue that the British House of Commons had not inherent powers? A Committee

of this House was a part of this House, and the House could by Act of Parliament authorize that Committee to administer oaths to witnesses just as well as they had the authority to confer that power upon Courts of Justice. It was trifling with the powers of the Commons of Canada, trifling with the powers of Parliament, if it were declared that this House had not the power referred to in this Act. If they did so, they would be saying in as many words that the British House of Commons had no such power. Where, he would ask, would the power come from that was actually required to enable any court to administer an oath?

He thought the question did not admit of a doubt or an argument. There were inherent legislative powers embraced in and inseparable from this body, and he was bound to believe since the Minister of Justice (Hon. Sir John A. Macdonald) had himself said so, that there was a doubt in his mind with regard to the matter and in that of the hon. gentlemen on the front benches opposite.

He would advise the Hon. Minister of Justice to revise his brief. (*Laughter.*) He would see reason to reconsider the whole question if he did. Those who had paid attention to constitutional and colonial questions of law knew that the question of the powers of colonial legislatures had been more than once decided; and although the Provinces had not the inherent powers, privileges and immunities of Parliament, they had taken very large powers by Act of Parliament. One of these, as in the case of Ontario, was the power of examining witnesses before its Committees under oath, which as had already been said, it had had for more than three years. The same thing was also true of Quebec, and he fancied similar cases might be found in other Provinces. These Acts had been presented for sanction to the Governor General by the Minister of Justice, and very likely laid before the Law Officers of the Crown, by each of whom they had been assented to, and yet this House was told today that there was great doubt as to whether it had power to pass an Act of Parliament to allow one of its Committees to take evidence under oath. The whole thing was most absurd. (*Cheers.*)

Mr. GLASS said the Act of Union limited the powers of the Canadian Parliament in a way that did not apply to the Local legislatures, and he thought the matter should be fully considered.

The bill was then ordered to be read a second time on Monday, to be then the first order.

Hon. Sir JOHN A. MACDONALD expressed a hope that members would, in the meantime, look into the matter so as to avoid a lengthened debate, and said that he would be prepared to do whatever the House should consider best.

* * *

BILLS OF EXCHANGE, ET CETERA

Hon. Mr. CAMERON (Cardwell) introduced a bill to amend the law relating to the bills of exchange and promissory notes.

THE DOMINION DOCK AND WAREHOUSING COMPANY*(Hear, hear, from Ministerial benches.)*

Mr. CURRIER introduced a bill to incorporate the Dominion Dock and Warehousing Company.

* * *

* * *

GOVERNMENT OFFICIALS AND ELECTIONS

Hon. Mr. MACKENZIE said he wished to call attention for a minute or two to a matter affecting public interest and the welfare of the country generally as to the interference of Government officials in elections. Many complaints were made during the course of the late general elections of the active and vigorous interference of officials occupying positions under the Government; and, while pressed on many hands since the commencement of the session to bring this matter generally under the Motion of the House, he had refrained from doing so from the painful consciousness that it was impossible to do so without inflicting some pain upon some person; but at present he had a letter sent to him that he was bound to read to the House, because it was from one whose position enabled him very effectively to use such interference as was used by him.

He would read the letter today, and put it in the hands of the Clerk of the House to be entered upon the journals, with notice that he would on an early day call the attention of the House to it. He would not make any motion, because he considered it was right that the person concerned and right that the Government should have time to make any communication with each other they thought necessary before he brought the matter before the House.

The case in point was that of the late election in the county of Welland, and the following communication was written by one of the official in the service of the Government in reference to the same. He knew the handwriting of the individual, and knew also that the letter in question was in that same and writing. The letter was as follows:—

“Post Officer Inspector’s Officer”,
London, Ontario
16 November, 1872
(Private)

“Dear Sir,—Allow me to drop you a word of caution with respect to your conduct in the election now coming off in Welland. So long as it suits your interest or convenience and you remain Postmaster, you cannot with propriety take any part against the Government, whose servant you are.

If you cannot support Dr. King take no active part against him, and give no grounds of complaint against yourself. Answer how this is”.

(Signed) “Gilbert Griffin”
“Post Office Inspector.”
J. Rannie, Esq.,
“Postmaster, Ellenburgh”

LAKE ST. PETER SHIP CANAL

On motion of **Hon. Mr. TILLEY** the House went into Committee of the Whole to consider the following resolutions:—
“That it is expedient to authorize the Governor in Council to raise by way of loan such sum, not exceeding one million five hundred thousand dollars, as may be requisite to defray the expenses of completing the Ship Channel in Lake St. Peter and the River St. Lawrence to the depth of not less than 22 feet at low water, and a width of not less than 300 feet from Montreal to the tide water above Quebec; such loan to be raised by the issue of debentures bearing interest, payable half-yearly at the rate of 5 per cent per annum, and redeemable in forty years; that it is expedient to provide that the said work shall be performed under the superintendence of the Department of Public Works, either by the Harbour Commissioners of Montreal, under such arrangements as the Commissioner of Public Works may make with them, with the approval of the Governor in Council, or in such other manner as the Governor in Council may see fit, and that the interest on the sums expended on the said work at the rate of five per cent per annum, and a sinking fund at the rate of one per cent per annum, shall be paid to the Receiver General by the said Harbour Commissioners out of the tolls, rates, and dues thereby levied by them in the harbour of Montreal, the said interest to be payable from the date of such expenditure, but the said payment to the sinking fund to commence and be reckoned only from the first day of July, 1878; that it is expedient to provide that the Act passed in the now last session of Parliament, Cap. 40 for imposing tonnage dues and wharfage rates to meet the cost of improving the navigation of the St. Lawrence between Montreal and Quebec, and the powers therein given to the Governor in Council, shall apply as well to the tariff of rates to be fixed by any Act to be passed during the present session respecting the Harbour of Montreal and Quebec as to the present tariff of rate for said harbour and the appropriation by the Supply Bill of last session for the improvement of the said river.”

He said he had a slight amendment to propose which was that in case the tolls already levied were not sufficient to pay the interest upon the loan, they would have power to make an additional impost.

The amended resolution was read by the Clerk.

In answer to Hon. Mr. Young (Montreal West), he said he had had a letter from the Clerk of the Harbour Commissioners, showing the revenue of last year to have been \$225,000, while it was this year expected to be increased to \$245,000 by a change from a penny percentage to a decimal system. At present the liabilities for interest on the debt were \$80,000 per annum; management and keepers \$25,000; and it was proposed to spend upon the harbour within the next three years a million dollars, for which they would pay 7 per cent interest. This would add \$70,000 to the annual expenditure. It was proposed to spend a million and a half on the

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channel of Lake St. Peter, which, at 5 per cent, would give an additional expenditure for interest of \$75,000, making the total liabilities amount to \$250,000 per annum, against \$245,000 income. After five years there would have to be a sinking fund provided, \$15,000, the greater part of all which Montreal would no doubt have to pay.

The resolution proposed to give the Harbour Commissioners of Montreal the powers necessary on this account. The third resolution, as he proposed to amend it, gave the Government power, in case the present trade rates did not give the requisite sum for meeting the interest and expenditure, to impose an additional tariff of one-half upon vessels coming up the channel and drawing 16 feet of water, and the other half upon goods landed upon the wharf. This was, of course, in case the harbour receipts were not sufficient to meet the demand upon them, of which he had no fear, however.

Hon. Mr. YOUNG (Montreal West) objected to the Revenues of the Montreal Harbour being applied to the St. Peter's Channel which he considered a public work which ought to be maintained as such. It was of the greatest consequence that the channel should be sufficiently large to allow the passage of the largest vessels, so as to reduce the cost of freight as much as possible, but the work in question was a public work and should be supported as such. He complimented the Minister of Marine (Hon. Mr. Mitchell) on what he had done to improve navigation.

Hon. Mr. TILLEY thought the arguments used by the hon. member were very natural, but thought the feeling among the business men of Montreal was that the Government was acting liberally in the matter considering the serious works now in hand in the country. He admitted the importance of the work, but he thought there was a limit beyond which Parliament would not care to go in expenditure at this locality. It would no doubt be a most popular thing if the improvement of the rivers and harbours of the country were maintained altogether by the Dominion, but of course this could not be done. It was not proposed, however, to impose heavier dues unless necessary, and he understood the proposition to be quite acceptable to the people of Montreal.

Hon. Mr. YOUNG (Montreal West) objected to the principle of the proposal.

Mr. RYAN referred to the action of the Dominion Board of Trade on the subject, and said the proposition now made had the approval of the people of Montreal. The revenue of the Montreal harbour would be quite sufficient to meet the interest on the debt incurred in improving the channel in Lake St. Peter, and there would be no occasion for the exercise of the power reserved by the Government. He read statistics showing the increase of revenue in past year, which he maintained would be still greater in the future.

Mr. COFFIN objected to the proposal, maintaining that the work should be carried on by the Dominion, and the navigation of the St. Lawrence made as cheap as possible.

Mr. LANGLOIS supported the resolutions, believing that the charge ought properly to be supported by the harbour of Montreal, and maintaining that the deepening of the St. Peter's Canal must be considered a local work.

Mr. WILKES urged that the port of Montreal was not a local port—not merely a provincial port—but one in which Ontario and the whole Dominion was interested. It was the great port for the West, and, as in competition with the port of New York for that trade, ought to be well cared for. He argued that this being the case, the improvement of the harbour ought to be carried out by the Dominion.

He objected to the proposition of imposing a tonnage duty in a certain event, on the ground that it would act as a prohibition of trade, and maintained that Ontario was equally interested with Quebec in having a cheap navigation of the St. Lawrence. He would like to see this part of the resolution removed, as it would act as a threat. Should the revenue of the Montreal Harbour not prove sufficient for the charge it ought to be borne by the Dominion. He believed a channel of thirty feet in depth would prove necessary in a few years.

Hon. Mr. MITCHELL agreed in the necessity of making the channel of the St. Lawrence and the harbour of Montreal sufficient to accommodate all the trade that could come to them, but argued that since Confederation the Government had done everything in their power to improve navigation, cheapen freight and provide increased facilities for trade throughout the Dominion. As to what the member for Toronto Centre called a threat there was the assurance that the Revenue of Montreal harbour would prove ample to meet the charge upon it, and, therefore, no apprehension need to be entertained. He deprecated any rivalry between Montreal and Quebec, but all ought to unite in making both harbours what they ought to be.

Hon. Mr. CAUCHON was glad to see the rapid rise and progress of Montreal, which was due to the energy of its inhabitants. He hoped Quebec would follow the example of Montreal. In 1830 the latter had a larger population than Montreal, whereas at present it had not half as many. He pleaded for the improvement of Quebec harbour, and wished to know in what light the Government looked upon the proposed works.

He thought no one could object to the proposal that the Harbour Commissioners should bear the charge, but he objected to the principle of the issue of the debentures by the Government. If the work was a public work let the Dominion pay for it, but if it was a local improvement why should the

Dominion be made responsible unless the rule was made general. The matter seemed to be a compromise.

It being six o'clock, the House rose for recess.

AFTER RECESS

GRAND TRUNK RAILWAY ARRANGEMENTS ACT

The adjourned debate on the motion for the second reading of the Act to extend the provisions of the Grand Trunk Railway Arrangements Act of 1862, so far as related to certain preferential bonds for a further period and for other purposes was resumed by

Hon. Mr. CAUCHON who, in continuance of his remarks of Wednesday, went on to show what he considered the aggressive character of the Grand Trunk with regard to other roads, and repeated that at every meeting of the shareholders of the Company promises of future prosperity were made, which were mere deceptions and were never fulfilled.

He then continued, evidently speaking against time and receiving no attention from the House, but occasioning some merriment by the digressive and wandering nature of his remarks. He continued speaking until the time allotted for private bills had expired, when **Hon. Mr. HOLTON** suggested that the rule should be suspended and the hon. gentleman allowed to finish his speech.

The SPEAKER here put the question to the House of the second reading, and on cries of carried, declared it carried. **Hon. Mr. Cauchon** protesting.

Hon. Mr. CAMERON (Cardwell) moved a reference to a Committee of the Whole forthwith.

Hon. Mr. CAUCHON declared that the second reading had not been properly carried, as he had the floor and had not finished his speech.

Some discussions ensued on this.

Hon. Mr. HOLTON stated that when he had made his motion the time had expired, and he had made his suggestion desiring the second reading, but he maintained that the second reading could not be put without the unanimous consent of the House.

The SPEAKER said that the time was usually calculated from the time the House opened, and not from half past seven, and the motion for the second reading had been put and carried, and the question was now on the motion for a reference to the Committee.

Hon. Mr. CAUCHON protested most violently that he had not been fairly dealt with.

Hon. Mr. MACKENZIE while intending to vote for the second reading of the bill, did not think it had been properly carried, and the hon. gentleman had not been fairly dealt with.

The SPEAKER said the question rested entirely with the House, and if the House did not consider the second reading carried, he must yield; but the time for Private Bills could not be extended.

The debate was adjourned.

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THE NEW BRUNSWICK SCHOOL ACT

Mr. MERCIER enquired for the papers respecting the New Brunswick School Act.

Hon. Mr. LANGEVIN replied that the papers would be presented shortly.

* * *

THE LAKE ST. PETER CHANNEL

The House then again went into Committee on the resolutions respecting the deepening of the channel through Lake St. Peter.

Hon. Mr. CAUCHON resumed the discussion in opposition to the resolutions, on the ground that the Government should not be connected with the matter, but that it should be left entirely to the Harbour Commissioners of Montreal.

He said this improvement was half local and half national in its character. He had no jealousy of Montreal; but if this work was undertaken in whole or part by the Government, the same principle should be applied to the Quebec harbour.

Mr. OLIVER said this should be regarded as a Dominion work. The west was as much interested in it as Montreal. He objected to the imposition of rates upon vessels coming to Montreal, as this would tend to injure the trade of the whole country. He would prefer that the Government should undertake the work and abolish all such rates.

Hon. Mr. YOUNG (Montreal West) contended that it was of the highest national importance to improve the navigation of the St. Lawrence, so that the trade of the West might not be diverted from it. The work, he held, was for the benefit of the trade of the whole Dominion, and it was unjust to levy rates upon Montreal Harbour to carry it on. The Government should undertake the deepening of the channel, leaving the improvement of the harbour to the Commissioners.

Hon. Mr. LANGEVIN said it was very natural that the hon. member, as representative of Montreal, should desire the work done at the expense of the Dominion but the work was partly local and partly public work, and therefore Montreal ought to do something towards bearing the expense to be incurred. The revenue of the harbour of Montreal was such that there was no risk of the increased rates having to be charged, but the House would not blame the Government for taking every care in the matter. He deprecated any sectional feeling as to necessary improvements in

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all parts of the country. The resolutions were fair and equitable, and would bring about a very necessary improvement.

Hon. Mr. HOLTON was entirely of opinion that the work of the channel through Lake St. Peter should be treated as a Dominion work, and he complimented the House on the entire absence of sectional feeling which had marked the discussion on this question. He could well appreciate the difficulties the Government had to encounter in framing a policy suited to this particular case. No time was to be lost. The improvement was absolutely necessary, and, therefore, the people of Montreal were willing to bear the brunt of the expense at first, hoping that time would induce Parliament to concede that the work was a public work and he was, therefore ready to support the resolutions.

Hon. Mr. DORION (Napierville) could not conceive why the deepening of the Lake St. Peter channel should not be dealt with like any other portion of the improvement of the St. Lawrence and of the canal.

Hon. Mr. MACKENZIE differed from the member for Napierville (Hon. Mr. Dorion) in this respect, and could not admit that the deepening of the channel was of the same nature as the enlargement of the canals.

He was convinced that the mode proposed by the Government was the only proper course that could be followed under the circumstances. He did not think there ought to be any jealousy between Montreal and Quebec in the matter, but he believed the Commissioners of Montreal Harbour had not used the exertion they ought to have done in providing for the trade, as part of which had consequently been driven away to New York. If Quebec would provide those facilities for trade which Montreal had failed to provide, she would yet rival Montreal and secure the trade of the interior.

Hon. Mr. ANGLIN could not admit that no one work should be deemed a public work unless beneficial to the whole Dominion. No work had that character, not even the Welland Canal, and he believed the work of deepening the St. Peter's channel was essentially a public work. He held that our entire surplus should be devoted to works of public improvement. He agreed with the views of the Minister of Public Works (Hon. Mr. Langevin) and hoped those views would be carried out whoever might be in office.

Hon. Mr. MACKENZIE thought the hon. gentleman had misunderstood him. He had intended that in devoting money to works of public improvement there must be some general scheme.

Hon. Mr. McDONALD (Pictou) must entirely dissent from the view of the member for Gloucester (Hon. Mr. Anglin) as he held that such works as the Welland Canal had equal interest for all parts of the Dominion, and ought, in no way, to be regarded as local works, and the sooner this principle was recognized he thought it would be better.

Hon. Mr. YOUNG (Montreal West) spoke of the great cost of the improvements now necessary in the harbour of Montreal and its

revenue should not therefore be blurred to support works properly chargeable on the Dominion.

Hon. Mr. ANGLIN said the member for Pictou had misunderstood him. He had not intended to deny the public character of the works mentioned.

Mr. JONES did not think the people of Canada should be burdened over much merely to provide a means of outlet for the trade of the Western States, and he thought Montreal ought to bear the whole expense of the proposed improvement.

Mr. TOURANGEAU had noticed with great pleasure the absence of local feeling in the discussion. The member for Lambton (Hon. Mr. Mackenzie), however, had charged Quebec members with jealousy, but he denied that any such jealousy existed. All he advocated was that Quebec should receive equal assistance with Montreal. He had advocated the improvement and extension of the harbour at Quebec, and hoped that when the bill concerning Quebec came up the Government would do for that city what they were now doing for Montreal. Much inconvenience had arisen from the want of dock accommodation at Quebec, and he hoped this want would be supplied by the aid the Government would extend. It was well known that no harbour in Canada could accommodate larger vessels than Quebec could, and the people of that city were fully alive to this.

The resolutions were then adopted and reported as amended, and a bill founded thereon was introduced by the Hon. Mr. Tilley (Minister of Finance) and read a first time.

* * *

INSURANCE INSPECTION

Hon. Mr. TILLEY moved the House into Committee to consider a resolution for the amendment of the Act respecting Insurance Companies by providing for the appointment of an Insurance Inspector: **Mr. CRAWFORD** in the chair. He explained that the object was to enable the appointment of an inspector of insurance companies, and it was expected that every valuable information would be obtained by this means.

Hon. Mr. HOLTON said the measure might prove most useful, but this would entirely depend on the nature of it, and he hoped the hon. gentleman contemplated the appointment of a most competent person with all necessary power.

Hon. Mr. TILLEY fully concurred in this view, and said it would be carried out.

Hon. Mr. MACKENZIE recommended a reference to the laws in force in the different States of the Union on this subject. A thorough inspection was not only advantageous to the public, but was most desirable in the interests of companies doing business in a fair and proper way. A thorough inspection was a far better guarantee than any deposit, and he hoped the measure would be

made as effective as possible. He recommended a reference to the Committee on Banking and Commerce.

Hon. Mr. TILLEY had no objection to this.

Hon. Mr. TUPPER said there was another consideration to be borne in mind, which had been brought before the Board of Trade by Mr. Howland, that was the desirability of a uniformity of policies.

Hon. Mr. MACKENZIE admitted the desirability of the uniformity, but the matter would have to be considered carefully.

Mr. WILKES asked whether the Minister of Customs intimated that the bill would possess a clause providing for uniformity of policies.

Hon. Mr. TUPPER replied in the negative. He had merely referred to what he considered most desirable.

Mr. YOUNG (Waterloo South) was glad to learn that the Government intended to bring in this measure, and hoped they would do something to simplify the form of policy.

Mr. BEAUBIEN suggested that a similar provision might be extended to building societies.

Hon. Mr. TILLEY said that was a difficult question but it had been brought under the notice of the Government.

Hon. Mr. WOOD pointed out some difficulties in the way of providing for uniform policies, and objected to Inspectors having too extensive powers.

The resolution was then adopted, reported, and read first and second times.

Hon. Mr. TILLEY then introduced a bill founded on the resolution, which was read a first time.

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TRINITY HOUSE, MONTREAL

On motion of **Hon. Mr. MITCHELL** the bill respecting the Trinity House and Harbour Commissioners of Montreal was referred back to Committee of the Whole, **Mr. CRAWFORD** in the chair, and slight amendments were made.

On the House resuming the bill was read a third time and passed.

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DEPARTMENT OF THE INTERIOR

On motion of **Hon. Sir JOHN A. MACDONALD**, the bill to provide for the establishment of the Department of the Interior was read a third time and passed.

ORDER ON PASSENGER STEAMERS

On motion of **Hon. Mr. MITCHELL**, the bill to provide for keeping order on board passenger steamers, was read a third time and passed.

* * *

OCEAN MAIL CONTRACT

Hon. Mr. TUPPER moved the House into Committee of the Whole to consider the following resolution: "That it is expedient that the provisional contract entered into between Sir Hugh Allan said the Postmaster-General of Canada, under the authority of an Order in Council dated the eighth day of January, 1873, for a weekly service of ocean mail steamers on the terms and conditions set forth in the said contract, a copy whereof, and of the said Order in Council, has been laid before Parliament, should be sanctioned and authorized by Parliament, as required by the terms thereof in order to its becoming valid and binding."

After some discussion the resolution was passed, and **Hon. Mr. TUPPER** introduced a Bill founded thereon.

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WRECKS AND SALVAGE

The Bill respecting wreck and salvage, on motion of **Hon. Mr. MITCHELL**, was read a second time and referred to the Committee on Banking and Commerce.

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PRODUCE INSPECTION

The bill to amend and consolidate and extend to the whole Dominion the laws respecting the inspection of certain staple articles of Canadian produce, was read a second time.

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MANITOBA ACT

An Act to amend the Act 33 Vic., Cap. 8, entitled An Act to amend and consolidate the Act 32 and 33 Vic., Cap. 3, and to establish and provide for the government of the Province of Manitoba was read a second time.

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STEAMBOAT INSPECTION

The bill to suspend the operation of certain Acts relating to this inspection of steamboats in British Columbia, was read a second time.

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ELECTION PETITIONS

On motion of **Hon. Sir JOHN A. MACDONALD**, the bill to make better provision respecting election petitions and matters relating to contested elections of members of the House of Commons, was read a second time.

CRIMINAL PROCEDURE

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill from the Senate respecting procedure in criminal cases.—
Carried.

The bill was then read a third time and passed.

In answer to Hon. Mr. Mackenzie,

Hon. Sir JOHN A. MACDONALD said he would proceed with the Election Bill on Tuesday, if it was printed in both languages and distributed by that time.

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ADDITIONS TO COMMITTEES

Hon. Sir JOHN A. MACDONALD moved that Messrs. Lewis and Archibald be added to the Committee on Banking and Commerce, and Messrs. Flesher and Wood to the Committee on Public Accounts.

The House adjourned at midnight.

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HOUSE OF COMMONS

Monday, April 21, 1873

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

Prayers

ELECTION PETITIONS

The **SPEAKER** announced that the petition against the return of Mr. Walter Ross for Prince Edward was objectionable.

The petitions in the following cases were declared unobjectionable—Jacques-Cartier, Rimouski, Northumberland East, and Perth North.

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GEORGIAN BAY CANAL

Mr. **BEATY** presented a petition from the Corporation of Toronto in favour of the Georgian Bay Canal.

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REPORT

Mr. **CRAWFORD** presented a report of the Committee on Banking and Commerce.

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BILL INTRODUCED

Mr. **GIBBS (Ontario North)** introduced a Bill to incorporate the Oshawa Board of Trade.

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ELECTION COMMITTEES

The following members, appointed to serve on the Toronto East election Committee, were sworn:—Messrs. Young (Waterloo South), Landerkin, Jones, Bodwell, and McDonald (Pictou).

On motion of **Hon. Mr. CAMPBELL**, the petition relating to the case was referred to the Committee named.

The following sworn as members of the Committee to try the Huron North contested election, were Messrs. Chisholm, Findlay, Flesher, Metcalfe and Joly.

DUTY ON TEA AND COFFEE

Hon. Sir JOHN A. MACDONALD announced, in regard to the papers moved for by the hon. member for Toronto Centre (Mr. Wilkes) *re* the ten per cent duties on tea and coffee, that he found, upon examination, that all papers and correspondence from England on the matter were marked private and, therefore, could not be produced without the consent of the Imperial Government

Mr. **WILKES** said that in that case he would not press the matter further.

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GENEVA ARBITRATION

Hon. Mr. MACKENZIE desired before proceeding to the Orders of the Day, to call the attention of the leader of the Government to what he considered a great advantage, if not an absolute necessity, to have the British and American cases submitted to the Geneva Tribunal, and Sir Alexander Cockburn's opinion printed as part of our public papers. It was extremely difficult for members to get these documents; and, as they were of great public importance, they should be printed so that they could be easily accessible in this country. At any rate the British case and the exhaustive opinion of Chief Justice Cockburn should be printed.

Hon. Sir JOHN A. MACDONALD said he was much obliged to his hon. friend for calling attention to this matter. He would have the papers brought down, and thought they were very voluminous, yet it would, perhaps, be worth while to incur the expense of printing them.

* * *

EXAMINATION OF WITNESSES ON OATH

Hon. Mr. CAMERON (Cardwell) moved the second reading of the bill to provide for the examination of witnesses on oath by the Senate and House of Commons, and the Committees, therefore, in certain cases. He said that when the matter was before the House on Friday a very great deal of doubt was expressed by various members as to the power of the House to deal with this question. He had not then made as careful an examination of the whole subject as he had been able to make since; but after the most careful examination, and examining everything hearing on the question for the past 250 or 300 years in the practice on the part of England, he was satisfied that there was no reason whatever why the House should not pass the bill in its integrity, as offered to it by the Special

Committee to which the matter was referred. There was no question that when King, Lords and Commons sat together as a Parliament, the power of administering an oath had been exercised, but afterwards, when the estates of the realm separated and acted separately, except during the Commonwealth, the House of Commons ceased to exercise the power.

During the Commonwealth there were several occasions when witnesses were examined at the bar and once or twice before committees on oath, but both before and since that period the House of Commons had entirely given up the practice, and where it became necessary that witnesses should be examined on oath, they were either sent to the House of Lords or to a magistrate of the county to be sworn.

The power to examine on oath was given first by the Grenville Act, then by the following Act and again under the Acts providing for testimony on oath before Committees on Private Bills. It was a subject for discussion as late as 1871 whether the House had not itself the power to administer an oath at its bar, but the question came up particularly in the case of the Disability bill presented against Mr. Sullivan, the Mayor of Cork in 1869. Every leading member of the House, including Mr. Disraeli, Mr. Gladstone, the Attorney and Solicitor General for England, the Attorney and Solicitor General for Ireland, and the Lord Advocate of Scotland, at that time admitted that the House had not power to examine witnesses at the bar on oath, or that if it had, it was not desirable to exercise it because of questions which might subsequently arise. It was therefore suggested that the bill of Pains and Penalties should originate in the House of Lords, because of its power to examine upon oath. The bill which afterwards became law contained a clause reserving the powers of the House of Commons.

One of the first Acts passed by this Parliament was one in 1867, by which they defined the privileges, immunities, and powers of the House of Commons, and gave some protection to persons employed in publishing Parliamentary papers; that provided for all the privileges possessed by the House of Commons of England being enjoyed by this Parliament, and by the next Act they made a provision which had never existed here before, or in England, so far as the House of Commons was concerned—that the Senate should have power to examine witnesses at the bar on oath. Therefore, they assumed that they had the power, as a Parliament, to examine witnesses at the bar of the Senate, which House was to have only the same privileges as the House of Commons in England, though the latter had not the same power given them until three years after the passing of our statute. He thought the object of the statute was to give this Parliament the same privileges which the Parliament of England possessed, and one of these privileges was the power of certain Committees of the House of Commons to examine witnesses upon oath. They might have called any Committee by their name of the Committee which had the power in England, and it would then have the power.

He proceeded to quote a case which occurred in New Zealand, where the two Houses came into collision in respect to a money

bill, which the Upper House had insisted on its right to amend, on the ground that their Act, in similar words to the 18th section of the British North America Act, gave to the whole Parliament the same privileges, powers and immunities as were possessed by the House of Commons in England. The question was referred to the law officers of the Crown in England, and last year Sir John Coleridge and Sir George Jessel gave their opinion, of which the following clause bears on the present question: “We think that this Act was not intended to affect and did not affect the legislative powers of either House of the Legislature.”

There was no doubt that the Local legislatures had the power to administer oaths, but they received it not from this Parliament, but under the Imperial Act. This Parliament had exercised the power of authorizing the Senate to take evidence in this way, and he was of opinion that the effect of the whole law was to enable Parliament beyond question to give the power to Committees, and the Committee in offering this bill to the House had taken the view that the power should not be exercised except when the House itself resolved that it was necessary. It might be well to drop the provision to examine witnesses on oath at the bar for the present, as he was not so sure on that point and it might affect the validity of the bill. He considered that there was no reason for not passing the bill.

He referred to an instance in the New Zealand Parliament, where they had a provision precisely similarly to the 18th clause of the British North America Act.

Under this provision the Legislative Council amended a Bill for the grant of money, and upon the question of their right to do so being raised, it was referred to the law officers of the Crown in England, who decided that the power, amongst others, was conferred upon that Parliament by the provision, which was precisely similar to the 18th clause of the British North America Act. After the examination he had made, he thought the law enabled them beyond question to give that power to the Committee, and that there was no reason why the Bill should not be read a second time, or why the hon. Minister of Justice should not take it up and pass it through as rapidly as the necessity of the case required.

Mr. PALMER contended that under the 18th section of the Confederation Act, it was impossible that this House had the power to pass these Bills, because at the time the Confederation Act was passed the Imperial Parliament did not possess this power. However, he would not oppose the Bill.

Mr. EDGAR said he had taken some trouble to look into this question, and had come to the same conclusion as the member for Cardwell (Hon. Mr. Cameron) and had it not been for the remarks of the last speaker he would not now have troubled the House. That hon. gentleman had contended that the 18th section of the Act had deprived this House of the power to legislate in the proposed direction. In his (Mr. Edgar's) opinion, that section did not apply to the Bill before the House at all. The words of that section, which seemed to be a stumbling block to the members, were that the

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privileges, immunities and powers of this Parliament could not exceed those possessed by the House of Commons at the time of Confederation.

He thought the word “powers” here did not at all relate to legislative powers and motions. We had to go to another part of the Act to ascertain what are the legislative powers of this Parliament.

This section related only to the privileges of the Commons and Senate as separate Houses, but not our legislative powers as a Parliament. The 18th section might come into play if the Commons were attempting to confer this power upon themselves in a resolution as distinguished from an Act of the whole Parliament, but to show that the powers referred to in the 18th section were not relative powers, he would refer to the language of that section itself, which provided that these powers shall be such as from time to time are deemed by the Act of Parliament of Canada. Before this could not apply to legislative powers. More than that, this, the 18th section, declared that those powers mentioned in it, whatever they were, should not exceed the powers of the English House of Commons at the time of Confederation. Now we all know that our legislative powers were not all similar to the powers of the English House of Commons. (*Hear, hear.*)

Beyond that there was another point, which made it clear that these powers, which were referred to in the 18th section, were not legislative. It was this: These powers were to be held, enjoyed, and exercised by the Senate as a Senate, and by the Commons as a Commons. These could not be legislative powers, because neither the Commons nor the Senate had legislative powers, but only the whole Parliament.

Turning to the 91st section of the Act, it provided that this Parliament shall make laws for the peace, order, and good government of Canada in relation to all matters not coming within the clause of the subjects, whereof the Act exclusively assigned to the Legislature. Did not this Bill before the House relate to the peace, order, and good government of Canada, and it did not trench upon the exclusive right of the Local Legislature? He thought a correct reading of these two sections, the 18th and 91st, ended the dispute.

As to the propriety of passing this Bill, no one could have any doubt. A committee of the English House of Commons had, in 1869, reported unanimously in favour of such a Bill. After having obtained evidence in favour of it of several distinguished men, common sense and propriety were in favour of this Bill, justice demanded it, and our Constitution clearly permitted it. (*Hear, hear.*)

Mr. CARTER was astonished at the line of argument pursued by the hon. gentleman who last spoke. He contended that the powers, privileges, and immunities of Parliament were defined by the statute, and he failed therefore to see the point endeavoured to be made by his hon. friend. He did not believe that it was within the power of this House to pass such a law as that proposed. He did not

speak of this as a lawyer, and he wished hon. gentlemen on the opposite side of the House to understand this.

He referred to two cases in England—an ecclesiastical and an insurance company case, where judicial authorities declared that the Justices of the Peace had not the power to administer an oath in such cases, although Justice of the Peace were supposed by general consent to have that power in a general way. The action of the English Parliament in 1851 was proof that at the time of the Confederation Act they had not the powers they required for Committees of administering an oath to witnesses.

Hon. Mr. DORION (Napierville) said there was no doubt of the truth of what the hon. gentleman said, so far as the cases went which he quoted, but the hon. gentleman argued from them that this House had no authority to pass this Bill under discussion. He would ask the hon. gentleman if the rights of this House were defined by the Act of Parliament? He (Hon. Mr. Dorion) always thought that these rights were defined by the Constitution. It stated what they were to legislate upon and what they were not, in the Act of the old Province of Canada; but they had legislated before they had that Act and before their powers were defined.

Since the last discussion on the subject in the House, he had looked into the matter further and, the impression that the House had the right to pass this Bill, which he had formerly held, was not by any means shaken—on the contrary, it had been confirmed. Therefore he would not delay the House upon the subject. He had not the slightest doubt upon its propriety, and had no fears that any member of the Committee would ever be indicted for having sworn persons without authority after having obtained the Act of Parliament as proposed. He thought the Bill should be read a second time at full length, and also a third time immediately.

Hon. Mr. CAMERON (Cardwell) said such was the intention.

Hon. Mr. DORION (Napierville) called attention to the fact that he was frequently referred to as the member for Hochelaga, which probably arose from the fact that he formerly represented that constituency. He did so to keep the representatives of the Press from misrepresenting the member for Hochelaga.

Hon. Mr. CAUCHON thought there ought to be care taken in the settlement of this matter. He reminded hon. gentlemen that while the Constitution of Britain was unwritten, and the rights of Parliament inherent, the Constitution of this country was partially written, and the rights of Parliament acquired and limited.

Mr. JOLY thought the other day that there might be some foundation for the statement of the hon. Minister of Justice (Hon. Sir John A. Macdonald) that the Local Legislature had greater power than the Dominion Parliament, and as he had not it in his power to reply to the statement at the time, he thought he might be able to give some reply when the question came up again. Well, he had looked up the opinion of an authority, which when mentioned he did not think the Minister of Justice would be prepared to deny. It was in reference to certain Acts of the Ontario Legislature, and

the authority he quoted had thought these Acts should be disallowed, and in giving this opinion had himself endeavoured to define the privileges, powers, and immunities of that Legislature.

The said Legislature had claimed all the powers and privileges enjoyed and exercised by the Parliament of Canada, but a certain authority thought otherwise, and did disallow the Acts he passed. He supposed the name alluded to in that decision (Hon. Sir John A. Macdonald) was that of the Minister of Justice, and yet that gentleman rose in his place and gave the House to understand that he thought otherwise now. (*Cheers.*)

He had seen, in a room scarcely so large as this, and where the floor was not covered by such a beautiful carpet, a gentleman display a hat from which he pulled a few rather rare articles, such as half dozen turkeys and a like number of cooked pigeons. (*Laughter.*) That same gentleman took that same hat, and showing it to the people, told them it was white, while really it was black. He told the people first that it was white and that they must say so. They did so, and then he told them they were wrong. The hat was black. (*Laughter.*)

Now the Minister of Justice has just performed a trick as strange as that. One day he told the House that a certain thing was a fact. The next he said it was not. He (Mr. Joly) expected he would now alter the authority he had quoted. He proposed to say again that it was not a fact. (*Hear, hear, and laughter.*) He would like very much the hon. gentleman to explain how he accounted for the opinion he had expressed upon the powers of Local Legislatures the other day, and that expressed some time ago in disallowing their Acts, and how he could make the two agree together.

They were just now engaged on considering a measure for the establishment of an uniform system of weights and measures; he suggested that there ought to be introduced in that Bill a clause providing that in the office of the Minister of Justice there will be only one set of weights and measures. (*Cheers, and laughter.*) He had never seen the figure of Justice with a table before he covered with all sorts of measures, each for different persons; nor yet had he ever seen her represented as lifting up the patch from the corner of her eye to peep and see the parties who were coming, so as to be able to give them the proper one. (*Laughter.*) As he had already said he did not think he could quote a better authority than the gentleman who ably filled the position of Minister of Justice. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD congratulated the hon. member for Lotbinière (Mr. Joly) upon the new character in which he had appeared, namely as the wit of the House, and he hoped that for the sake of the good humour and enjoyment of the House, the hon. gentleman would not divest himself of the character. He explained that both Chambers possessed powers, immunities, and privileges conferred by the 18th and 19th clauses of the British North America Act. He thought the 18th clause acted as a clause of limitation, and what they might have been able to have had done

under the 19th clause without the 18th clause was limited by that clause.

However, he thought the Bill had better go. It was a privilege they ought to have, and if Her Majesty's Government disallowed it, being in excess of their power, he supposed there would be no difficulty in getting an Act of the Imperial Parliament to confer that power.

He would say to his hon. friend from Lotbinière, who referred to the circumstance of the Provincial legislatures possessing more powers in some respects than the Dominion Legislature, as if it were absurd that the Quebec Legislature had the power to abolish the Legislative Council, and he hoped some day to see them do it. (*Opposition cheers.*) That was his opinion (*hear, hear*); but the Dominion Legislature could not abolish the Senate.

The motion was carried.

On motion of **Hon. Mr. CAMERON (Cardwell)**, the House went into Committee on the Bill.

After a short deliberation, the Committee rose and reported the Bill, after which it was read a third time and passed.

* * *

GRAND TRUNK ARRANGEMENTS BILL

The debate, on the motion of **Hon. Mr. CAMERON (Cardwell)** for the second reading of the Bill to extend the provisions of the "Grand Trunk Arrangements Act of 1862", so far as relates to certain preferential bonds, for a further period, and for other purposes, was resumed.

Hon. Mr. CAUCHON did not wish to prolong the debate at this stage of the question, but at the same time he desired to renew his protests Grand Trunk Company in endeavouring to destroy every other enterprise in the country, and he hoped the same protest would be made by others who would be called upon some day to resist that system of oppression.

It had been denied that such oppression had existed, but he hardly thought this possible after he had read the speeches of the President of the Company. He had never been an adversary of the Grand Trunk Railway Company, and had worked hard for it. When the last Act for this Company desiring a loan of 900,000 pounds was passed, he made strenuous exertions on their behalf. He supported the Company then for their own good, and at the same time for the prosperity of the country. He maintained that it was a necessity that they should have a line of railroad on the north shore of the St. Lawrence, and the Grand Trunk Company were endeavouring in every conceivable way to deceive the people of England as to the true state of things, and as to the climate and the population of the country. He hoped they would not be alone in this respect.

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Hon. Mr. MACKENZIE referred to some remarks of the member for Quebec Centre that he (Hon. Mr. Mackenzie) was formerly opposed to the Grand Trunk, though now in favour of this Bill. He was never opposed to the Grand Trunk as a commercial undertaking. He was opposed to the political chicanery that was connected with that undertaking. He was opposed to the prospectus by which that road was laid before the English public.

He was opposed to the political connection it had with the Government, and he had constantly opposed the political influence and corruption it had endeavoured to exercise in the country; but the moment this political connection was repudiated by the Directors in England, and he might say by the manager here, the moment it became a pure commercial enterprise, he felt bound to give the Company that support it was entitled to as one of the great enterprises of the country.

On the present occasion he found no reason whatever for opposing this measure. It was quite evident that the Company would not be able to keep their engagements under the Arrangement Act of 1862, and it remained for the House to consider whether they would force bankruptcy upon the Company, or enable it to effect a practical reorganization that he thought would be beneficial to all classes of the shareholders, as well as to the Company itself. This was an object they ought all to aid in endeavouring to accomplish.

He had examined very carefully the reports of meetings held in London, and so far as he had been able to get accurate information, he found the bond holders who were opposed to this Bill represented in bonds of all kinds only about 70,000 pounds sterling, and some of these had since withdrawn their opposition, and some had opposed it upon grounds which he did not think existed. Some had brought opposition for reasons which did not properly concern Parliament, or reasons which did not practically exist, and they had to consider whether the share of bondholders who had some six million sterling in the concern should yield for the benefit of those who had only 40,000 pounds to 50,000 pounds against their names.

The House of course ought to be careful about interfering by legislation with the rights of individuals; but after careful consideration of the matter, and after having received communications from some of those opposed to the Bill, he could not see that their rights would be seriously affected, and that the views of the vast majority ought not, therefore, to be instructed by a very few. The only object the Legislature could have in passing the Bill would be to postpone the lien of the Province. He spoke of it as a debt due to the Province; but no one expected it could be collected from the Company. He held it as a debt simply because it enabled the legislature to prevent certain things taking place which might take place if the Company was entirely beyond its control.

He had opposed the amalgamation of the Buffalo & Lake Huron Road with the Grand Trunk, because he believed then, as he believed now, that it was a serious evil in the country to build up

such powerful railway corporations, which were apt to exercise an evil influence upon the politics of the country. (At this point Mr. Macdonald, of Glengarry, entered the chamber and was greeted with hearty cheers from both sides.) He said he paused to welcome back the member for Glengarry, whom they were all, on both sides, glad to see amongst them again in restored health. (*Loud cheers.*)

He referred again to the Bill, and said he supported it simply upon the ground that he believed it would be beneficial alike to the shareholders, to the bondholders, to the Company, and to the country. He expressed his earnest desire that legislation connected with this road and the management of the road itself might be of such a character as would bring no reproach upon the country or upon the Company.

Hon. Mr. HOLTON cordially agreed with the remarks of the member for Lambton (Hon. Mr. Mackenzie) at the same time it was but right to say that he sympathized very strongly with the feelings of the member for Quebec Centre (Hon. Mr. Cauchon). Whilst he was prepared to support this measure as one in the interest of the country as well as of the Grand Trunk, he could not help feeling that the gentlemen connected with that great corporation in England had sought to frustrate other enterprises in this country, and thus arouse feelings of hostility towards them.

He could not for his own part imagine that either the North Shore Railway or the Northern Colonization Railway could injuriously affect the interests of the Grand Trunk, and it was a matter of surprise to him that men so intelligent as the directors of that Company should have been so mistaken in their policy as to have sought to exercise a hostile influence towards these undertakings in the great money market of the world.

While, therefore, he sympathized with the member for Quebec Centre, he believed they were bound to do that which the interests of the Company required. It was notorious that the Grand Trunk required a large expenditure to put the line in a state of efficiency to do the ordinary business of the country. The measure now before the House would enable them to do this in a way less injurious to the shareholders than any other scheme presented to them, therefore upon the merits of the Bill, he felt bound to support it, though, at the same time he also felt bound to express his views as to the mistaken policy that had been pursued by gentlemen who had controlled this great interest in England.

Mr. BEAUBIEN said he did not intend to oppose this Bill because he believed it was in the public interests. The people of the North Shore Counties had always favoured aid to the Grand Trunk, and the reward they now received was the opposition of the Grand Trunk to their own railway. There was room for both lines, and he therefore rejoiced that the Grand Trunk was about to be placed on a better footing. Rumour had it that because the President of the Northern Colonization was also President of the Canada Pacific, therefore the Grand Trunk Directors in England would use all their efforts to defeat the proposed Canada Pacific loan. He hoped that rumour would be contradicted in this House.

Hon. Mr. YOUNG (Montreal West) observed that the people of the north shore counties had paid their share of the \$15,000,000 advanced to the Grand Trunk, while they had received no benefit from it. Having been the first President of the road from Montreal to Kingston, and projector of the bridge across the St. Lawrence, he could speak with some knowledge of the fact that the Grand Trunk had been grossly mismanaged, and the result today was very different to what it would have been had a more comprehensive policy been adopted.

In 1860 he addressed a letter to the Manager of the road, in which he pointed out the evil effects of discouraging steam communication on the canals and rivers, and showed that the two railways along the Erie Canal were the most prosperous in the country. The Grand Trunk, however, pursued a different policy, and purchased the steamers to prevent competition. He urged in that same letter that the best way to promote the interests of the Grand Trunk was by making the St. Lawrence a great highway for the traffic of the West, and predicted that if such a policy were pursued the Grand Trunk would soon be in a flourishing condition. Events of today showed that the prediction was correct.

The Grand Trunk had been a great benefit to this country, and the fifteen million it cost the country were not to be compared to the advantages it had conferred; but he did hope that the Grand Trunk would not oppose any efforts of the Northern Colonization or the North Shore Companies to advance the interests of their lines. On the contrary, he hoped the Grand Trunk and their agents in London would assist the people of the northern counties to get their share of the railways in return for their part of the \$15,000,000 paid by the country.

Mr. JONES had observed the operations of the Grand Trunk Railway and was not willing to hold the Company and their Managers responsible for all the delays and inconvenience experienced in connection with the road. He was satisfied that the great evil from which all the rest had followed was in the construction, which was left to a great extent in the hands of the Company, the Government of the day having omitted to make due provisions in regard to its construction. If the Grand Trunk could not pay its way it should be put up at auction and sold, as the Prescott and Ottawa road was, to those who would make it pay. He spoke in strong terms at the way the road was managed.

Hon. Mr. CAMERON (Cardwell) said he gathered from the debate that there was an impression that the Grand Trunk influence was being exercised in the London market against the Pacific Railway scheme, and he thought it was quite right that the minds of all should be entirely disabused of that idea. He was in a position to say that never had the Grand Trunk used any influence against the Pacific Railway scheme in London, but they were perfectly prepared to aid and assist whoever the parties engaged in forwarding the views of that scheme might be. There had not been the least exertion used in any other direction; on the contrary, as he

had said, they were prepared and anxious to do everything in their power to aid and prosper the mission. (*Hear, hear, and cheers.*)

Hon. Mr. CAUCHON said he hoped he would be excused for a moment. There had been a rumour of hostility and interference on the part of the Grand Trunk towards the Pacific Railway, which might not be true or might. He hoped the latter, but there had been no denial as to the position taken by that Company against the enterprises of the North Shore and Ottawa.

In these we had enterprises of which the country was in need, passing as these lines would do through populous and prosperous countries much in need of the aid which would be thus given to the disposal in a good market of their products. In the Pacific Railway, to which they were said to offer no opposition, but were rather said to favour, we had a railway that would at least pass for a very great portion of its length through an uninhabited and uncultivated country. This was a matter for which the country would look to this House for justice, and he called upon the members to stand by him and the interests of the people in saying what they thought of this conduct.

Mr. MASSON wanted to know if any person was prepared to give a similar denial to that given by the hon. member for Cardwell (Hon. Mr. Cameron) so far as these railways were concerned. Could the hon. member for Cardwell do so?

Hon. Mr. CAMERON (Cardwell) said he could say nothing further than he had already stated. We know now whom we have to deal with.

Mr. WHITE (Hastings East) remarked upon the large amount of money the country had spent upon the Grand Trunk Railway, and he thought it was too bad that those who had been most liberal towards them—that is the people along the north shore of the St. Lawrence—should through their influence be deprived of the benefits of a railway. Bonuses for its construction had been voted by the cities of Montreal, Quebec, Ottawa, and others, and in two years, if the work was not proceeded with, they would fall to the ground. If the present opportunity were lost, it would take another ten years before the feeling in regard to these lines were worked up to the pitch it is at present.

It was quite right that the Grand Trunk should be assisted, but it was also right that others should be similarly dealt with, and right that justice should be done to the country. Why should not the North Shore and Northern Colonization Railway be assisted? He held that, if the Government would use their influence with the Grand Trunk, they could prevent them for exercising any influence against this scheme in the English market. Why should the 400,000 people along this line be prevented from having a railway to carry their produce to market, because a selfish competing Company had hindered their bonds from being floated in the English market? (*Hear, hear.*)

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Hon. Mr. SMITH (Westmorland) said there was merely a statement as to the course the Grand Trunk was pursuing towards the North Shore Railway, and no proof of the statement was offered; but even taking for granted that the statement was perfectly certain, he did not see why legislation should be refused in this case, since it was asked for in the interests of the shareholders and country, because the Grand Trunk might use some influence against a rival scheme which was of itself a great crime. He did not see that this was any reason why justice should be refused to the shareholders and the public generally.

Hon. Mr. ROSS (Champlain) (in French) deprecated the course which the Grand Trunk pursued in opposition to those enterprises of the North Shore and elsewhere. He was sure the members of the House shared this opinion. He, however, was prepared to give the Grand Trunk all the assistance in his power, but he held that it should be prevented from killing other enterprises, whose death he did not think would be beneficial to them. He protested most energetically against such conduct on the part of those who had endeavoured for their own benefit to oppose the North Shore Roads, and the other best interests of the country. (*Hear, hear.*)

It being six o'clock, the House then took recess.

AFTER RECESS

REPORT OF MARINE AND FISHERIES

Hon. Mr. MITCHELL presented the annual report of Marine and Fisheries.

* * *

GRAND TRUNK ARRANGEMENTS BILL

Mr. MASSON resumed the debate on the Grand Trunk Bill, which he supported. He regretted that the reply of Hon. Mr. Cameron confirmed the assertion that the Grand Trunk opposed the Northern Colonization Railway, and tried to injure its credit in the money market of the world. The Grand Trunk owed its existence to the support of the Province of Canada, and it exhibited a most ungenerous spirit. He thought this Parliament should exert itself to prevent the Grand Trunk running the North Shore line. He appealed to the Government and to the leaders of the Opposition to unite in carrying out this subject.

Mr. McDOUGALL spoke of the wrecked conditions of the Drummond Arthabaska branch of the Grand Trunk, which he said was in very great need of repair. He did not so much object to that as to the opposition of the Grand Trunk Railway to the North Shore Railway. It would be more honourable and more to their own interest to give these enterprises a helping hand.

He would, however, support the bill.

Mr. BROUSE believed that the great difficulty the Grand Trunk management had to contend against was the broad gauge, which

necessitated very heavy rolling stock that crushed the rails. He believed the present management were doing their best to overcome their difficulties and put the road in an efficient state, and he would gladly support the Bill if it would assist them in that object. While saying this, it did not follow that he was opposed to the North Shore Railway.

Mr. TOURANGEAU referred to the statement of the President of the Grand Trunk that the country north of Quebec was as barren as Labrador. This he denied in strong terms, and referred favourably to the character of that portion of the country. He said the remarks of the President of the Grand Trunk Railway (Mr. Potter) were entirely incorrect.

Mr. LACERTE admitted the necessity of a railway on the north shore, and condemned the action of the President of the Grand Trunk Railway. The Grand Trunk Railway has done a good deal for the country, but it was desirable that it should be better managed. He did not approve of the action of Mr. Potter.

Mr. HAGGART said that he was at first opposed to the Bill, but after hearing the remarks of the hon. member for Cardwell (Hon. Mr. Cameron), the Grand Trunk line in opposing the Ontario and Quebec line opposed the Pacific Railway, for after all it would be assumed that the route via Sault Ste. Marie was the only practicable one for the Grand Trunk Railway.

Mr. WITTON spoke of the difficulties of working the Grand Trunk road. When the proprietors were disposed and willing to advance the necessary funds to put the road in good order, it would be very wrong, for local reasons, to oppose the raising of the money, and parliament would be failing in its duty to the country if it offered any opposition to the bill.

Mr. WRIGHT (Ottawa County) was pleased to find that such a change had come over the spirit of their dream in reference to the Grand Trunk. He believed, however, the action of that road had been to prejudice the interest of interior lines which was most unfair to the interest of our common country. The section on the North Shore had not received a cent of public money to develop its advantages, yet this road was prepared to swallow up all other lines. There was great significance in the remarks of the hon. member for Cardwell (Hon. Mr. Cameron) who, when he was asked whether the Grand Trunk would oppose interior lines, said very diplomatically that he was not prepared to say. He (Mr. Wright) was not a supporter of the bill, nor was he opposed to the introduction of a few more million of English capital into this country, but he hoped, for the sake of the widows and orphans who were now bewailing what had previously invested, that the money would be better spent than what had gone before. (*Cheers.*)

Mr. PRÉVOST (in French) admitted that the Grand Trunk had done much to build up the townships on the south shore of the St. Lawrence. Despite this, however, Parliament by the assistance it had given the Company, had helped to build up a great power which had an overpowering influence, politically and otherwise.

Referring to the influence wielded by the Company in election matters, he said the Company had not been content with this, but had done their utmost to prevent railway communication on the north shore of the St. Lawrence lest they should prove enemies to their own interests.

For his part, as representing a company on the North Shore, he laid upon the shoulders of the Grand Trunk the whole blame of the want of prosperity of a great portion of the Province of Quebec. He desired to show the Grand Trunk that they were not the masters in this country, but that Canada herself was the mistress of everything within her borders. He was surprised that so many members on the north shore of the Province of Quebec had condoled the many wrongs they had suffered at the hands of the Grand Trunk. The Company had not oppressed Ontario as it had oppressed Quebec because it was not in its power to do so. The people of the north shores of the Ottawa and St. Lawrence had contributed their proportion to the building up of the Grand Trunk, and they now demanded that their pecuniary interests should be no longer neglected. He would vote against the bill and would continue to oppose the Grand Trunk so long as that Company opposed the real interests of any section of the country through which their line ran.

The House then divided for the second reading; the result being 126 against 8, a majority of 118 in favour of the bill.

YEAS

Messrs.

| | |
|-----------------------|------------------------------|
| Almon | Archambault |
| Archibald | Baby |
| Beaty | Beaubien |
| Béchar | Bellerose |
| Benoit | Bergin |
| Blanchet | Bodwell |
| Bourassa | Bowell |
| Bowman | Brooks |
| Brouse | Brown |
| Buell | Burpee (St. John) |
| Burpee (Sunbury) | Cameron (Cardwell) |
| Carling | Caron |
| Carter | Cartwright |
| Casey | Casgrain |
| Charlton | Chisholm |
| Church | Coffin |
| Cook | Crawford |
| Cunningham | De Cosmos |
| Delorme | Dewdney |
| Domville | Dorion (Drummond—Arthabaska) |
| Dorion (Napierville) | Edgar |
| Farrow | Ferris |
| Fleming | Flesher |
| Fournier | Gaudet |
| Geoffrion | Gendron |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Grant | Grover |
| Hagar | Harvey |
| Higinbotham | Holton |
| Huntington | Jetté |
| Joly | Keeler |
| Killam | Kirkpatrick |
| Lacerte | Laflamme |

| | |
|-----------------------|----------------------------|
| Langevin | Langlois |
| Le Vesconte | Lewis |
| Macdonald (Glengarry) | McDonald (Cape Breton) |
| Mackay | Mackenzie |
| Mailloux | Masson |
| McAdam | Merritt |
| Metcalfe | Mitchell |
| Moffatt | Morrison |
| Nathan | O'Connor |
| Oliver | Pâquet |
| Paterson | Pearson |
| Pelletier | Pinsonneault |
| Pope | Pozer |
| Richards | Robillard |
| Robinson | Robitaille |
| Ross (Champlain) | Ross (Durham East) |
| Ross (Middlesex West) | Ross (Prince Edward) |
| Ross (Victoria) | Ross (Wellington Centre) |
| Ryan | Rymal |
| Scatcherd | Shibley |
| Smith (Peel) | Smith (Westmorland) |
| Snider | Staples |
| Stirton | Taschereau |
| Tilley | Tobin |
| Tourangeau | Tremblay |
| Trow | Tupper |
| Wallace (Albert) | Wallace (Norfolk South) |
| Webb | White (Hastings East) |
| Witton | Wood |
| Young (Montreal West) | Young (Waterloo South)—126 |

NAYS

Messrs.

| | |
|---------|--------------------------|
| Cauchon | Chipman |
| Currier | De Saint-Georges |
| Duguay | Findlay |
| Prévost | Wright (Ottawa County)—8 |

On the motion that the House go into Committee of the Whole to consider the Bill,

Hon. Mr. CAUCHON objected on the ground that only one stage could be taken on the same day.

The SPEAKER decided that the rule was that only one reading could be taken on one day, but the House could go into Committee of the Whole without a reading being taken. Similar decisions on the same point had been given by former Speakers.

Hon. Mr. CAUCHON said before Mr. Speaker left the chair he had a statement to make. It had been declared by the hon. member for Cardwell that no opposition was being made by the Grand Trunk Railway to the Canada Pacific Railway. He had just received a letter from a party in a position to know positively, who informed him that the Grand Trunk Railway were giving their strongest and most strenuous opposition to the Canada Pacific Railway in London.

Hon. Mr. MACKENZIE said it was a good thing. (*Laughter.*)

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Hon. Mr. CAMERON (Cardwell) said he had made the statement on his own responsibility, as having charge of the Bill, that the Grand Trunk Railway was offering no opposition to any parties interested in the Canada Pacific Railway. He made his statement on the most positive authority.

Hon. Mr. CAUCHON said that was in direct contradiction of the terms of the letter he had just received. The hon. gentleman must have made his statement from information received from other parties, and the one authority was probably as reliable as the other at least.

Hon. Mr. MACKENZIE enquired of the hon. member for Cardwell, if the Bill had been printed and put in possession of the members.

Hon. Mr. CAMERON (Cardwell): Yes.

Hon. Mr. MACKENZIE: I have not been able to get a copy of it yet.

The House then went into Committee of the Whole, with **Hon. Mr. BLANCHET** in the chair, and passed the Bill clause by clause, with one amendment, and having risen, reported accordingly.

The second reading was fixed for Wednesday.

* * *

UNION FORWARDING AND RAILWAY COMPANY

Mr. LEWIS moved the House into Committee of the Whole on the second reading of the bill to increase the capital stock of the Union Forwarding and Railway Company as amended by the Standing Committee on Railways; **Mr. TASCHEREAU** in the chair.

The bill was reported, without amendments, and read a third time.

* * *

THE MONTREAL AND CHAMPLAIN RAILROAD COMPANY

Mr. RYAN moved the second reading of the Act respecting the Montreal and Champlain Railroad Company, which was carried.

The House went into Committee of the Whole thereon, **Mr. TASCHEREAU** in the chair.

The bill was reported, without amendment, and read a third time.

* * *

PRINTING AND PUBLISHING COMPANY

Mr. CURRIER moved the second reading of the bill to incorporate the *Citizen* Printing and Publishing Company, which was carried, and the House went into Committee of the Whole thereon, **Mr. CRAWFORD** in the chair.

The bill was considered and reported with one amendment. It was then read a third time and passed.

* * *

THE NORTH STAR SILVER MINING COMPANY

Hon. Mr. CARLING moved the second reading of the bill to incorporate the North Star Silver Mining Company, which was carried.

The House went into Committee of the Whole thereon, **Mr. CRAWFORD** in the chair.

The bill was reported, without amendment, and read a third time.

* * *

THE MARITIME WAREHOUSING COMPANY

Mr. DOMVILLE moved the second reading of the bill to incorporate the Maritime Warehouse Company of the Dominion of Canada.

The House went into Committee thereon, **Mr. ALMON** in the chair.

The bill was reported without amendment and read a third time.

Mr. DOMVILLE moved that the title of the bill be changed to the Maritime Warehousing and Dock Company.

* * *

GANANOQUE WATER POWER

Hon. Mr. RICHARDS (Leeds South) moved for copies of the following documents:—A petition of Mr. D. Ford Jones and others, in relation to the Gananoque Water Power as affected by the Rideau Canal. A memorandum of Mr. R.P. Cotton, in relation to the said petition. Report of the Engineer, and papers connected with the petition of certain inhabitants of the Township of Pittsburg, asking that a mill-site may be leased at Brewer in 1861. Report and plan of W. Kingsford, in relation to the said petition of the said Mr. D. Ford Jones made in 1872. He made a brief explanation of the purpose for which he made the requisition

The motion was carried without discussion.

* * *

SUNDAY TRAFFIC ON RAILWAYS

Mr. SMITH (Peel) moved for a Select Committee of seven members to enquire into the subject of Sunday traffic on railways

under the control of Parliament, with the view of preventing, if practicable, such traffic, and to extend to railway employees the right and privilege which the law gives to other citizens—one day of rest in seven—and that the said Committee have power to send for persons, papers and reports, and report from time to time.

He proposed simply to enquire into the matter. It might be a fact that labour was as much reduced on the Sabbath as possible, which is asserted in some quarters, but he simply wanted to know if it was so or not. There were 11,000 persons engaged on railways, and he felt pretty certain that one half of these were engaged upon Sunday. Not only were they denied the day of rest, but railway trains were run through cities and towns on Sundays to the disturbance of public worship. The law in Ontario provided for the suppression of everything of the kind, but so far as railways were concerned it seemed that it was either impossible to carry it out, or people did not know to do so.

Hon. Mr. TUPPER requested that it be referred to the Standing Committee on Railways, whose proper sphere was to deal with questions of this kind.

Hon. Mr. MACKENZIE said in the past they had some experience of sending matters to Committees, and he was afraid that there would be some danger of that being the case just now. He reminded the hon. gentleman and the gentlemen opposite that the Government had only power to deal with their own railways. It rested with the Local Governments to legislate upon Sabbath observances. While he did not approve of sending this before the general Committee, he thought on the whole it was the best course.

Hon. Mr. LANGEVIN said so far as railways connected with the Government were concerned, it had been complained some time ago that Sunday was not observed in the Lower Provinces as it should be. He had directed that a letter should be written to the Superintendent instructing him that he should limit the Sunday traffic as much as possible. He quite agreed that the Sunday should be observed as strictly on the Government works as on those under the control of private individuals.

Mr. YOUNG (Waterloo South) thought the subject was one which properly came under the attention of Parliament, and the hon. gentleman deserved the thanks of the country for having brought the matter up. He could himself give his evidence as to the amount of work which was performed on Sunday on the Great Western and other railways in his quarter.

Hon. Mr. TUPPER thought that as the Great Western was under the Local legislature and consequently in some degree under the control of the member for Lambton, there must be some mistake as to there being unnecessary traffic on that line on Sundays. (*Laughter.*)

Mr. OLIVER also said that a great amount of unnecessary work was done, and it was quite customary to have freight trains waiting to be conveyed over the line on Sunday. There was no other

question more deserving of the attention of the Legislature of Ontario, in whose hands the power was to legislate in this direction. (*Hear, hear.*)

Mr. ALMON said there was no traffic over the Nova Scotia Railway on Sundays. It was true it did not pay its working expenses (*laughter*), but he hoped that its virtue, like the ten righteous men who ought to have been found in Sodom, would wipe out the sins of the large provinces. (*Renewed laughter.*)

Mr. HIGINBOTHAM supported the motion, and complained of the number of trains which passed his city on the Sabbath. He was glad to hear that the Grand Trunk was under the control of the Ontario Government, and also pleased to know from the debate that had taken place that afternoon that the Grand Trunk would no longer be under the control of the Dominion Government, but worked by a private company.

After some further discussion,

Hon. Mr. HOLTON moved that it be an instruction to the Railway Committee to consider this question.

The motion as amended was then carried.

* * *

THE MANUFACTURING INTERESTS OF THE DOMINION

Mr. CHISHOLM in moving for a select committee on the manufacturing interests of the Dominion, alluded to the great increase of manufactories in the city of Hamilton. The sewing machines manufactures, for instance, now numbered six in that city, some of which had their instructions printed in twenty-six different languages, and the factories had last year hurried out no less than 36,000 sewing machines. The materials of which these machines were made were principally brought from foreign countries, manufactured in Canada and exported. The city of Hamilton knew that it was largely indebted to the protection afforded to its manufacturers by the Government, and the same was the case in all other large cities of the Dominion.

He spoke of the great future in store for the Dominion, and of the great advance made by the country since Confederation.

If we were faithful to our trust, he had no doubt that all the anticipations of our prosperity in future would be realized; but we must be careful to watch over each of our growing interests. He believed the general feeling of the people of this country was in favour of incidental protection to manufacture. The object of his motion was to have a committee to consider this question, and to elicit information. He concluded by moving for a committee comprising Messrs. Carling, Beaubien, Cameron (Huron South), Joly, Rymal, Gibbs (Ontario South), Savary, Thomson (Welland), Colby, Masson, Currier, Béchard, White (Halton), Ryan, Gendron, De Cosmos and Chisholm.

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Mr. YOUNG (Waterloo South), being connected with this interest himself, and having much interest in the matter, would be willing to do anything in the direction indicated, but he failed to see what could be gained by the appointment of such a Committee at this late period of the session, and if the hon. gentleman had as much interest in the matter as he professed he should have moved for this Committee earlier. The thing was simply impossible, and he should like the hon. gentleman to keep the matter just now and renew his motion early next session.

He was astonished to see the action of the hon. gentleman, seeing that he expressed his concurrence in the determination of the Minister of Finance not to alter the tariff. He had reason to know that the hon. gentleman had gained his election by expressing an opinion that nothing less than 20 per cent would satisfy him and his concurrence in the present tariff might well have astonished his constituents.

There was no one in this House who did not approve of incidental protection but he (Mr. Young) did not believe in the foolish protection practised in the States, and which the hon. gentleman was supposed to favour. No country could live by one of its interests alone, and only such a policy as was calculated to promote them all would be acceptable to the Dominion. He was, himself, in favour of incidental protection.

The SPEAKER mentioned that there were two names too many on the list, fifteen being the limit of any committee.

Hon. Mr. GIBBS (Ontario South) and **Mr. RYMAL** asked that their names might be removed, as their time would be so fully occupied that they would not be able to render any assistance.

The motion was carried.

* * *

MOTION

Mr. TASCHEREAU moved for a statement of the sums paid by the Dominion Government to James Oliva for services as Census Commissioner.—Carried.

* * *

NATURALIZED GERMANS

The resolutions on subject of disadvantages under which naturalized Germans suffer, were read a second time and concurred in, and a select committee was appointed to draft an address to Her Majesty embodying the resolutions.

The address was submitted and agreed to, ordered to be engrossed, and an address to the Governor General was passed, praying him to present the address to Her Majesty through the Colonial Secretary.

The House adjourned at 10.55 p.m.

* * *

NOTICES OF MOTION

Mr. TASCHEREAU—On Wednesday next—Address to His Excellency the Governor-General, praying for copies of the report, judgment and all proceedings of a Division Enquiry Court, which was held at Lévis during the encampment of Volunteers there in June and July, 1872, composed of Lieut-Colonel Panet presiding officer; Lieut-Colonel Massicotte, and Major Couchy, which Court had been ordered and appointed by the commandant of the camp to enquire into the causes of the absence of several men from the camps of brigade number two during the inspection of brigade number one, and other matters, and which Court made a report which was handed over to Colonel Ross, Adjutant-General; also copies of the evidence taken before the said Enquiry Court and the correspondence between the commandant of the camp and the Militia Department concerning the case.

Mr. COLBY—On Wednesday next—Bill entitled “An Act to amend chapter 58 of the Consolidated Statutes of the late Province of Canada”.

Mr. CASEY—On Wednesday next—Select Committee—On resolution that the papers relating to Port Stanley Harbour be referred to a Select Committee, with power to send for persons and papers.

Mr. CASEY—On Wednesday next—Enquiry of the Ministry whether the Government intend to advise the Governor General to grant the prayer of certain petitioners resident in the county of Elgin asking that Port Stanley Harbour be transferred from the charge of the present trustees into that of the County Council, so that the Government should assume the direct control of it themselves.

Mr. CARTWRIGHT—On Wednesday next—Enquiry of the Ministry whether their attention has been called to the inconvenience arising from the torn and dirty condition of many of the small Provincial notes now in circulation, and whether the Government will be prepared to allow the various banks of the Dominion the cost of transmitting the said mutilated notes for exchange or redemption.

Mr. WILKES—On Wednesday next—Committee of the Whole—On resolution that it is unseemly and inexpedient that the Collector of Customs or other high grade public officers should be the recognized agents of Insurance or other business companies, or that such officers should be engaged in any other business whatsoever; that in the opinion of this House the remuneration of such public officers should be increased to such an amount as will be sufficient for their comfortable maintenance, if not now such, and that the public service demands their undivided time and attention.

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HOUSE OF COMMONS

Tuesday, April 22, 1873

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

Prayers

BILLS INTRODUCED

The following bills were introduced:—

Mr. BEAUBIEN to incorporate the Labrador Company.

Mr. CARTER to facilitate arrangements between debtors and creditors, to punish fraudulent debtors, and to abolish the preference in favour of judgment creditors.

* * *

ELECTION PETITIONS

The following members to the Peterborough West election case were sworn:—Messrs. Almon, Anglin, Colby, Rymal, and Palmer.

* * *

INTERFERENCE IN ELECTIONS

Hon. Mr. DORION (Napierville) said before the orders of the day were proceeded with he had to bring under the notice of the House a question which appeared to him as the utmost of importance. He hoped that the hon. member who was concerned in the case would not think he had been discourteous to him as notice of the proceeding had been lately given. The House had at all times been very jealous of its privileges, and especially of the interference of Ministers of the Crown at elections. Within a few days letters had been received, which, if they were correct—and he had reason to believe they were—showed the most direct interference on the part of a member of the Administration in two distinct elections in his official capacity. These papers he would lay before the House in a moment, and it would then be for the House to decide what was to be done in it. These letters spoke for themselves.

The first he should read. It was in these terms:

“We, the undersigned electors of the County of Charlevoix, do certify that on the 11th day of the month of August, 1872, Mr. E.X. Cimon, a candidate at the last election of the County of Charlevoix, read public a letter of the Hon. Mr. Langevin, Minister

of Public Works, in which this hon. gentleman said that if the electors of Charlevoix elected Mr. Tremblay, the Government would not cause any public works to be made in the county, giving it clearly to be understood that the Government would not cause to be constructed the wharf or lighthouse asked for at the entrance of Baie Saint-Paul. This letter was read in the presence of a great number of electors gathered at the church door of Baie Saint-Paul West, April 18, 1873:—

Signatures—Cléophe Simard Gregoire Tremblay, Xavier Tremblay, Edouard Tremblay, J. Bte. Tremblay, Boniface Larouché, Auguste Lemieux, Jos. Simard.”

Then there were the following letters:—Extract of a letter from L. Gobiell to P. Tremblay, Esq., M.P.P., dated Baie Saint-Paul West, April 18, 1873:—

“Dear Sir—In answer to your letter of the 22nd March, you asked me some details with regard to the letter which was read at the church door of La Baie Saint-Paul during the last Federal elections. I have not been able to procure the letter you speak of, written by Hon. Mr. Langevin. The terms of the letter were the same as reproduced in the *Journal de Quebec* of the 20th of March last, making a menace in case we should not vote for the Government candidate.”

Extract of a letter from the same to the same, dated 2nd December, 1872:—

“Dear Sir,—In the interpellation which you made to the Ministry for having interfered against you at the last election, you can hold your assertion to be true. I and my friends have the evidence of it in writing.”

Extract of a letter from Dr. L.D. Lafontaine, MPP, from Napierville, to Mr. Tremblay, dated 8th March, 1873:—

“Dear Sir,—In answer to your letter of the 5th inst., I have to say that the conversation of which you ask me to report took place last fall in the office Mr. Peach, architect, of Quebec. The persons present were Mr. Peach, Dr. Laberge, MPP., for Châteauguay, Mr. Xavier Cimon, the candidate at the last election of Charlevoix for the Commons, a person accompanying Mr. Cimon, whose name I do not recollect, an uncle of Madame Peachy, an elector of Charlevoix, and your servant. The subject of the conversation was the election of Charlevoix, the means employed in the election, and the derogation made in this House by Mr. Gagnon of his knowledge of a certain letter of the Hon. Mr. Langevin read at the church doors

a few days before the votation. Mr. X. Cimon then said, 'Notwithstanding party spirit the truth ought to be told. Mr. Gagnon could not ignore the existence of this letter, since it had been read in his presence, and that he was placed so as to be able to read himself the letter and ascertain the signature.' This letter spoke of certain public works of which the county of Charlevoix would be deprived if the elector elected Mr. Tremblay."

Extract of a letter from Dr. Laberge, MPP for Châteauguay, to Tremblay, dated 26 March, 1873:—

"Dear Sir,—The very evening after the sitting at which Mr. Gagnon, MP, was telling you that he had no knowledge of this letter, speaking of a letter which had been written by the Hon. Mr. Langevin, to a certain gentleman of the Charlevoix, whose name I have forgotten, Mr. Cimon, ex-MPP, for the county of Charlevoix, told me and Mr. Peachy, in the presence of Dr. Lafontaine, MPP., of Mr. Peachy and of another gentleman, who was I believe the partner of Mr. Cimon for the construction of a building belonging to the Ursuline Nuns, and in the presence of two other persons, that Mr. Gagnon, the present member for the Assembly of Quebec, could not ignore the existence of this letter, since he himself (Mr. Cimon) had shown it to Mr. Gagnon and to Mr. Tremblay, who were both (Messrs. Gagnon & Tremblay) on each side of him (Mr. Cimon).

If I recollect right these facts took place on the day of nomination, Mr. Cimon being on the platform to address the electors, took the letter in question, written by the Hon. Mr. Langevin, showed it to Messrs. Gagnon & Tremblay, and he made them ascertain the signature of the Hon. Mr. Langevin as well as the contents of the letter. Messrs. Gagnon & Tremblay read the letter, as well as myself and also the signature of the Hon. Minister. Said Mr. Cimon: 'I do not recollect what the letter said, but I recollect that it was written with a view to damage Mr. Tremblay, who was then a candidate for the county of Charlevoix.' In this conversation, Mr. Cimon was saying that although a political partisan, he was able to tell the truth, and that Mr. Gagnon was a humbug if he denied those facts."

Extract of a letter from Dr. E. Boudreau to Mr. P.A. Tremblay, dated 28 March, 1873:—

"I see by the papers that the election of Charlevoix is contested by Pilon & Co. What will the Hon. P. do in this contestation? Will the celebrated letters to the electors of Charlevoix, of which the famous Xavier made such an ample exhibition, believing they were an irresistible argument, be of any use in the inquiry which will be open on this occasion? For it must be said, without any deception, that every possible means of corruption *per fac* and *ne fac* have been used with profusion to insure the triumph of the Ministerial candidate."

Mr. ALMON: Are these letters sworn to?

Hon. Mr. BLAKE: They could not be sworn to.

Hon. Mr. DORION (Napierville) said he was not aware that there was any authority to swear to documents. (*Hear, hear.*) He would now read a certificate from certain electors in the county of Chicoutimi, in these terms:— "We the undersigned, certify that in the month of July last, at a meeting at the church door of the parish of Chicoutimi, between the Hon. D.E. Price and P.A. Tremblay, Esq., about the election of a member to represent the electoral district of the united counties of Chicoutimi and Saguenay, in the House of Commons, Mr. D.E. Price read publicly a letter which he said was from the Hon. Mr. Langevin, Minister of Public Works, the purport of which letter was, according to Mr. Price, that the Government would not cause to be constructed a wharf at Chicoutimi if Mr. Tremblay or an Opposition candidate was elected. Chicoutimi, March 30, 1873. Godefroi Bouly, Councillor for the township of Chicoutimi, and two others."

He (Hon. Mr. Dorion) had also another certificate, which was in these terms:—

"I certify that at the time of the election of a member to represent the electoral district of the united counties of Chicoutimi and Saguenay, which election took place last fall, one of the main arguments which Mr. Price's friends urged in his favour in the parish of Chicoutimi, was that a grant for a wharf in that parish, would not be made if Mr. Price was not elected, and that Mr. D.E. Price himself affirmed it. Chicoutimi, 30th March, 1873. Thos. Tremblay, ex-Churchwarden and three others." The Price mentioned in this letter was not the member of this House but the Senator. He might add that last term Mr. Tremblay was member for Chicoutimi and Saguenay at the time this letter was written. In the month of July he had not abandoned the contest in Chicoutimi and was then before the electors. He subsequently chose to run for the county of Charlevoix, and in this way his name was mixed up with the two counties.

In corroboration of these statements, he might mention that last year this House voted \$6,000 for piers and lighthouses, one for Port Neuf in the county of Saguenay, and the other at Baie Saint-Paul in the county of Charlevoix. There was no vote last year for the pier or lighthouse in the county of Chicoutimi. Last year Charlevoix was represented by Mr. Cimon, Ministerial supporter, and this vote was given, but it was not spent. This year we find by the estimates that the threats to the Government were carried out. There is a vote for Chicoutimi, but the vote of last year for Charlevoix, which had not been spent, was not revoted, so that in fact the Government set itself up against Parliament, and ceased to spend the money that Parliament had voted because the county had elected an opponent of the Government. It might be said that it was not shown by the estimates that this vote was for Chicoutimi.

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On this point he had the following corroborative evidence. Extract of a letter from J. Guay to P.A. Tremblay, dated 3rd of April, 1873:—

“The outer pier of the wharf is in a forward state. I really believe that the work is done by the Tow Boat Company, that is, till now, but Mr. D. Price has said to myself that the Government was to reimburse the company to the amount which the wharf would cost.”

Extract of a letter from J. Guay to P.A. Tremblay, dated 6th of April 1873:—

“Mr. David Price told me here in my office that it was the Company which was constructing the wharf, but that the Government had, or that he had the assurance from the Government to have, the money reimbursed to the Company in the present session. Mr. Bossé said to a competent person, whom I ought not to name to you, that the wharf was constructed by the Company under the guise of a lighthouse, and that he was certain that the Government would pay the cost of it when completed.”

These charges he thought were of the highest importance. It was important to know whether the whole patronage of the Government was to be placed at the disposal of certain persons during the elections, for the purpose of controlling the election of their friends or thwarting the election of their opponents. Here we had one of the most important Departments in the hands of a gentleman, if these statements be true, who had used the influence of his office for the purpose of inducing whole parishes to elect a certain candidate.

There had been no case before this Parliament of such clean and direct interference on the part of the Government as this one. He referred to authorities to show that as far back as 1779 it was resolved by the English House of Commons that it was criminal for any minister directly or indirectly to use his powers in office for the election of representatives to serve in Parliament. He also referred to the Derby election. If it was bribery for an individual to promise another to build a barn for him if he voted as he was wanted, it was equally bribery for the Government to promise to use its trust funds in building a pier if they elected a certain person and refuse it if they did not elect him. This letter was not written to the ministerial candidate, but to the secretary of a large mining company, who no doubt were very anxious to have improvements made in the harbour. He moved that the papers he had read be read by the Clerk.

Mr. TREMBLAY (in French) said that in December last this question came up in the Local House in Quebec, and the Minister of Public Works then told him he would answer him at Ottawa. It was that answer he now asked from the hon. gentleman. The letter referred to by the member for Napierville was addressed to Mr. Slevin, the Secretary of the St. Urban Mining Company. He was present and saw it when it was read. It stated that if the electors of Chicoutimi elected Mr. Tremblay they would have no public works. He saw that letter, and as it was read followed it with his eyes. It was signed by the Minister of Public Works, but was not written by him.

He (Mr. Tremblay) denied that he was a traitor as had been stated. He came out as an Independent member, but was opposed by both the Federal and the Local Governments. He had declared that he would support the Government on all good measures, as all good members ought to do. (*Laughter.*)

Hon. Mr. LANGEVIN thanked the hon. member for Napierville (Hon. Mr. Dorion) for the courtesy he had shown him in sending a copy of the documents to him before bringing on the question, in order that he might be prepared to meet the statements. The courtesy was one which he would be prepared to return under similar circumstances. He did not expect that a question similar to that of the county of Chicoutimi would be brought forward with that respecting the county of Charlevoix, otherwise he would have been ready with documents to meet both cases.

With regard to the first case, that of Chicoutimi, he was aware that the charge would be brought, and he prepared himself to meet it. The hon. gentleman, in his seat in the Local Legislature of Quebec, brought the matter up and he (Hon. Mr. Langevin) declined to answer the charge there and said he would answer it in the Dominion Parliament. When the attack was made in the Local House the hon. member for Charlevoix (Mr. Gagnon) got up and stated that no such letter had been received by him as the hon. member had stated, but as regarded the county of Chicoutimi, the hon. gentleman had charged him with having written a letter which was purported to be a threat to the electors of those two counties of Chicoutimi and Saguenay, that if they elected Mr. Tremblay the present government would not spend money in those two counties in public works. It was stated that the letter was written to the Hon. D.E. Price, Senator. The hon. Senator read the debate which had taken place in the Local Legislature on the subject, and he sent, in consequence, to him the following letter:—

“Quebec, Nov. 14, 1872.

“My Dear Langevin,—

“I see by the newspaper this morning that Mr. Pierre A. Tremblay said in the House of Assembly yesterday that you had written letters to parties in the county of Chicoutimi during the election for the Federal Parliament last summer, to be made use of at meetings of the electors, stating that the Federal Government would refuse to grant public improvements to the counties of Chicoutimi and Saguenay if he (Mr. Tremblay) was returned for Chicoutimi. His accusation is without foundation (*hear, hear*), as no letter to that effect was ever received or alluded to as coming from you or other Ministers. (*Hear, hear.*) Among the many false assertions that Mr. Tremblay made at the church door of Chicoutimi, one was that you had tried to buy him over to support the Government by offering him several times to appoint his brother Dorillon as guardian of Seven Islands in return for his support; that he scorned the offer to belie him in such a way, for if his brother was unable to earn his own living otherwise he would share what he had with him rather than see him employed to his dishonour; in reply to which, his brother Dorillon said, in the crowd I asked him

to send a barrel of flour from Quebec, in order that I might pass the winter; and he answered me that if I chose to look after his cow he would do so. (*Laughter.*) Knowing how Mr. Tremblay pressed and tormented you to appoint his brother, and his numerous requests to support him of which you are well aware, I thought I was perfectly justified in stating to you the false assertion Mr. Tremblay had made, and asking you for a letter on your part to refute it. That is the only letter read at Chicoutimi or any other place, and is the letter no doubted alluded to, but the subject is different. I return you the letter you gave me with this which you are at liberty to use as you will. I would like a copy of your letter if you would please let me have it.

"I remain, yours truly,

(Signed) "David E. Price".

The letter which he sent to Mr. David Price was as follows:—

"Quebec, July 13, 1872".

"My Dear Mr. Price—In answer to your letter of this day I may say that I have never offered to Mr. Pierre A. Tremblay to appoint his brother keeper of a lighthouse should Mr. Tremblay promise to support the Government, but Mr. Pierre A. Tremblay, member for Chicoutimi and Saguenay, came repeatedly during two years to torment and to press upon me to appoint his brother the keeper of a lighthouse. I refused him, telling him that I could not grant a favour in the patronage of the Government to a member who had not confidence in the Ministry who voted always against them on the important measure of their policy".

Always yours,

"Hector L. Langevin."

He thought this settled the question with regard to Chicoutimi. As he had just stated, he did not expect that a charge of this kind would be made in regard to the county of Charlevoix, otherwise he would have taken care to have written for a confirmation of the statement he was about to make. He did not write a letter containing anything in the sense of that stated by the hon. gentlemen in his speech. He never threatened the electors of that county that if they did not elect a member favourable to the Government the public works would not be proceeded with. Being aware that this charge would be brought, he telegraphed to Mr. Cimon, asking him whether he had made any such statement. He had just received the following reply to the telegram.

"Quebec, April 22, 1873"

"To the Hon. H. Langevin"—

"Being informed that an attack would be made against you, stating you wrote me a letter during the last election for the County of Charlevoix, in which you said no public works would be made in said County if Mr. Tremblay was elected, I feel myself obliged to declare and authorize you to state that I received no such letter from you before, during, or since that election".

(Signed) "S.X. Cimon."

Had he had time he would have obtained letters to the same effect, but he had not, as he was not aware until that morning that the statement would have been made. Mr. Gagnon, when this matter came before the Local Legislature gave a flat denial to the hon. gentleman to the case as it then stood.

With these explanations he left the matter in the hands of the House.

Mr. TREMBLAY rose to correct a statement made by the hon. Minister of Public Works (Hon. Mr. Langevin). The letter referred to by that gentleman was said to have been written on the 13th of July, whereas the letter which he (Mr. Tremblay) had quoted was read in this county on the 7th of July. This statement on the part of the hon. Minister of Public Works was therefore no answer and no contradiction to that he had made. The certificates he had produced were from respectable persons, and fully bore out his statements in regard to the whole matter.

Hon. Sir JOHN A. MACDONALD objected to allowing the hon. gentleman to go on. He had no right to question the accuracy of a statement of another hon. gentleman.

The SPEAKER said if it were a mere question of statement he did not think the hon. member was in order. He however had a perfect right to explain himself, if he were misunderstood, but if it were merely to deny statements on the other side he was not in order.

Hon. Mr. HOLTON said the hon. gentleman alleged that a certain letter was read in one of those counties mentioned on the 7th July. The hon. gentleman on the other side quoted a letter written on the 13th of July, to prove that the hon. gentleman (Mr. Tremblay) was mistaken in saying that the statements contained in a letter read at an anterior date were those in that particular letter. The hon. gentleman simply wanted to make a statement of facts which had been contradicted by the hon. gentleman opposite. In his experience in Parliament he had never seen a privilege of this kind refused, and he thought the statement should be allowed to be made.

Mr. TREMBLAY said he had little more to explain, except to say that offers of assistance to get situations for his relatives had been pressed upon him in return for his political support. (*Cheers.*)

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Hon. Mr. LANGEVIN said the hon. gentleman had contradicted the statements he had made. Of course he (Hon. Mr. Langevin) did not want the members to leave the House under the impression that he could not meet that denial with another statement. He could easily show the hon. gentleman opposite that he was mistaken, and he would request him to call to his memory that a few days before he left, at the end of the session, he came to the office of the Minister of Public Works, when there were parties present at the time, and asked repeatedly that his brother should be appointed a lighthouse-keeper. (*Hear, hear.*)

The motion was carried without opposition.

Hon. Mr. DORION (Napierville) said the House had both statements before it. The statements were made upon the responsibility of a member of this House. The hon. gentleman opposite had spoken of a letter written on the 13th. The hon. gentleman on this side had founded his charge on one read on the 7th in a certain county. That charge was unanswered. Then with regard to the letter mentioned in connection with Mr. Sylvain's name, the Minister of Public Works had said that he did not write any such letter to that gentleman, but he did not say such a letter had not been written by him to anybody. The fact was that the letter referred to was addressed, not to Mr. Cimon, but to Mr. Sylvain, the secretary of a mining company in the quarter. (*Hear, hear.*)

Hon. Mr. LANGEVIN denied that he had written such a letter to any person whatever. (*Cheers.*) He had done so before.

Hon. Mr. DORION (Napierville) said of course it was quite possible for him to be in a mistake; but here was a charge brought against the hon. Minister, supported by testimony of a member of this House, which alone demanded investigation even in the interest of the Minister of Public Works himself. As to the charge *re* Charlevoix, it was not yet contradicted. The Minister had only produced a certificate from Mr. Cimon that he had not written the letter to him, but though Mr. Cimon had the letter, it was not sent to him, but to Mr. Sylvain. Therefore there was no answer to that point of the charge. He hoped the hon. Minister of Public Works would be able to establish satisfactorily that he had not meddled with the elections. However, the facts ought to be known, as he thought there was at least *prima facie* evidence upon which to found the charge. He would move, seconded by Mr. Tremblay, that a Committee be appointed to enquire into the charges of official interference in the late elections for the electoral district of Charlevoix, by the Minister of Public Works, contained in the papers read by the Clerk of the House and that the said Committee be composed of five members. He said he intended to follow this up by a similar motion with regard to the county of Chicoutimi and the county of Saguenay.

Hon. Sir JOHN A. MACDONALD said the charges with regard to the counties of Chicoutimi and Saguenay had been entirely answered. His hon. friend behind him had not had the time or opportunity to procure similar denials with regard to the county of Charlevoix, and was not therefore prepared to do so now. He had no doubt if he were allowed the necessary time to communicate with

parties there, he would be able to do so in that case also; and, with the end, he thought his hon. friend had better defer making his motion for the Committee for a day or two.

Hon. Mr. DORION (Napierville) said he would be quite willing to do so. He had no object in making his motion except his public duty, and he would therefore be perfectly willing to agree to the proposal of the hon. gentleman opposite.

Hon. Sir JOHN A. MACDONALD suggested that the letters read by the Minister of Public Works should be put upon the orders with those read by the hon. member for Napierville.

Hon. Mr. MACKENZIE said if the hon. gentleman desired that this should be done, he would require to make a motion to that effect.

Hon. Sir JOHN A. MACDONALD made a motion accordingly.

Hon. Mr. DORION (Napierville) said it must be understood that, since he allowed this matter to stand, it should not be treated as an ordinary notice of motion, he having brought it up as a question of privilege, which, of course, it was yet.

Hon. Sir JOHN A. MACDONALD said certainly.

The motion was therefore allowed to stand till a future day, it being arranged that Mr. Price's letter should be printed with the papers submitted by Hon. Mr. Dorion.

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ELECTION COMMITTEE

Mr. JOLY presented the report of the Committee appointed to try the petition in the Huron North case, requesting leave to adjourn until Thursday 6th May for the purpose of procuring witnesses.—Carried.

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NEW BRUNSWICK SCHOOL LAW

Mr. MERCIER inquired of the Minister of Justice (Hon. Sir John A. Macdonald) if the papers had been brought down containing the communication from England concerning the New Brunswick School Law.

Hon. Sir JOHN A. MACDONALD said they were among the papers brought down.

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CONTROVERTED ELECTIONS LAW

Hon. Mr. MACKENZIE called the attention of the hon. gentleman at the head of the Government to a promise he had made to bring down the Controverted elections law today.

Hon. Sir JOHN A. MACDONALD said his hon. friend must have misunderstood him. He promised to bring down the Election

Bill today if it were printed in French, not the Controverted Election Bill.

Hon. Mr. MACKENZIE said he was quite aware of the promise of the hon. gentleman with regard to the Election Bill, but he would beg to remind the hon. gentleman that he had also inquired about the Controverted Bill and he certainly understood him to say that this also would be brought on today.

Hon. Sir JOHN A. MACDONALD said that conversation took place before the second reading. With regard to the incorporation of the Ballot in the Elections Bill, he had concluded to submit a series of resolutions based upon the New Brunswick system. The resolutions were in type, and would be distributed tomorrow.

Hon. Mr. BLAKE asked when the hon. gentleman would be able to proceed with the second reading. When would the bill be printed in French?

Hon. Sir JOHN A. MACDONALD said that was a matter beyond his control (*laughter*), that lay entirely in the hands of the printer.

Hon. Mr. BLAKE: Hear, hear.

* * *

SUPPLY

The House then went into Committee of Supply, **Hon. Mr. CAMPBELL** in the chair, and reserved the consideration of votes for Public Works and Buildings chargeable to income.

The following item, under the head of canals was adopted:—

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| Additional supply of water and improvement of Rideau Canal basin, Ottawa (re-vote) | \$11,000 |
| Lock at Culbute Rapids (revote) | \$70,000 |
| Chambly Canal—Houses, Superintendent and Lock Master (revote, \$1,240) | \$2,000 |
| Miscellaneous Works | \$15,000 |
| | _____ |
| | \$98,000 |

Mr. FINDLAY asked if that included a vote for Culbute Canal.

Hon. Mr. LANGEVIN said it did.

Mr. FINDLAY asked if the Government proposed to go on with the work without surveying the south channel.

Hon. Mr. LANGEVIN read extracts from the reports of Messrs. Shanly and Clark, who had made the surveys in 1858 and 1860, to

the effect, that the north side was much preferable to the south side of the Ottawa River.

Mr. FINDLAY said these surveys were made for a ship canal but the proposed plan now was for a six foot canal, and he held that for that purpose the south side afforded the better facilities. The canal was, he understood, chiefly for local purposes, and these purposes could best be served by having the canal on the south side, as the population on the north side was very sparse. If the government went on with the scheme they proposed, they would find they would have a monument of folly equal to the celebrated Chatse Canal failure, or the notorious blunder made in locating Beauharnois Canal. He appealed to the Government at least make a survey of the south side of the river before they undertook to make the large expenditures of \$70,000 that was proposed.

Mr. WRIGHT (Ottawa County) had accompanied a party who had visited the locality in question last year, one of the party being Mr. Cassels, the President of the Ottawa Union Navigation Company, and he had in his hand a letter from that gentleman stating that it would be a most utterly mistaken course to adopt the southern channel. This view was corroborated by eminent engineers, and he was himself strongly convinced that the northern channel was the best.

Mr. FINDLAY replied that he had had frequent communication with Mr. Cassels and others connected with the Ottawa Navigation Company, and every one had assured him that it was a mistake to have the channel on the north side. He urged that the Government ought thoroughly to investigate the question before asking the vote. The reason Mr. Cassels had written the letter mentioned was that he was afraid that if an agitation were got up and no appropriation would be made at all. The County of Renfrew could get nothing, while the County of Pontiac could get anything from the Government they asked; but he only asked that a proper survey should be made.

Mr. WRIGHT (Ottawa County) said Mr. Cassels had called upon him and Mr. Currier the other day, and asked them to wait upon the Minister of Public Works and urge upon him to build the canal on the north side.

Mr. FINDLAY: I quite understand that. I told you the reason.

Mr. CURRIER corroborated the statement of the member for Ottawa County (Mr. Wright). He went on to say that he did not think the member for Renfrew North wanted a canal on either side.

Mr. FINDLAY said that was not the case.

Hon. Mr. YOUNG (Montreal West) said there could be no doubt that the survey on the south side should be made. We had had enough of blunders caused by want of proper surveys before the work was undertaken.

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Mr. WRIGHT (Ottawa County) said there had been two complete surveys on both sides of the river.

Mr. FINDLAY said there was nothing in the Reports about a survey on the south side.

Hon. Mr. YOUNG (Montreal West) said the survey would cost very little indeed, and it should be made before the canal was finally located. He obtained a statement some time ago from a manufacturer in Ottawa to the effect that a canal from the St. Lawrence to Lake Champlain would save \$1.50 per 1,000 feet on lumber. When they considered that upwards of four hundred million feet of lumber was taken from the Ottawa Valley every year and that \$1.50 could be saved on all that by a canal between Lake Champlain and St. Lawrence, it became important to consider how much further saving could be made.

He believed that if the Ottawa navigation was improved so that lumber could be brought down to Montreal without transshipment, it would save at least \$3, and perhaps \$4, for every 1,000 feet of lumber, and all that amount would be annually saved to the country. He believed the Ottawa River should be improved to its utmost possible extent, but great care should be taken to select the best locations.

Mr. GRANT denied that the Government was influenced in making the location by the political complexion of the different localities.

Hon. Mr. MACKENZIE asked the Minister of Public Works whether any officer of the Department had made a survey except the survey of Messrs. Shanly and Clark. These gentlemen did not pretend to make an exact instrumental survey, as the amount at their disposal was not sufficient.

Hon. Mr. LANGEVIN: There had been no survey except that made by Messrs. Shanly & Clark. The Department being in possession of these surveys, they were sufficient to warrant them in asking the money which had been voted last year, but which had not been spent and was now put in as a revote.

Hon. Mr. MACKENZIE asked if that survey was sufficient to enable the Minister to accept tenders for the works without further surveys.

Hon. Mr. LANGEVIN said they had caused a full survey to be made on the north side in order to ascertain the exact cost of the work, so that they might call for tenders.

Hon. Mr. MACKENZIE asked what kind of a canal it was proposed to build.

Hon. Mr. LANGEVIN said the locks would be 200 feet in length by 45 in width, but it would not be of the depth required for a ship canal.

Mr. BERGIN called attention to the miserable condition of the lock houses on the Cornwall canal, and also to the extraordinary low wages paid to lock-masters. They were obliged to work almost night and day \$1.25 per day and it was only since June last they got that much. This was less than the wages for an ordinary days work in another employment. The dock master at the mouth of the Cornwall Canal, who had charge of three locks and had also the duty of harbour master to perform, a man of rare capacity in his sphere of life, reached only \$1.50 per day, while the lock-master who had only to look after one lock received \$1.25. The Collector at Cornwall, too, who was landing waiter as well, and had other arduous and responsible duties to perform, received only \$600 a year, while the Collector at Edwardsburgh, who had very little to do in comparison, got \$700. He also called attention to other cases of hardship.

Hon. Mr. LANGEVIN said he was much obliged to the hon. gentleman for calling his attention to this matter. He would be glad if he would hand him the names of the parties he had referred to.

It being six o'clock the House rose for recess.

AFTER RECESS

The House went again into Committee on the Estimates.

Hon. Mr. MACKENZIE suggested a general explanation where new votes were asked.

Hon. Mr. LANGEVIN, in complying, speaking of the amounts asked for the improvements of rivers, said the \$5,000 asked for the improvement of the Red River, would enable the necessary depth for navigation up to Winnipeg to be obtained. The item to be expended on the St. Croix River was in connection with a similar vote passed by Congress. The amount asked for the improvement of rivers generally was an annual vote to meet unforeseen expenses of this kind.

The following items then passed:—

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| Removal of rock at Cap à la Roche, St. Lawrence River | \$5,000 |
| Removal of rock at River Richelieu, Quebec (re-vote) | \$4,000 |
| Removal of rock known as "the Two Sisters," Fraser River, Sawmill, Rifle Rock, British Columbia (re-vote) | \$4,000 |
| Tow-path, and removal of obstructions, River Saint John, N.B. | \$8,000 |
| Improvement of Red River Navigation, Manitoba | \$5,000 |

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| To defray cost of dredging the bay at the mouth of the River Thames (re-vote) | \$5,000 |
| Improvement of rivers | \$10,000 |
| St. Croix River, New Brunswick | \$25,000 |
| | _____ |
| | \$66,000 |

The items passed.

On the item \$10,000 for Témiscouata, Matapedia, and Huntingdon and Port Louis road, military roads,

Hon. Mr. MACKENZIE observed that it was a farce to call the Port Louis road a military road.

Hon. Mr. HOLTON called attention to the condition of the Huntingdon road through Chaugnawaga, upon which the people of three counties were dependent, and which was required by the Indians.

Hon. Mr. LANGEVIN said the Government intended to take steps to put the road in a state of repair.

Hon. Mr. HOLTON asked when those steps were to be taken, as at present the road was in an impassable condition.

Hon. Sir JOHN A. MACDONALD: You cannot take steps, if it is impassable.

Hon. Mr. HOLTON said they could take administrative steps in that direction.

Hon. Mr. LANGEVIN said that the work would be begun as soon as the proper season arrived.

Mr. THOMPSON (Haldimand) called attention to the miserable condition of the Hamilton and Port Dover road. This road had been neglected for years, and he only asked simple justice in this matter.

Hon. Mr. LANGEVIN said he would make inquiries into the matter.

Mr. THOMPSON (Haldimand): It had been a matter of inquiry for a number of years.

Mr. BERGIN wanted to know if all roads called military roads were under the Dominion Government, and to be kept in repair by them. He referred to the military road from Alexandria to Lancaster, which was in need of repairs.

Hon. Mr. MACKENZIE said it would be remembered that three years ago we had an item for roads and bridges. The

Dominion should not go into road making as a speculation. He then called the attention of the House to the danger of having given votes for this class of improvements, with which this Parliament had nothing to do at that time. \$10,000 was voted on the promise that no more would be asked, and yet we had this vote every year since. They had no certainty as to where this money would be spent. Last year a part of a vote was spent on what was called the Gulf Road. Where was that road?

Hon. Mr. LANGEVIN said it was down the south shore of the St. Lawrence, towards Gaspé. It was required for carrying mails and also to open communication with the shore where wrecks were frequent. The Local Government gave \$10,000 towards the same road.

Hon. Mr. MACKENZIE said it was desirable that they should have no more of these road votes in this House. Could the hon. gentleman tell him how much of this vote was intended for the Huntingdon and Port Louis roads?

Hon. Mr. LANGEVIN could not say. They would have to keep the road in repair.

Hon. Mr. MACKENZIE: Has this road been offered for sale?

Hon. Mr. LANGEVIN said it had not. Tolls were collected on it.

Hon. Mr. MACKENZIE: Surely it is not proposed to continue keeping up these roads; it is entirely beyond our province.

Hon. Mr. LANGEVIN said the intention was to keep those roads till the Intercolonial Railway was completed.

Hon. Mr. MACKENZIE remarked that he did not see what the Intercolonial Railway had to do with the Huntingdon Road.

Mr. BERGIN said the hon. gentleman had not answered his question. The road he referred to had been used as a military road.

Hon. Sir JOHN A. MACDONALD said this road had not yet been brought under the notice of the Government. It was time enough to consider it when application for assistance was made.

Hon. Mr. MACKENZIE said if this system was to be carried on they would have a continuation of applications for roads to be included as military roads. In this particular matter he had to ask the Minister whether it was really intended to maintain the system. They were told that the Témiscouata Road would be abandoned to the local authority as soon as the railway was made. Was it the intention of the Government also to offer for sale or dispose of this other road? He thought they ought to be informed upon the subject before the vote was made.

Hon. Sir JOHN A. MACDONALD agreed with the hon. gentleman opposite that local roads should not be thrown upon the

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Government. He thought the road in question ought to be disposed of when necessary.

As regarded the Indian reserves, where there was a large tract of Indian lands with a road running through them for the use of the inhabitants, then he thought the lands ought to contribute to the repair of the roads.

The item—

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| Témiscouata, Matapedia, and Huntingdon and Port Louis Roads, (Military roads) was passed | \$10,000 |
| On the item Red River Road | \$198,000 |
| and bridge for Red River at Fort Garry | \$50,000 |

Hon. Mr. LANGEVIN explained that the amount expended last year on this road in excess of the estimate was in consequence of the increased price of materials and the rise in wages, besides that steamboat launches and barges had been built, and had not yet been paid for and would be. The increased vote had been asked for, and they expected by means of it to pay the whole amount.

Hon. Mr. MACKENZIE wished to know if the hon. gentleman could inform them how much was intended for steamers and barges and how much for the road proper, and what had been expended in other ways. The expense of the road had been enormous and he could hardly conceive how it could be necessary to spend \$198,000 on it this year. They had already spent over half a million on the road, and the country began to get sick of the expenditure, considering there was no benefit obtained. The year before last 1235 adults passed over the bridge, at the expense of some \$30,000 or \$40,000. He thought they required a further reason for the increased expenditure than they provisions and wages were higher.

Hon. Mr. LANGEVIN said the number of persons carried over the road last year was 475 and the receipts from the road were, for passengers and stores, \$28,324. It was true a large amount of money had been expended on the road from time to time. At first the road was only an ordinary one without any metal upon it. Afterwards the military expedition went over the road; the road had then to be put in a better shape, and made harder and more serviceable. Other improvements had to be made, the road was more frequented, and he thought they might expect a larger number of emigrants and larger quantity of merchandise over the road instead of being sent through the United States.

It had been found necessary to have storehouses built along the road for provisions and for goods; wharves had been built in order that boats, launches, and steamers might land passengers and freight or take passengers and goods; they required more gravel, and that would be another source of expense; then for emigrants they required some additional houses in order that they might not suffer

on the way; they expected a much larger emigration than hitherto to pass over the road, and as they intended to carry more goods storehouses were required.

Hon. Mr. MACKENZIE: What will the steamers cost?

Hon. Mr. LANGEVIN: They will cost \$175,000 more.

Mr. McDONALD: Are they finished now?

Hon. Mr. LANGEVIN: They will be in working order by the opening of the season.

In answer to Mr. Cartwright,

Hon. Mr. LANGEVIN said there were 95 miles of road from Fort Garry, and so far as the river was concerned, it was necessary to make more navigable certain rapids. The road extended from Thunder Bay to Fort Garry. The part for forty-five miles from Thunder Bay would require fresh gravel.

Mr. BODWELL inquired concerning the \$28,000, which he said was the revenue, from what source that revenue arose; whether from the carriage of passengers or otherwise.

Hon. Mr. LANGEVIN said the sources were from emigrants, Manitoba survey, soldiers that returned from Fort Garry and those who went there, the police force of Thunder Bay, and certain provisions afforded to others by the Indian Department.

Mr. CUNNINGHAM asked relative to the carriage of the goods, if the promise that had been made, that they would be carried at \$30 a ton, was going to be carried out, or were they to have to continue to pay at the rate of \$80 to \$100 as at present? Things were not better since the building of the Dawson road than formerly. In some of the other Provinces of the Dominion it seemed to be the practice that it did not matter how much the working expenses of the railways were, in that the public interest was saved. (*Hear, hear.*) He would like to know if the same principle were to be applied to all. (*Hear, hear.*)

Hon. Mr. LANGEVIN said he did not understand the hon. gentleman. Would he be kind enough to say where he intended the goods to be carried from at \$30 per ton.

Mr. CUNNINGHAM said passengers were carried for last year at \$25 per head, and this year the price would be reduced to \$10. If there was a large number of immigrants going over the road in the course of the year, there would be a considerable loss upon them, but this would also have the effect of reducing the affairs from the American lines of railway. For the carrying of goods and merchandise over that road, that is to say, from the west end of the lake to Thunder Bay, at the rate of \$40 per ton, they would be the losers in this case, but the effect upon the American Railways would be the same. He did not know the exact figures of the rates upon the American railways, but he was under the impression that it

was about \$90 per ton. This was at least a move in the right direction.

Hon. Mr. MACKENZIE said he would like to know the amount expended on this line for communication between the Red River and Thunder Bay.

Mr. WILKES asked if there were independent engineering reports as to whether these portages could be overcome in any other way than by wagon roads. There were only two important roadways on this whole route—one from Thunder Bay to Shebandowan Lake, and the other 95 miles adjoining Red River territory. He asked why could not the Government make short and inexpensive railways round these portages, and then open up a very extensive line of steam communication, as there was now 303 miles of navigable water on that route.

Hon. Sir JOHN A. MACDONALD said in the first place, until the western boundary of Ontario was settled, it was uncertain whether the Government had any control over the land in that territory; secondly, Parliament had voted a large grant of land for the purpose of constructing a railway to connect the head of Lake Superior with the Pacific Railway, and he did not think Parliament would be inclined to grant land to build another railway from Thunder Bay to Lake Shebandowan, and from the North-West Angle to Fort Garry.

Hon. Mr. MACKENZIE said he had seen it stated in newspapers that the survey of the Pacific road had been completed east of Fort Garry.

Hon. Mr. LANGEVIN said he had received a letter from the surveyor the other day, in which he stated he expected to complete his survey by the end of this month. This would complete the survey from Fort Garry to Nipigon, and he was glad to say that the report was favourable.

Hon. Mr. MACKENZIE asked if there was any provision that the local authorities would maintain the bridge over the Red River for which the vote of \$50,000 was asked.

Hon. Mr. LANGEVIN said there was no such provision. The work would have to be maintained by the Dominion as the local authorities had not the means. At present the river had to be crossed by means of a scow and great inconvenience was experienced. He believed it must be considered for several years part of the great highway from Old Canada to the Northwest.

Hon. Mr. MACKENZIE said he presumed the Pacific Railway would pass near this point, and if the Dominion had to keep up a bridge here, it might be done in connection with the railway bridge.

Hon. Mr. LANGEVIN said if the railway were near there, the Government would take care that two bridges were not built if one would do, but he thought the railway would go somewhat north of this.

The item then passed, as also those for

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| Surveys and inspections | \$46,500 |
| Arbitrations and awards | \$10,000 |
| Miscellaneous works not otherwise provided for | \$10,000 |

On votes for public buildings,

Hon. Mr. LANGEVIN explained that in the case of the Ottawa Post Office, the contract had been given to Hatch Brothers at \$108,000; the total estimated cost was \$100,000; the cost of excavation was included in the contract, and the building would have a large storehouse in the basement to accommodate goods from the canal.

With regard to the Toronto Custom House, etc., the total estimated cost was \$150,000 excluding the land which cost about \$35,000. The examining warehouse would not be included in the building, as the site was not large enough or sufficiently convenient. He had not yet been able to obtain a proper site for the examining warehouse, but the chief architect of the Department would visit Toronto next week to enquire into this matter. The amount asked was not necessarily the total amount required, but was what might be expended within the year.

He explained that the Government would have to acquire other land for the warehouse besides that which they now possessed.

Mr. WILKES thought there was land to the west of that now owned by the Government which might be made available for an examining warehouse. The place now thought of, on Simcoe Street, would necessitate a very large expenditure, and there were many objections to it. The most eligible site was that already owned by the Government on the Esplanade and Yonge Street.

Mr. BEATY concurred with the view of Mr. Wilkes, that the land behind the Iron Block, west of the present site, was the best site for an examining warehouse.

The item \$60,000 for Toronto, Quebec and London Post offices, re-vote, \$30,000 and \$2,000 for London Immigration Station, also passed.

Upon the vote for Montreal Post office,

Hon. Mr. WOOD said it does not appear upon the face of this whether or not the different expenditures were not greater than the sum originally estimated. He would like the hon. Minister of Public Works to put him upon some plan of finding this out, as he had no doubt there would be one.

Hon. Mr. LANGEVIN said great care was taken that the original estimates should not be exceeded unless there were some unforeseen circumstances, such as an extraordinary rise in wages or anything of that description. The Montreal post office was

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originally estimated to cost \$260,000, and he did not think that this amount would be exceeded. The present contract amounted to \$182,000, but that did not comprise all the work to be done.

Hon. Mr. MACKENZIE complained that the information contained in the report of the Public Works Department was very meagre, and gave no idea of the style of the buildings and the cost of them.

Hon. Mr. LANGEVIN said if the hon. gentleman would look into the report further he would find added a detailed report made by the chief architect of the Department on the different works.

Hon. Mr. MACKENZIE complained that the details given by the chief architect were very inadequate.

Hon. Mr. LANGEVIN said the report contained all the details that could be given up to the time it was made.

Hon. Mr. WOOD wanted some statement to show a comparison between the amount voted and the amount actually spent.

Mr. YOUNG (Waterloo South) said they might go on re-voting for any work year after year until they exceeded what was originally anticipated. He suggested that when a revote was taken it should be stated how much had been spent on the work.

The item passed, also \$6,000 for Montreal Immigration Station.

On Item \$10,000, re-vote, for Three Rivers Custom House and Inland Revenue office,

Mr. YOUNG (Waterloo South) said it appeared that \$2,000 had been spent on this work. He wanted to know how it had been spent; also, if it was decided to build the Custom House, whether the Government intended to carry out the same policy in regard to other towns of the same size.

Hon. Mr. LANGEVIN said they were in treaty with parties for the purchase of a suitable site. The \$12,000 had not been actually spent, but would be before the end of June next for plans, etc.

Hon. Sir JOHN A. MACDONALD said Parliament had decided last session to build this Custom House, and the Government were the servants of Parliament.

Hon. Mr. MACKENZIE said that might be the theory of the hon. gentleman, but it was scarcely his practice. His practice was to make Parliament servants of the Government. He went on to point out that the trade at this point was very much less than that of many towns in the west, that had received no grants for such buildings. In the latter case, however, these towns elected Opposition members, while Three Rivers sent a Ministerialist, and that made the whole difference. It was a disgrace that political support should be purchased by the erection of buildings where there was no necessity for them.

Hon. Mr. O'CONNOR said he had been a supporter of the Government, and yet Essex had received no grants for public buildings.

Hon. Mr. MACKENZIE said Essex was sufficiently blessed by having the hon. gentleman as its representative.

Mr. STIRTON said he had the misfortune to oppose the Government, and his constituents had seen fit to instruct him to do so, and therefore they had to put up with very inadequate buildings for a Custom House. He had the curiosity to look into the public accounts and compare the trade of Three Rivers with that of Guelph. The revenues derived from post office, Inland Revenue, and Custom House for these two places were respectively \$280,000 and \$382,000. Yet Guelph had to put up with a small corner of the railway station for a Custom House. He held that some general policy should be adopted, and buildings put up where they were most needed.

On the item for the Three Rivers Custom House,

Mr. WHITE (Halton) asked the hon. Minister of Finance if he understood him to say that a portion of this had been spent on plans.

Hon. Mr. LANGEVIN said he had stated that out of the \$2,000 about \$1,000 might have to be paid to the proprietors, the other \$1,000 would be paid for the survey of the property and preparing plans.

Mr. WHITE (Halton) said he understood him to have said that there was already a portion of that \$1,000 expended.

Hon. Mr. LANGEVIN said he had not.

Mr. WHITE (Halton) thought the Government should not ask for such large amounts, unless they were prepared to give fuller explanations upon them.

Hon. Mr. BLAKE said he understood that no portion of this amount had been expended, but he expected it would be between this and the first of July. He thought it had been shown pretty clearly that there was little use for expending the money at all. He would advise the Minister of Public Works to consider whether the purpose of the vote had not been gained. The election was now over; they had better save the money. (*Laughter.*)

The item was then carried, also \$19,000 for Grosse Island quarantine station.

On the item \$4,000 for Lévis Emigration Station,

Hon. Mr. MACKENZIE asked if it was to be built on Grand Trunk property.

Hon. Mr. LANGEVIN replied that it was to be erected on Grand Trunk property.

The following items were passed:—

Immigration station, Sherbrooke, \$500.

On the item for Pictou Custom House,

Mr. DOULL complained of the reduction in the amount asked. He considered \$12,000 too little.

Hon. Mr. LANGEVIN said the architect reported that he could provide an adequate building for the amount asked.

On the item of a Nova Scotia Marine Hospital, \$25,000.

Mr. MACKAY said the entire amount asked was not more than sufficient to erect a hospital at Sydney alone.

Hon. Mr. LANGEVIN said the intention was to erect hospitals at Sydney and Yarmouth, and the balance would be expended at Lawlor's Island, Halifax.

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| Saint John, New Brunswick, Post office towards construction, revote | \$35,000—\$55,000 |
| Saint John, New Brunswick, Savings Bank Building | \$10,000 |
| Chatham and Newcastle, New Brunswick, Custom House and Inland Revenue Office, New Brunswick quarantine stations, revote | \$1,000—\$4,000 |
| Chatham and Newcastle, New Brunswick, Marine Hospitals | \$12,000 |
| Manitoba Custom House, Inland Revenue Office, Post Office, Land Office, and Assistant Receiver General's Office, revote | \$30,000—\$35,000 |

Hon. Mr. LANGEVIN explained that the contract had been undertaken by a Mr. Davis, who, however, on going to Manitoba, found that he could not fulfil the contract at the amount, and had asked to be relieved, to which the Government assented. The work would now be done by given out separate contracts for the different kinds of work.

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| Manitoba penitentiary | \$25,000 |
| British Columbia Custom House, Post Office and Inland Revenue Office, revote | \$23,000 |
| British Columbia Marine Hospital | \$25,000 |
| British Columbia Penitentiary | \$25,000 |
| Public buildings generally | \$35,000 |

On the item of \$130,000 for rents, repairs and furniture,

Hon. Mr. LANGEVIN said the vote of last year was found too small, labour and material having increased so greatly in price. This

vote included, rents, repairs and furniture for all the public buildings, not only at Ottawa, but elsewhere, and as these buildings increased in number, the expense must increase.

Hon. Mr. BLAKE called attention to the bad ventilation of the House. He could assure hon. gentleman they would vote any reasonable sum for this purpose. He was sure the ventilation of the House might be improved greatly, to the benefit of those compelled to remain with the building.

Mr. TOBIN was glad attention had been directed to this matter. He, with others, had suffered severely from the defective ventilation and over heating, and hope some remedy would be adopted.

Mr. BROUSE also spoke on this subject, saying that he believed the impure air was not confined to the House alone, but extended to the whole city of Ottawa. He added that the House sat too late at night.

Hon. Mr. BLANCHET spoke also of the bad water.

Mr. BROUSE suggested that a Committee of medical men should be formed to look into the matter.

The following items were passed;—

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| Heating Public Buildings, Ottawa | \$35,000 |
| Removal of snow | \$2,000 |
| Montreal Custom House improvements and repairs | \$8,000 |
| St. John, New Brunswick, Custom House Improvements and repairs | \$5,000 |
| Slides and booms, St. Maurice Works, revote | \$81,000 |
| Ottawa River slide at Roche Capitaine Rapids, revote | \$16,500—\$20,000 |
| Rivière Des Prairies | \$4,500 |
| Miscellaneous | \$15,000 |

After some discussion the following portions of item No. 123 were passed:—

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| Harbours and Piers Lakes Erie and Huron, revote | \$50,000—\$200,000 |
| Presqu'Isle, Lake Ontario | \$9,000 |
| Pier for lighthouse and lighthouses, Port Stanley, Lake Erie, revote | \$7,000 |
| Kingston Harbour, Ontario, revote | \$3,000—\$6,000 |
| New breakwater and certain works of dredging at Collingwood, Georgian Bay, the Northern Railway Company to | \$35,000 |

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furnish an equal amount, revote,

On the first of these items,

Mr. CAMERON (Huron South) remarked upon the unsatisfactory state of Goderich harbour, and the way in which the contract had been performed. He also impressed on the Government the necessity of repairing the damages that had arisen in consequence of the imperfect and irregular construction of the breakwater.

Hon. Mr. BLAKE thought the hon. Minister of Public Works ought to be prepared, though not probably just now, to submit a statement to the House. He would like him also to state in addition whether any compensation was given to Mr. Brown for visiting Welland during the late election at the request of the hon. gentleman.

Hon. Mr. LANGEVIN said no such request had been made by him either directly or indirectly.

In answer to Mr. Cook, he said the money for the breakwater at Collingwood would be expended according to the plan furnished by the Government.

Considerable discussion took place upon the remainder of the votes for harbours and piers, amounting to \$369,000, all in Nova Scotia and New Brunswick. The Government were pressed to declare some general principle by which it could be ascertained what harbours were Dominion harbours, so that these grants should not be given away wherever the Government pleased.

On items of \$55,000 for dredging and \$76,000 for dredge vessels, a long discussion took place; the items were eventually passed.

The Committee rose and reported progress. **Hon. Mr. MACKENZIE** asked what business the Government intended to take up on Thursday. He complained of the important Government measures being delayed.

Hon. Mr. TILLEY said the Minister of Justice (Hon. Sir John A. Macdonald) would take up the Controverted Elections Bill, if ready. If it was not, he presumed the Government would take up the other Government Bills and Supply in the evening.

The House adjourned at 1.50 a.m.

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HOUSE OF COMMONS

Wednesday, April 23, 1873

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

Prayers

REPORTS

The Select Standing Committee on Railways and Canals and Telegraph Lines presented, through **Hon. Mr. BLANCHET**, their second report.

Mr. PALMER presented the first report of the Peterborough West Election Committee, requesting that time for forwarding the list of voters intended to be objected by the parties be extended to the first of May.

Hon. Mr. CAMPBELL presented the report of the General Committee on Elections.

* * *

ELECTION COMMITTEES

Messrs. SAVARY and **JETTÉ** were added to the panel of Election Committees. The striking of Committees to try the following election cases was fixed for the 5th of May: Leeds South, Jacques-Cartier, Northumberland, Rimouski and Perth North.

Mr. RYMAL (Wentworth South) presented a report of the committee on Standing Orders.

* * *

BILLS INTRODUCED

The following bills were introduced:—

Mr. MORRISON to amend the Railway Act of 1868, so as to ensure equal facilities to Express Companies on Railways heretofore constituted, and to those hereafter to be constituted.

Mr. COLBY to amend chapter 58 of the Consolidated Statutes of the old Province of Canada.

* * *

MERCANTILE AGENCIES

Mr. DOMVILLE moved that the matter of the petition of Thomas Hicks and others on the subject of Mercantile and Marine Agencies, be referred to a Select Committee with power to send for persons, papers and reports, and that such Committee should be

composed of the Hon. Mr. Mitchell, Messrs. Burpee, Brouse, Savary, Hagar, and the mover.

After some discussion it was allowed to stand as a notice of motion.

* * *

SPECIAL RAILWAY ACT

Hon. Mr. GIBBS (Ontario South) introduced a Bill entitled An Act respecting Railways. He explained that it was its purpose to enable Railway Companies to make sidings which they were not empowered to do under the General Railway Act; for instance, the Grand Trunk Railway could only make branch lines in the direction of navigable lakes and the river St. Lawrence, and had no power to make a siding in any other direction. This Bill was intended to take away this disability.

Hon. Mr. MACKENZIE suggested that the hon. gentleman should call his Bill, An Act to amend the General Railway Act.

Hon. Mr. GIBBS (Ontario South) said he had no objection and the motion as amended was carried.

* * *

RETURNS BROUGHT DOWN

Hon. Mr. LANGEVIN brought down a return of the correspondence, reports of engineers, et cetera, relative to Port Stanley as a harbour of refuge.

* * *

RIGHT OF NAVIGATION

Mr. De COSMOS asked whether foreign vessels have the right to navigate the inland coast waters of British Columbia, and particularly to navigate Johnstone Strait and the inland water route along the northwest coast of the said Province, between Queen Charlotte County and 51 degrees 40 minutes north latitude.

Hon. Sir JOHN A. MACDONALD said that question could not be answered, except by reference to Her Majesty's Government.

* * *

INTERCOLONIAL RAILWAY

Mr. TOBIN asked whether it is the intention of the Government to lay a double track on the line of railway between Pictou and Halifax, to meet the largely increased coal trade between the mining

districts and Halifax, and the increasing passenger traffic from Truro.

Hon. Mr. LANGEVIN said it was not the intention of the Government to do so.

* * *

MAILS TO WEST INDIAN ISLANDS

Mr. FORBES asked whether the Government intends to establish mail communication during the present year between the Dominion and the West Indian Islands.

Hon. Mr. TUPPER said that subject had engaged the attention of the Government during the past year. They had made every effort to accomplish such a result, and were still persevering in their efforts.

* * *

WHARFAGE TOLLS

Mr. MAILLOUX asked whether it is the intention of the Government to abolish the tolls levied on certain wharves belonging to the Government on the River St. Lawrence, below Quebec.

Hon. Mr. LANGEVIN said it was not the intention of the Government to abolish their tolls, but should they bear too heavily upon certain classes there might be revision. If complaints were made they would, of course, be considered.

* * *

INTERCOLONIAL RAILWAY CONNECTION

Mr. MAILLOUX asked whether it is the intention of the Government to connect the seaport of Rivière du Loup, with the line of the Intercolonial Railway, in accordance with the provisions of section 1 of the Act 31 Vic., Cap. 13, entitled "An Act respecting the construction of the Intercolonial Railway".

Hon. Mr. LANGEVIN said that question was receiving the attention of the Government.

* * *

NAVAL RESERVE LANDS

Mr. EDGAR asked whether the naval reserve lands in the Province of Ontario set out in the schedule to Cap. 37 of the Consolidated Statutes of Canada, containing over 4,500 acres, or any of them, or any of the naval reserve lands in the Province of Ontario have been handed over by the Commissioners or Admiralty to the Government of Canada, and if so, are there any conditions attached in such transfer to prevent the rental of such lands by the Government.

Hon. Mr. LANGEVIN said these naval reserves were transferred to the Government on condition that they would be kept as reserves for that purpose. There was no condition attached to the transfer that these lands should not be rented.

* * *

MASTERS AND MATES CERTIFICATES

Mr. De COSMOS asked what provision did the Government intend to make for masters and mates of vessels within British Columbia, and for granting certificates of competency to the same.

Hon. Mr. MITCHELL said the Government had not had their attention called to the necessity for this step. He was under the impression that there was not a sufficient necessity to warrant the expenditure that would be required, but when the necessity arose the Government would take steps to extend the Act to British Columbia.

Hon. Mr. MITCHELL said the matter would receive the consideration of the Government.

* * *

THE THOUSAND ISLANDS

Mr. BROUSE asked whether a full survey of these lands belonging to the Dominion, and known as the Thousand Islands, had been made by the Government; and, if so, what progress had been made, when surveyed will they be offered for sale, and under what conditions will such a sale take place.

Hon. Sir JOHN A. MACDONALD said this matter was under the consideration of the Secretary of State for the Provinces, who was absent, and his (Hon. Sir John A. Macdonald's) attention had not been called to it. He would give an answer to the question tomorrow.

* * *

DAILY MAIL BETWEEN METIS AND MATANE

Mr. Fiset asked whether it is the intention of the Government to establish a daily mail between Metis and Matane, in accordance with the prayer of the petition by the merchants and other interested parties by the parishes of Candy Bay, Rivière Blanche, and Matane.

Hon. Mr. TUPPER: That subject is now under the consideration of the Government.

* * *

PERCENTAGE OF MONEY ORDERS

Mr. LANDERKIN asked whether it was the intention of the government this session to reduce the percentage now charged on money orders.

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Hon. Mr. TUPPER replied in the negative.

* * *

TEA IMPORTED

Mr. ROSS (Durham East) asked what amount of tea had been imported into this country from the United States since levying the 10 per cent duty; at what ports; and the amount of duties.

Hon. Mr. TILLEY said that information should have been asked for by motion for a return, but speaking from memory, he believed that up to the 31st of December last the amount of duty charged on teas under the 10 percent tariff was about \$40.

* * *

MUTILATED NOTES

Mr. CARTWRIGHT asked whether the intention of the Government had been called to the inconvenience arising from the torn and dirty condition of many of the small Provincial Notes now in circulation, and whether the Government would be prepared to allow the various banks of the Dominion the cost of transmitting said mutilated notes for exchange or redemption.

Hon. Mr. TILLEY said the hon. gentleman himself was the only person who had called his attention to this matter. The Government had made provisions for the redemption of these notes by Deputy Receiver General at Halifax, St. John, Montreal, Toronto, and Winnipeg, but there was no provision for payment of the expense of transmitting each note from the bank to the Receiver General.

* * *

STEAM DREDGE

Mr. FORBES moved for a return of the work done during 1872 by the Dominion steam dredge Canada & Co.— Carried.

* * *

THE INSOLVENCY LAW

Mr. COLBY's motion for a Special Committee on the insolvency law was dropped out of the order paper at his (Mr. Colby's) request.

* * *

SURVEY OF THE NORTHWEST

Mr. CHARLTON moved that the House go into Committee to consider the following resolution:—"That in the opinion of this House a geographical exploration and geological survey of the fertile belt of the Northwest Territory should be undertaken during the present year and efficiently prosecuted, and that the information thus obtained concerning the climate, the agricultural capabilities and the mineral resources of that region should be placed before the

people of Canada and Great Britain in reports printed and circulated at the public expense and that emigration to that region should be further promoted through the translation of such reports and information into the German and Scandinavian language and the free circulation of the same in the States of the German Empire and in Denmark, Sweden, and Norway."

In making this motion he observed that if he could in some degree promote the cause of immigration and the consequent prosperity of the country by calling attention to this subject, his object would be served. We had vast resources undeveloped, and these could only be developed and made productive of national wealth by a large immigration to this country. By reference to our immigration statistics, he found that the number of immigrants to this country during the last seven years, ending the first of June last, was 145,100, or about an average of 20,744 for each year.

This was probably more than counter balanced by the loss of population caused by immigration from this country to the United States. This view of the case could be borne out by the examination of our owners returns. The increase of population of the Dominion for the ten years ending 1871 was 12-15 per cent. He found by reference to the United States statistics that in 1870 there were 493,000 natives of Canada in the United States, and to this we might add the number of persons there who were natives of foreign countries, but who had come to Canada and afterwards went to the United States, so it was fair to conclude that we had lost over half a million inhabitants by emigration to the United States. He referred to the experience of the United States because their immigration policy had been very successful. He found upon examination of their census returns that their population had increased during the last decade 22-25 per cent, almost double our percentage of increase, and if we took into consideration the fact that during that period the United States passed through an exhaustive civil war, during which they had buried 850,000 of their sons, the rate of increase was all the results of these explorations were given to the public and spread broadcast throughout Europe.

Reports were also spread far and wide of the wages in the various States, the nature of the soil and climate, provisions of the homestead laws, and all matters that would be of interest to intending emigrants. They had emigration agencies in all the principal cities in Europe, and most complete machinery for spreading information amongst all classes respecting the United States. They had within the last few years received an addition of 2,300,000 to their population. Perhaps the most important measure adopted by them for the promotion of emigration was their homestead law, which had been in operation since 1853. By reference to the statistics in the American Land Office, he found that in 1872 there were 4,671,000 acres granted to homestead settlers. These furnished homes for about 40,000 families, or about 200,000 souls. Such was the experience of the United States, and he held that their example should be followed by us. If we wished to succeed in promoting emigration as the Americans had succeeded, we would have to adopt a similar policy and adapt it to our circumstances. We would have to advertise our advantages, and let

the people of Europe know that we had three regions of fertile lands still unsettled; that in Canada there was room for a vast number of emigrants, and that they might have comfortable homes there; that we had good laws and a good system of government; that emigrants could have a home here inferior to no other part of the world. In this respect we had been remiss in the past.

All our efforts to procure emigration would be in a measure futile, unless we adopted the policy which had been as successful in the United States, of granting free land to settlers. Unless we adopt the free grant system, we would utterly fail in securing a fair proportion of emigrants coming to this side of the Atlantic. He pointed out the vast tracts of land waiting settlement in the United States, which were offered to the emigrant free of charge. We could not compete with these unless we also threw our lands open for settlement. Looking at the Pacific Railway Act, he found the Government had adopted a policy which would practically close more than 100,000,000 acres of Northwest territory to settlement. He found that fifty million acres were to be given to the main line; twenty-five thousand acres per mile to the Lake Superior branch, which would make about seven million of acres; and twenty thousand acres per mile for the Manitoba Branch, which would make over a million acres; so that altogether the Pacific Railway would absorb the enormous grant of fifty-nine millions of acres.

Further, he found that the Company were requested to take not more than a strip one mile wide along the side of the line where the country was barren, mountainous, or rocky. Supposing that eighteen hundred miles were of this character, this would take only eighteen hundred square miles of land, which would leave the balance to be allotted in the Fertile Belt, and this would take a belt eight hundred miles long by one hundred and ten miles wide. The Government were bound to lay out an equal amount on alternate blocks, and place it in the market at an average price of \$2.50 per acre. We would therefore have this strip one hundred and ten miles wide along this railway closed to settlement, except at the price of \$2.50 per acre. He asked if there was the remotest probability of immigrants going into that territory and paying that price while over the lines, they could get land just as fertile and with a milder climate. There were no hopes of settling that territory within anything like a reasonable time, unless settlers were offered land free.

There was another feature of the Government policy in reference to these lands that he considered radically wrong. It was with reference to selecting blocks. These blocks were six or twelve miles long by twenty deep. In the United States, the alternate blocks, in such cases, were only a mile square, and as the Government portions which were given away were settled, the portions owned by the railway companies increased in value and could be sold at a fair price, but in our territory the blocks were so large that even if the Government could give away their share it would still leave large blocks unsettled. The whole experience of the United States was that unless the lands were given away to settlers, it was difficult to settle a new country.

There was another feature of the Government policy that he wished to bring to the attention of the House, and that was the mode of giving these lands to the Railway Company. The charter provided that the lands appropriated to the Company should be granted from time to time, as the railway is proceeded with. There was a door left wide open for gross irregularities. The provisions of the grant to the Union Pacific Railway Company were that the Company should be compelled to finish twenty mile sections of the road, so as to satisfy the United States inspectors before they were entitled to their lands, but under our Act the Company might draw their lands and the work was proceeded with. What might be considered proceeding with the work? They might run a survey and excavate a few handfuls of earth and spend say \$10 a mile, and they might be in a position to acquire 25,000 to 30,000 acres per mile. Here certainly was a wide door for very grave irregularities. He considered by moving his resolution.

Mr. GRANT after remarking on the importance of the subject of the resolution, said there was no period in the history of the Dominion when the spirit of railway enterprise was so active as at present, and he thought explorations and surveys in the Northwest Territory were most desirable. There were great mineral resources in that country, especially of coal, which ought to receive the attention of the Government and the country. He also dwelt on the mineral resources of the Maritime Provinces and the valley of the Ottawa. He quite agreed with the hon. member for Norfolk North (Mr. Charlton) that it was desirable that while money was plentifully expended upon our various public works, it was also the interest of the Dominion that the natural production of the country should be cultivated. Nothing was more likely to promote immigration than this, for therein we were creating work for artisans and labourers. This class of men who most needed the benefits of the extended demand for labour, such as this country could afford them, were just the men who would tend to make the country great and prosperous, if we could induce them to come. Geological surveys ought to be made, and the world enlightened as to the minerals which the country was capable of producing.

Mr. SMITH (Selkirk) said the Northwest Canadian territories were much superior to those of the United States, the country not being subject to the ravages of such storms and blights as sometimes visited their neighbours on the other side of the line. In the great and fertile valley of the Saskatchewan there was plenty of room, with good communication into the country through the lakes and rivers, and the communication was continually being extended.

He said there was unquestionably coal to be found within 200 miles of Fort Garry and further west, besides large deposits of iron. In the Northwest territory they had greater advantages to offer to emigrants than they had on the other side of the line. They had a better climate, better land, and more wood, than existed in the neighbouring State of Minnesota. He had reason to believe that the railway from Pembina to Fort Garry would be completed by the end of the present year, and the impulse it would give to the settlement of the country would be very great. The homestead law of Manitoba

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at present was much more liberal than that of the United States; very little more expense would make their water communication very perfect, and the land grants were free at present. Settlers going there would have ample opportunity of making for themselves good and comfortable homes, and the building of the Pacific Railway would not fail to increase the prosperity of the country.

Mr. MERCIER (in French) gave the motion strong support. He complained that the policy of the Government had been too long merely a spending of money in supporting emigration agents in foreign countries instead of making ourselves and the rest of the world acquainted with the resources of our great country by explorations and surveys which ought to be published in all the European languages. This would have infinitely more effect, as applying to the understanding and judgment of intelligent people willing to better their condition, than all the agents they could ever send.

He expressed regret that so many young French Canadians emigrated to the United States, and hoped that some policy might be adopted which would persuade them to stay at home or even entice them to return. The people of the Province of Quebec were anxious to see their population and influence increased in this Dominion, and he suggested these reports of our mineral resources should be printed in French and distributed throughout France and Switzerland, so that a tide of emigration would be induced from these countries. We wanted people from all countries to fill up our waste lands with population and build up a great power on the northern half of this continent.

Mr. ROSS (Victoria) thought the Government, while doing all they could to induce the settlement of the Northwest country, should not forget the Atlantic shores of the country and should do something to get more settlers to go to Nova Scotia. He thought Nova Scotia and the Lower Provinces should be thoroughly explored before the Northwest Territory. Too much was expected of geological surveys, and he hoped the Minister of Finance would provide for the employment of a larger staff of surveyors.

Mr. CASEY said it was undoubtedly a fact that the Northwest Territories were rich in minerals, and that the railway which would at some time connect our Atlantic and Pacific shores would greatly benefit from the supply of coals at both ends, but if the territories are to be settled, we must let the world know what encouragement they offered to emigrants. In the advertising policy of the United States and the success which attended it, we had an example worth copying. He hoped the resolutions would be carried, and that the Government would take active steps to carry it out in the spirit in which it was worded. (*Hear, hear.*)

Mr. TROW said he was fully aware that the district drained by the Ottawa was at some points very rich in minerals, but the absence of coal made the working of them a very difficult and not very practicable matter. Another gentleman had dwelt upon the necessity of connecting our Atlantic and Pacific shores by means of a railway, and thought such a road, in bringing the scale of Nova

Scotia and the Northwest to the centre of the country, would serve a great purpose.

He quite agreed with the motion for a geological survey, but he thought a geographical survey would be of more importance, in order to ascertain what arable land we had at our disposal. (*Hear, hear.*) He looked at the matter from a farming point of view, and he did not think the Government were adopting the true policy with regard to immigration. He objected to such wholesale disposal of our waste lands for the sake of revenue, and especially to the creation of large landed monopolies such as existed in the Huron district, where its evils had become painfully apparent. The idea of the Government being able to induce settlers to pay \$2.50 per acre for land along the Pacific Railway route, when they could get better land in a better climate for nothing on the other side of the line was perfectly preposterous. When the proper policy for inducing settlement of land had been adopted it would be time enough to speak of making geological surveys. (*Hear, hear.*)

Mr. JONES said too much money had already been spent upon geological surveys, and he did not think that there should be any more expended in that way. The hon. gentleman went to a great deal of trouble to find a reason for the great immigration into the United States, without giving the correct reason, which really was the splendid protective policy adopted by that country. (*Hear, hear, and laughter.*) If there was one thing more than another which made him give the present Government a cordial support, it was the grand Pacific Railway scheme which they had inaugurated. He argued that similar schemes in the United States had been perfectly successful and that higher prices were paid for land on their routes than would be asked for on the Canadian Pacific.

Hon. Mr. WOOD said no doubt the subject of this resolution was a very important one, whenever it was brought up in any shape, and doubtless this discussion would excite more or less attention throughout the whole country. After many years consideration and negotiation, Canada had acquired the Northwest territories. In this acquisition this House and country had not exhibited much patrimony. He supposed that up to the present time, they had cost us not much short of four million dollars. The object which this country had in view in obtaining that country was to advance its settlement, for which purpose various schemes had been advanced. Among others incidental to the acquisition of that country was the opening up of communication with British Columbia, for which the construction of the Pacific Railway was devised; and it seemed now among a large portion of the members of this House and by a great many gentlemen in the country that the only means of settling the Northwest territories, or rather that which must precede that settlement and commence it, was the construction and completion of the Pacific Railway.

Theoretically this was all very fine to talk about; we had been talking about it for nearly five years, and if we were to judge by the progress made in the past, if we were to judge by the progress made in the construction of the Intercolonial Railway, we could hope only to be able to talk about its completion for a long time to come. The construction of the Intercolonial had been going on for nearly five

years, there was no scarcity of money; there were the utmost possible facilities for proceeding rapidly with the work; it had all the power and force of the Government brought to its aid; it had been broken down into and let in small sections, and after the past five years, it would yet take three or four more to complete it.

Taking all this into consideration, he would like the hon. gentleman who last spoke, who was well known to be a great arithmetician, to say how long it would be before we open up the Northwest territories by the construction of the Pacific Railway. He was afraid the date was far in the distance. (*Hear, hear.*) Ten years would be gone and they would hardly have commenced it, they would scarcely be in a position after that time had elapsed to begin, so that it should be completed before the great day of judgment. (*Hear, hear.*)

The question involved by the motion of the hon. member for Norfolk North (Mr. Charlton) was a most important one, as he had already said. It suggested the idea that there was a vast region of country in the Northwest territories under the jurisdiction of the Dominion of Canada which might be filled with a population of settlers who would cultivate and bring within the precincts of civilization a large region of country now a wilderness. The means which had been used to induce emigration into the United States and used with such good effect as well as those used in this country, had passed in review before this House in the speeches of hon. gentlemen not only on this but on former occasions.

We were accustomed always to hear reference made to the United States and different gentlemen had different opinions as to the real cause of such a large immigration into that country. Some said it was the form of Government, and that Republicanism had a great attraction for many Europeans; some considered that it originally began with the small settlers who were the pioneers of that country, who in this communication with the mother country became powerful immigration agents by the glowing accounts they were careful to send of their own property; their friends at home in turn widened and disseminated the favourable impression of the United States. He was inclined to believe that there was a great deal due to this influence. Others again said it was induced by the construction of railways. The large grants of land made to these companies made them interested in the settlement of the country, and they were therefore at great pains to induce settlers to get upon their lands. He could easily understand that the immigration into the country might be largely effected by the means suggested, but he did not think it was the most effective way of doing it. He questioned if there was a more powerful immigration yet to be found in this world than a Government which, with the united appliance, powers, and means as its command, understood, itself, thoroughly and in earnest to conduct the immigration movement. He did not think that a railway company or any other corporation having land to dispose of could be nearly so powerful and effective as the Government of a great nation making a national effort to add to their population from the surplus of the old world. It was an arguable point, and one on which different men held different

views; but he certainly did not think that immigration was induced in the most effective way by the granting of large tracts of land to railway rings and corporations, and thus enhancing the price of land to the settlers. He did not think that this had been productive of good results, as practised in the United States.

He thought it would have been better for them to give their hundred millions of acres, as he proposed should be done in the Northwest territories, free of charge, and under the protection of a liberal homestead law. If that policy had been adopted, he had no hesitation in saying that many a poor immigrant, now bound to labour hard for years and years in order to pay the price of his land, would have lived free, happy, independent, and contented; while immigration by the hundred and the thousand of those who had never seen and never would see the shores of this Dominion, would not have been diverted to the United States (*hear, hear*), while these one million six hundred thousand acres of land would have been filled by a thriving population of freemen. (*Hear, hear.*)

All were agreed as to the desirability of the attachment of the object proposed by the Pacific Railway—that is, the populating of the Northwest Territories—that the population must in a great measure come from the great centres of the world; and the question before this House and before this country was how shall that be accomplished. We had been negotiating and enquiring about these Northwest territories in one way or another for the past five years, and as yet we had accomplished but little. The population had increased only to a very limited extent, and the question was, what is the duty at the present hour of the Government and people of this country in that direction. It was said by an hon. member representing a constituency in that country that free lands could now be had for all who chose to go there. He would like to ask that hon. gentleman where these lands were to be found. It was said we had a vast region of country there. The hon. Minister of Justice said it. (*Hear, hear.*) An hon. member had remarked that before you could establish manufactures to any large extent or develop the mineral resources of the country, the populating of the country must be proceeded with. There was no doubt of that.

He recollected reading a statement of the hon. the leader of the Government (Hon. Sir John A. Macdonald) to the effect that we had three hundred and fifty millions of acres of land in the Northwest Territories but he (Hon. Mr. Wood) had never been able to find the authority upon which the statement was made. The hon. gentleman had said that he made the statement on the authority of the Surveyor General, but he had not said whether it was the Surveyor General of the Dominion or the Surveyor General of Manitoba, and he (Hon. Mr. Wood) was therefore at a loss to know the source of the hon. gentleman's information. From all accounts he had been able to obtain regarding these territories he would not suppose that there were over one hundred million of arable land or that would be of any use to settlers. He did not wish to limit the quantity, but it had been estimated by Professor Hyan, that it did not exceed fifty or sixty millions of acres. Now, if that were so, he would like to ask the hon. leader of the Government to inform him where he was

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going to get the lands he was going to give to the Pacific Railway. He (Hon. Mr. Wood) thought there was a great apprehension in the public mind on this subject, and had it not been for the purpose of dispelling it, he should not have sent anything on this occasion.

The railway company was to have alternate blocks of land, forty miles wide from the commencement to the end of the railway, and he quoted from the charter the clause making the provision. Now he was bound to say that there was an entire misapprehension of this whole thing in the country. The company, he said, quoting again from the charter, if the land was not suitable for cultivation had only to take one mile on each side of the line in alternate blocks. He had hardly thought that any hon. gentleman would take upon himself to state to this House or to the people or to inform the people of the centres of population in Europe that that was a region to which they could invite a settler to come and make his home in. How different had been the conduct of the Dominion Government in paying British Columbia for the right of way across the Rocky Mountains and for which privilege they paid a sum equal to two million of dollars. Surely a Railway Company ought to take the land as it happened to come along the line; but that was not so, they had to get fifty millions of acres from somewhere, and the balance that they did not select from the portions lying along the line must be taken from the best land in the territories. The public did not fully understand this, and he was bound to say it was nothing less than trifling with the interests of the country to give such an extraordinary grant to any corporation as to allow them the liberty of picking out fifty million acres of the best land in the territory.

He would like to know where the lands were the hon. member for Norfolk North (Mr. Charlton) was speaking of surveying, and the plans of which he wanted to distribute in the great centres of population in Europe. It would be a work of supererogation, and we would be but deceiving the people. We could only tell them that they would not get land for less than \$2.50 an acre, but we could not tell them how much more they might have to pay for them for it was not at all unlikely that the railway company would raise the price of the desirable lands to what they could get for them. But there were not only fifty millions of acres to be taken out of the fertile valley of the Saskatchewan, there were also ten million acres for the branch line. Where were all these lands to be found?

There was a very great portion of the line surrounded by land not up to the standard which the contract provided for to the company, namely that portion lying between the parallels 47 and 49, north latitude. He would remind the House and the country that the contract provided that the fifty or sixty millions of acres granted to this Company should be of the quality best adapted for settlement, and yet an hon. member from that quarter told the House that there were free homesteads in that country for those who chose to come to them. Where was he going to invite the immigrant from the old world to settle? Was it at the 49th parallel of latitude and would he tell this House that the lands there situated were fit for settlement, or that they contained fifty or sixty million acres of desirable land?

Mr. SMITH (Selkirk) said that from parallel 49 to 51 there was a stretch of about five hundred and fifty million acres of good land, and from 54 and 55 up to 57 there was also much good land.

Hon. Mr. WOOD said that might be so, but he would require a demonstration of an overwhelming character to that effect before they could invite settlers from the old world to take up their abode in that region and ask them to pay \$2.50 for the land. The hon. gentleman well knew what a hard thing it is for the ordinary class of emigrant to gather together their little all to enable them to reach those distant regions, and then cast upon them a debt which would be a burden upon them and their children instead of the freedom and prosperity they had expected. We had the experience of the Huron tract and its management by the Canada Company, which though it appeared at first to induce settlement, had been in the end a dead failure. Poverty and wretchedness hung upon the land in every case where the Canada Company had used their blighting influence.

If we were in this country to follow out the patriotic policy which every member of this House desired to pursue towards the Northwest territories, we must leave the people to settle on free land and provide for them a homestead which cannot be disturbed either so far as they or their descendants are concerned, but this scheme of waiting to build the Pacific Railway through a thousand miles of wilderness, so far away from settlement than even exploring parties come well nigh starving in it, was preposterous.

He had nothing to say against the construction of such a railway when there was a proper scheme for the development of the Northwest. If a railway were constructed from Winnipeg to Pembina, and communication thus obtained with the outer world, and if some vigour were used in the interest of travelling instead of trifling with the Dawson route, commerce would spring up in Winnipeg, and things altogether would take a different term from that they are receiving in at the present.

The water communication, as had been stated, was very good, and with some small expenditure might be much better. Hon. gentlemen knew that if this road were constructed, coarse grains could not be carried over it to market, because the cost of freight would consume the whole value of the grains. The produce of the Northwest, to find a profitable market, must be transported by water, therefore this dependence upon the railway to open up the country was utterly fallacious. It became the duty of the hour to abandon this mad scheme of a mad Government (*cheers*) and to look at the matter like rational business men; to open up the country in the easiest and cheapest way possible, and when it was opened up to go to the great centres of population in the old world and assure the people there that here was a free home for them and their children.

Did any one believe that a single individual mentioned in the charter of the Pacific Company would risk 500 pounds of their own money in the enterprise? If they did they made a huge mistake. He would like to know how many thousands of their own money these

persons who spoke of the great confidence they had in the scheme would invest in it. If they thought the monied men of England were not sharp enough to comprehend the whole scheme, they were mistaken. What ever they might do, the money in the long run would have to come from the people of Canada. That being the case, it would be better for the Government to build the road, as they built the Intercolonial, which he believed had been executed more economically and satisfactorily than any public work ever undertaken in this country. Then why make use of a Company that had no foundation whatever, except what was given to it by the Government? Why not come down boldly and tell the House that the Government was prepared to open up this communication?

Hon. Sir JOHN A. MACDONALD: Then why did you vote for a Company?

Hon. Mr. WOOD: I never voted for a Company.

Hon. Sir JOHN A. MACDONALD quoted from the *Journals* of the House of 1871, to show that Hon. Mr. E.B. Wood was a consenting party to the resolution providing that the Pacific Railway should be constructed and worked by a private company, and not by commissioners.

Hon. Mr. WOOD said he would like very much to have a Company construct the road, but he did not want the Company to construct with the funds of this Dominion. He did not consent to the land grants for the railway.

Hon. Sir JOHN A. MACDONALD read again from the same resolution to the effect that the Company should be aided by grants of money and land not unduly pressing upon the resources of the Dominion.

Hon. Mr. WOOD: Do I understand the hon. gentleman to say that I voted for that?

Hon. Sir JOHN A. MACDONALD: Of course; everybody voted for it.

Hon. Mr. WOOD asked Hon. Sir John A. Macdonald to send him over the *Journals* from which he was reading. After receiving the volume he looked embarrassed much to the amusement of the House. He, however, recovered in a few minutes, and endeavoured to prove that the circumstances were changed, it never having been contemplated that the charter would be given to a pet company, formed and supported by the Government. He had not voted for any such proposition as that. If he had he would say "Lord forgive me"—(*Laughter*). The leader of the Government had made nothing by his interruption. He had only shown his (Hon. Mr. Wood's) consistency throughout.

At the time he spoke of, the popular idea was that the "road should be built by a company, and not by the Government, but he supposed those who favoured such a plan never supposed that the company would derive all its validity from the Government and not

be supplied with funds by the Government, while at some time only acting for the purpose of making speculation out of the funds of this country. If this work must be built, in his judgment it would be better to have it carried on by the Government, subject continually to responsibility to Parliament. If it ever was built, it must be built in that way.

The present scheme, he fancied, could not be floated on the money market in England. He fancied that the capitalists of England had some recollection of the sixty millions sunk in the Grand Trunk, and that they would be careful how they took up these Pacific Railway bonds. The hon. gentleman opposite must recollect that a Canadian could scarcely go to England at that time without being reproached with the Grand Trunk swindle. If that was the fate of the Grand Trunk Railway, with all its advantages, what would be the fate of this Pacific scheme? Even if it were built, it would take between fifteen and twenty million annually to run it, in addition to the immense cost of building the road, which would far exceed thirty million. There would still rest upon us the obligation of running the road. He repeated it was a scheme that was undertaken without consideration.

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

AFTER RECESS

GRAND TRUNK ARRANGEMENT ACT

Hon. Mr. CAMERON (Cardwell) moved the third reading of the Bill to extend the provisions of the Grand Trunk Arrangement Act of 1862, so far as relates to certain preferential bonds, for a further period and for other purposes.—Carried.

* * *

BILLS ADVANCED

The following Bills were read a second time, passed through Committee of the Whole, read a third time and passed.

Mr. MORRISON—To legalize, confirm and extend letters patent granted to James McNabb, inventor of a horizontal car coupler.

Mr. DOMVILLE—To incorporate the Maritime Railway Equipment Company.

Mr. MERRITT—To amend the charter of the Dolphin Manufacturing Company.

Mr. DOULL—To incorporate the Pictou Bank.

Mr. TOURANGEAU—To incorporate the Stadacona Bank.

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Mr. CRAWFORD—To incorporate the Empire Fire and Marine Insurance Company of Canada.

Mr. DELORME—To incorporate La Banque Saint-Hyacinthe.

Mr. JETTÉ—To incorporate La Banque du Canada.

Mr. BÉCHARD—To incorporate the Banque de Saint-Jean.

Mr. BEATY—To incorporate the Western Bank of Canada.

Mr. BROUSE—To incorporate the Warrior Mower Company

Mr. ROSS (Durham East)—To incorporate the Huron and Ontario Transportation Company.

Mr. WITTON—To incorporate the Dominion Fire and Inland Marine Insurance Company. (Second reading and passed through Committee.)

Hon. Mr. HUNTINGTON—To incorporate the Victoria Bank of Canada.

Mr. MORRISON—To incorporate Date's Patent Steel Company (Limited).

Mr. YOUNG (Waterloo South)—To incorporate the Goldsmith's Company of Canada (Limited).

* * *

BILLS ADVANCED

Mr. MORRISON moved the second reading of the Bill to change the name of the "Freehold Permanent Building Society of Toronto" to that of the "Freehold Loan & Savings Company," and to extend the powers thereof.

Hon. Mr. BLAKE raised the question that this Bill was within the jurisdiction of the Local Legislature, and it was allowed to stand over for the present.

On motion of **Mr. MERCIER** the House went into Committee on the Bill to amend Act 34 Vic., Cap. 43, entitled "An Act to enable certain Railway Companies to provide the necessary accommodation for the increase of traffic over their railways, and to amend the Railway Act of 1868."

The Bill was reported with amendments, which were agreed to.

FELONY AND MISDEMEANOUR BILL

On motion of **Mr. GLASS** the House went into Committee on the Bill to amend the Act respecting the trial of felony and misdemeanours (32 and 33 Vic., Cap. 35).

Hon. Mr. DORION (Napierville) asked for explanations.

Mr. GLASS explained that the object of the Bill was to enable persons charged with felony and misdemeanour to be tried summarily by the judge, without a jury, during the sittings of the Court of Oyer and Terminer in Ontario, as well as when the Court was not in session. He also proposed to add an amendment to give judges power to amend an indictment and to postpone the trial.

Mr. CARTER cordially approve of the Bill. He suggested an amendment that the powers and duties of the Judge of Sessions, under the 8th section of the Act, be in Quebec exercised by the Recorder, in the case of the death or absence of the Judge of sessions.

Hon. Mr. WOOD considered that the responsibility of changing the criminal law should rest upon the Minister of Justice. The Act which it was now proposed to mutilate was prepared by the late Mr. Sandfield Macdonald and himself, and had worked well, and some grave exigency should arise before any one tried his apprentice hand at amending it. There was nothing in the Act to prevent parties being tried summarily while the Court of Oyer and Terminer was in session; but judges considered it unseemly that an inferior court should step in while there were in session and take a case from them and dispose of it before their eyes.

He contended that the amendments to the Bill proposed by its author were entirely unnecessary, and were not called for either by the public or the profession. If the hon. member for Middlesex East (Mr. Glass) wished to try his hand at amending criminal law he might find something more needing change than this Act.

Mr. GLASS said he could prove that just as important legal business had been entrusted to him as was ever entrusted to the member for Durham West (Hon. Mr. Wood), and he did not see why that hon. gentleman should try to put him down. However, this Bill should stand upon its new merits, without regard to the imperfect manner in which it was proposed. He had received letters from prominent legal gentlemen approving of the Bill.

Hon. Mr. RICHARDS (Leeds South) agreed that when the Court of Oyer and Terminer was in session there could be no speedier means of trial than this Court afforded. In his opinion there was no necessity for this Bill.

After some further discussion,

Hon. Sir JOHN A. MACDONALD suggested that the proposed amendments be laid before the Committee, and that the Committee then sit and report progress, and ask leave to sit again, meantime these amendments could be printed with the Bill, and gentlemen from the lower Provinces could take into consideration the propriety of having this law for the summary trial of persons changed.

This suggestion was agreed to, and the Committee rose, reported progress, and asked leave to sit again.

* * *

PROTECTION OF NAVIGABLE STREAMS

Mr. CARTWRIGHT moved the second reading of the Bill for the better protection of navigable streams and rivers. He said he did not wish to have a discussion on the Bill until the report of the Committee on the subject had been printed, but he wished to take a stage tonight.

After some remarks from **Messrs. CURRIER, RICHARDS, LANGEVIN** and **LEWIS**, who wish the Bill postponed,

Mr. CARTWRIGHT stated that lumbermen had been in the habit of discharging the rubbish of their mills into rivers, and the results had been a considerable obstruction of the streams. The sawdust flung into the Ottawa River alone had been estimated by the Commission at 8,000,000 cubic feet, and he was aware of some streams in which the depth of water had been reduced from eight or nine feet to four or five feet. He was prepared to make any reasonable modification of the bill to prevent its immediate enforcement. In New Brunswick the mills were compelled to consume their sawdust, and he protested against any private interest being allowed to obstruct our great rivers.

Hon. Mr. ANGLIN stated that the mouth of the Saint John River was being rapidly filled up with sawdust, and if something was not done to prevent it, dredging would be required there continually.

Mr. BELLEROSE said he had always opposed this Bill, and did so now. He moved the six months' hoist.

Hon. Mr. LANGEVIN asked his hon. friend to allow the Bill to pass the second reading on the understanding that the Bill would not go to the Committee of the Whole till the report of the Committee that had the investigation on the subject was before the House.

After some discussion,

Mr. BELLEROSE said he would not oppose the second reading.

Hon. Sir JOHN A. MACDONALD thought the second reading should be taken, as it was so late in the session, and the debate left for Committee.

The bill was then read a second time.

* * *

VENTILATION OF THE HOUSE

Hon. Mr. TUPPER moved, seconded by **Mr. BROUSE** that a Select Committee be appointed to inquire into and report on the sanitary condition of this House, especially in relation the mode of heating and ventilating now in use. The Committee was composed of seventeen members, all members of the medical profession (Messrs. Grant, Brouse, Almon, Ross (Champlain), Robitaille, Fortin, Bergin, Blanchet, De St-Georges, Forbes, Lacerte, Landerkin, Gillies, Pâquet, Schultz, Fiset and Tupper).

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REGULATION OF TRAFFIC ON RAILWAYS

On motion of **Mr. OLIVER** the Bill for the better regulation of Traffic on Railways was read a second time, and referred to the Railway Committee.

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EAST TORONTO ELECTION

Mr. BOWELL reported from the East Toronto Election Committee, asking leave to adjourn till the 20th of April, which was granted.

The House then adjourned at 11.30

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NOTICES OF MOTION

Hon. Sir JOHN A. MACDONALD—On Thursday next — Committee of the Whole to consider the following resolutions:— That it is expedient to pay to each of the Lieutenant governors of the several Provinces, in addition to his present salary, the sum of \$2,000 per annum.

That it is expedient to increase the salaries of the Judges of the several Provinces as follows, viz:—To add 20 per cent to the present salaries of the Judges of the Supreme Courts in the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, who now receive \$5,000 per annum or upwards. To add 25 per cent to the present salaries of the Judges of the Supreme Courts in the Provinces of Ontario, Nova Scotia, New Brunswick Manitoba and British Columbia, who now receive salaries under \$5,000 per

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annum, except the senior Puisne Judge of the Supreme Court of British Columbia, already sufficiently provided for. To add the sum of \$1,000 per annum to the present salary of the presiding Judge of the Court of Error and Appeal for Ontario, being twenty per cent of the increased salary of the Chief Justice of the Court of Queen's Bench of Ontario, the office formerly held by the present presiding Judge of the said Court of Error and Appeal.

That the Legislature of the Province of Quebec, having at its now last session enacted that the Supreme Court for that Province shall be composed of one Chief Justice and twenty five Puisne Judges instead of one Chief Justice and nineteen Puisne Judges as at present, it is expedient to provide that the twenty five Puisne Judges shall receive the salaries following, that is to say:—Ten Puisne Judges of the Court, \$4,000 per annum each, twelve Puisne Judges of the said Court, \$3,700 per annum each; three Puisne Judges of the said Court \$2,800 per annum each, and that to such several last-mentioned salaries shall be added the increase of twenty five per cent.

That it is expedient to amend the Act 32 and 33 Vic., Cap. 8, sec. 5, respecting the salaries and travelling allowances of the County Court Judges in the Provinces of Ontario and New Brunswick, and to provide that except in the county of York in the Province of Ontario, and the county of St. John in the Province of New Brunswick, the salary of each County Court Judge, to be hereafter appointed, shall be \$2,000 per annum, with \$1,000 for travelling expenses and that the salary of any County Court Judge, or of the Judge of the District of Algoma, hereafter appointed or heretofore appointed, and not having heretofore received a salary exceeding \$2,000 per annum, shall, after a period of—years of such service as such County Court Judge, be \$2,400 per annum with the travelling allowances aforesaid, and in each of the said counties of York and St. John the salary of any County Judge hereafter appointed shall be \$2,400, with \$200 for travelling expenses, and the salary of the present Judge of the County Court of the county of St. John shall be the sum last aforesaid. The salary of the present judge of the Country Court of the said county of York remaining as it was. That the salary of the last Junior Judge of a County Court in either of the said Provinces shall be \$2,000 per annum, with \$200 for travelling expenses.

That it is expedient to provide that in case any Judge of a County Court in either of the Provinces, of Ontario or New Brunswick becomes, after having continued in seat of office of Judge of a County Court is either of the said Province for fifteen years or upwards, afflicted with permanent infirmity, disabling him from the due execution of his office, then in case such Judge shall resign his office, Her Majesty may, by letters patent under the Great seal of Canada, vacating the seat, period of office, and his disability from permanent infirmity duly to execute his office, grant unto such County Judge an annuity equal to two-thirds of the annual salary which he was in receipt of at the time of this resignation, to commence immediately after his resignation, and to continue throughout during his natural life, and be payable pro rata for any period less than a year during such continuance out of any

unappropriated monies forming part of the consolidated revenue fund of Canada.

That the several increases of salaries and other charges proposed in the foregoing resolutions shall take effect and be computed from and after the first day of January in this present year.

That it is expedient to provide for payment to the members of the Senate and of the House of Commons of an increased indemnity, and in pursuance thereof, to repeal the first section of the Act, the 31 Vic., Cap. 3, and to substitute in lieu thereof, and to be read as the first section of the said Act, the following section: "that is to say, in each session of Parliament there shall be allowed to each member of the Senate and of the House of Commons, attending at such sessions \$10 for each day's attendance, if the sessions do not extend beyond thirty days, then there shall be payable to each member of the Senate and of the House of Commons, attending at such session, a seasonal allowance of one thousand dollars and no more."

That the deduction provided by the fourth and fifth sections of said Act shall be at the rate of eight dollars per day in lieu of five dollars per day as in the said section mentioned; but in lieu of the sum of six dollars mentioned in the third and fifth sections of the said Act, the sum of ten dollars should be taken and read as part of the said section respectively.

That the foregoing provisions in respect to such sessional allowance shall apply to this present session as well as to the future sessions of Parliament.

That it is expedient to increase the salaries of the Speakers of the Senate and the House of Commons respectively, to the sum of \$4,000 per annum.

That it is expedient to appropriate the sum of \$2,500 for re-adjustment of the salaries of the officers and servants of the Senate, and the sum of \$5,000 to effect a re-adjustment of the salaries of the officers and servants of the House of Commons.

That it is expedient to appropriate the sum of \$75,000 to enable his Excellency the Governor General to re-adjust the salaries of the civil servants in Canada for the year beginning the first of January, 1873.

Hon. Sir JOHN A. MACDONALD—On Monday next—Committee of the Whole to consider the following resolutions:—

Resolved,—That by chapter 15, title 3, of the revised statutes of New Brunswick, amended and made permanent by later Acts of the Legislature of that Province, certain duties of export on lumber shipped there from are imposed, the proceeds whereof belong to the said Province.

Resolved,—That by section 124 of the British North America Act of 1867, it is provided that nothing in that Act shall affect the right of New Brunswick to levy the lumber dues imposed by the said Provincial Act, or say Act amending it before or after the Union.

Resolved,—That by article 30 of the Treaty of Washington it is agreed that for the term of years mentioned in article 35 Her Majesty's subjects may carry in British vessels, without payment of duty, goods, wares, and merchandise from one part or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same to another port or place within the territory of the United States as aforesaid provided that a portion of such transportation is made through the Dominion of Canada by land, carriage, and in bond under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States, and that by Article 31 of the said treaty it is declared that Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada, and the Legislature of New Brunswick, that no export duty or other duty shall be levied on lumber or timber of any kind out in that portion of the American territory in the State of Maine watered by the River Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick; and that in case any such export or other duty continue to be levied after the expiration of one year from the date of the exchange of the ratification of the said Treaty, it is agreed that the Government of the United States may suspend the right of carrying therein, before granted under Article 30 of the said Treaty, for such period as such export or other duty may be levied.

Resolved,—That the privilege granted by Article 30 of the said Treaty will be of advantage to Her Majesty's subjects in Canada and tend to facilitate the commerce of the Dominion with the United States, and it is therefore desirable that such arrangements should be made with the Province of New Brunswick respecting the said export duty on lumber as will prevent the suspension of the said privilege, and with that view to offer to the said Province such fair indemnity, not exceeding the sum of \$20,000 per annum, as would compensate the present and prospective loss it would sustain by the total repeal of the said export duty, and the abandonment of the right to impose any such duty in future, inasmuch as it would be difficult to abolish the said duty on lumber out on American territory only, without incurring great loss and expense and the rise of possible misunderstanding with the citizens and authorities of the United States.

Hon. Mr. RICHARDS (Leeds South)—On Thursday next—Address to His Excellency the Governor General, praying for a return of all patents issued for islands or parts of islands in the St. Lawrence in front of or forming part of the county of Leeds; also, of all such islands or parts thereof sold, but not granted to purchasers; also, of all applicants to purchase, lease or occupy any of the said islands, or any part thereof, with date, consideration, quantity of land, name of island, and name of parties, and also copies of all correspondence within the last ten years with parties applying to purchase or lease any of the said islands or any part thereof.

April 24, 1873

HOUSE OF COMMONS

Thursday, April 24, 1873

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

Prayers

ELECTION COMMITTEE

Hon. Mr. McDONALD (Pictou) presented the report of the Select Committee to inquire into the Toronto East election, and asked, in accordance with that report, that the Committee should adjourn until Monday next.

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PROHIBITORY LIQUOR LAW

Mr. BEATY presented a petition in favour of a Prohibitory Liquor Law.

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LIQUOR LAW

Mr. BODWELL presented the report of the Select Committee to which the petitions in favour of a Prohibitory Liquor Law were referred. The Committee asked for power to obtain samples of intoxicating liquor in the various Provinces, and subject them to chemical analyses by competent authorities, believing that the results would show as adulteration very deleterious to the health of the users, and an immense loss to the revenue.

The report was adopted.

* * *

KENT ELECTION

Mr. MACKAY presented the report of the Kent, New Brunswick Election Committee stating that Mr. Costigan had declined to sit on the Committee if they proceeded with the examination of witnesses pending the decision of Mr. Speaker regarding recognizance.

Hon. Mr. DORION (Napierville) recapitulated the circumstances which led to the adjournment of this Committee, and referred to the New Brunswick statute, which directed the adjournment of a Committee in the absence of a member. They acted upon this, adjourned till tomorrow, and reported the facts to

the House. The next statute provided the Chairman should, at the next meeting of the House, report the name of any member who was absent without excuse. He submitted that the Committee had done what was required by law, and it was now for the House to say what was to be done. The member might not the next day assert any more than what he had that day.

Hon. Sir JOHN A. MACDONALD asked the hon. gentleman if he knew of any case arising under the Grenville Act, where a member had been present for a time, but had withdrawn.

Hon. Mr. DORION (Napierville) said he was not cognizant of such a case either in the country or in England.

Hon. Sir JOHN A. MACDONALD mentioned a case which was a source of amendment at the time—a member of an Election Committee, under the Grenville Act, after being present a little while, got tired, left the room, and asked them to call him when they began to vote. This was in 1844 or 1845.

Hon. Mr. DORION (Napierville) looked upon this as a different case. In this case the member who was one of the nominees, absolutely refused to sit on the Committee.

Hon. Mr. SMITH (Westmorland) read a case which occurred in New Brunswick in 1867, in which a member absented himself from the Committee. He was ordered to appear before the House, and show cause why he absented himself; but was permitted to return to the next meeting of the Committee.

Mr. PALMER thought the proper course would be to order the hon. member to appear tomorrow before the House; in the meantime the hon. gentleman might look into the matter.

Hon. Mr. CAUCHON maintained that it was not the same whether he was absent at the beginning of the meeting or absented himself afterwards. The intention of the law was that there should be no interruption and that a member should not appear at the door of the Committee room and say, "Here I am", to disappear again.

Hon. Sir JOHN A. MACDONALD did not know that there was any obligation on members of Election Committee to continue till the adjournment.

Hon. Mr. DORION (Napierville) said there was nothing in the statute, but it was evident that going to the Committee and saying "Here I am" would delay the Committee. He thought it would be well to meet again tomorrow morning, and if he again made the same declaration the House would be better informed upon the

subject. In the meantime hon. gentlemen could look into the cases upon the subject.

Mr. MACKAY did not concur in this suggestion. He thought no member of the Committee should absent himself.

Hon. Mr. DORION (Napierville) perfectly agreed with his hon. friend.

Hon. Mr. CAMPBELL also thought the matter should be dealt with today.

Mr. MACKAY, at the suggestion of the **Hon. Mr. CAMERON (Cardwell)**, moved that Mr. Costigan be ordered to attend in his place in the House tomorrow to give reasons for his absence from the Committee.—Carried.

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CHANGE OF GAUGE INTERCOLONIAL RAILWAY

Hon. Mr. LANGEVIN moved the House into Committee of the Whole on a resolution for a change of the gauge of the Intercolonial Railway, and the other Government railways in New Brunswick and Nova Scotia.—Carried.

The House went into Committee, **Hon. Mr. CAMPBELL** in the Chair.

Hon. Mr. LANGEVIN, in moving the adoption of the resolution, said the change of gauge on other railways, and especially the resolution come to by the Grand Trunk Company to change the old gauge of their line, had led the Government to the conclusion that they ought to change the gauge of the Intercolonial. Last year the Government had no idea that the Grand Trunk would be in a position to change their gauge. They rather thought they would have to ask Government and Parliament to come to their relief, but the measures they were taking would put them in a position to obtain a change of gauge without the country being called upon to give any such aid.

He read a statement by Mr. Sandford Fleming, Chief Engineer, showing that the cost of the change of gauge from Rivière du Loup to Moncton about forty-three miles, would not exceed \$8,000, while the cost of laying a third gauge from Moncton to Truro would be about \$600,000. The cost of changing the rolling stock was not to be taken into account, as the present rolling stock would be required for a portion of the road, the gauge of which was not to be changed. The cost would therefore be very small. He took the opportunity of correcting an impression abroad in New Brunswick that the rolling stock on the Government railways would not be sufficient. After reading a statement of the quantity of rolling stock in use and under construction he moved the resolution.

Mr. BODWELL congratulated the members on the Treasury benches on the facility with which they changed their opinions. There was no excuse for the course the Ministers had taken on this subject. For two years it had been urged that a change of gauge on

the Intercolonial was inevitable, and it could have been effected much cheaper some time ago than it could be done now. He thought a vote of censure ought to be passed on the Government for the scandalous waste of public money which they had caused by earlier consenting to change the gauge.

Hon. Mr. TUPPER had no doubt the member for Oxford South (Mr. Bodwell) would find it comport with his notions of his public duty to censure the Government on much slighter grounds than these. The course taken by the Government a year ago was the only course proper to be taken at the time. The Government, with the best information they could then obtain, found that if they changed the gauge of the Intercolonial it would cost a million dollars. Then the question that we ought to have a universal continental gauge had not been raised, and it would have been a monstrous absurdity to change the gauge with the affairs of the Grand Trunk in the state in which they then stood.

We were told then that for years to come there was no chance of the Grand Trunk making a connecting 4 feet 8 1/2 inch gauge with the Intercolonial, so that we should then, with the information we had, have been making a gauge which would have prevented a universal connection. The resolution of last year proposed the sacrifice of all Intercolonial rolling stock in the Maritime Provinces, but by the resolution now proposed, all this would be utilized.

Mr. BODWELL: Will my hon. friend allow me to say that my proposition last year was to change the gauge on the Intercolonial and place a third rail on the other Government railways, so as to use up the broad gauge rolling stock.

Hon. Mr. TUPPER went on to say that the improved position of the Grand Trunk was altogether unexpected last year, but now that it had been brought about the Government would be wanting in their duty if they did not recognize the altered position of affairs and commence the change of gauge on the Intercolonial. This would cost very little, because, in anticipation of the change the rolling stock had been so constructed that it could be shifted to the narrow gauge without much expense. Even supposing this change was in concession to the Opposition, the Opposition ought to be pleased that the Government had yielded to their views

Hon. Mr. MACKENZIE: There is nothing new in that.

Hon. Mr. TUPPER said the Government would never hesitate, when they were satisfied there was anything of value proposed by the Opposition, to adopt it. Wise as the Government were they did not profess to monopolise all the wisdom or all the statesmanship of the House. Everybody knew that with the experience that the hon. member for Lambton (Hon. Mr. Mackenzie) and many hon. gentleman who sat beside him, it would be strange indeed if they, with their great natural powers, should not form some views, that were profound, patriotic, and statesman like, therefore the Government would always in future, as in the past, be prepared to receive any suggestions from the other side that were of interest to the country. Supposing then that the Opposition had forced this change of gauge upon the Government, were they to be censured

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for that? He did not suppose that the Government should be assailed for doing what the Opposition thus declared was right. (*Laughter.*)

Gentlemen opposite ought to be patriotic enough to feel that they would only be discharging their duty to the country, even if they remained in Opposition perpetually, if they could force the Government to adopt a policy, which they thought to be in the right direction. Instead of censuring the Government for taking their views, they ought to be pleased that the Government had shown that, from their point of view even, they were prepared to act in the interest of the country, but in this case, he held the change of gauge did not arise from any change of views on the part of the Government. The opinion of the Government on this matter was the same now as a year ago, and their present course was entirely consistent with the course they had formerly taken.

Mr. MACDONALD (Glengarry) said he greatly approved of the change of gauge, and he trusted that the Government were in a position to inform the House that the change of the Grand Trunk gauge would take place. The Government based their reasons for proposing this change now on the ground that the Grand Trunk intended to change its gauge, and therefore would ask the hon. gentleman to state to the House, if he had any information that such change would be made along the whole line, and down Rivière du Loup branch. If he could make such a statement it would be very satisfactory to the House and country.

Hon. Mr. TUPPER said he had such information.

Mr. MACDONALD (Glengarry) said it was satisfactory to learn from the Government that the gauge of the Grand Trunk would be changed along the whole line, including the Rivière du Loup branch. The policy of having a narrow gauge for the Intercolonial was advocated by the Opposition from the first, but opposed by the Government session after session. The Government had been told that the Grand Trunk must change its gauge, but the Government pressed to build the Intercolonial upon the 8 ft 6 inch gauge and it must now cost the country a very large sum to change that gauge. The Minister of Public Works had stated that it would only cost some \$600,000. It would be more satisfactory if the hon. gentleman would give a little more information upon that point.

In his opinion it would be better to lay a third rail upon all lines in the Lower Provinces, so as to avoid transhipment at various points. He regretted very much that when the proposal was made from the Opposition side of the House to change the gauge before the work was undertaken, it had not been adopted. At the same time he was pleased to know that the Government had at length accepted these views. He repeated that it was very satisfactory to hear from the Minister of Customs that the gauge on the Grand Trunk would be changed along the whole line. (*Hear, hear.*)

Hon. Mr. WOOD referred to the opposition of the Government in former sessions to this change of gauge, but on no occasion did they resist the change of the gauge on the ground that there was no prospect of the Grand Trunk changing their gauge. He showed that

on former occasions it had been pointed out that the Grand Trunk were likely to change their gauge, and it was never pretended that the change should not be made because of the Grand Trunk. The opposition to the change was based on the ground that it would cost a million, and yet now, after a year's progress of work, they say it would not cost more than some \$600,000.

The Government could not now take refuge in a plea that they were ignorant of what would take place on the Grand Trunk. They were told that that change must come and yet they chose to go on, and now, if their former calculations were right, it would cost a million more to make the change than it would have last year. If it would cost a million then it would cost two million now, and that extra million of expense was incurred without any excuse whatever.

As to the present proposition it was quite reasonable, and their only complaint was that it had not been adopted long ago. It certainly was a most silly plea now, after the rolling stock was all ordered and immense expense incurred, to say that they were ignorant of certain things.

Mr. BERGIN thought the argument of the member for Oxford South (Mr. Bodwell) had not been fairly met by the Minister of Customs. The point was not that the gauge was to be changed, but that the Government should ever have occasioned the necessity for a change of gauge. The Government had been guilty of great waste and great folly in the course they had hitherto taken. The road would never be of any use in the winter unless entirely covered in. It had been stated that this question had been taken up in the death of subjects on which the Government were censurable, but he believed that there never had been a Government so utterly undeserving of public confidence as the present. He would like to ask whether there had not been a proposal that the Government should purchase the rolling stock of the Grand Trunk to be used on the Intercolonial.

Mr. PALMER pointed out that if the gauge was not changed between Moncton and Saint John, a distance of 119 miles, it would very injuriously affect the trade of New Brunswick. He suggested that a third rail be laid down between Saint John and Moncton. The traffic coming to or from Saint John would have to be transferred if this were not done. He would like to know from the Minister of Public Works how much that would cost. He was of opinion that it would not cost much, and at any rate he believed it would be more than met by the increased traffic it would produce. If the Government would do this he would be very pleased. If they could not do it he would have to be content.

Mr. YOUNG (Waterloo South) said he did not complain that the Government proposed to change the gauge, for that was advocated by the Opposition session after session. It was a matter of congratulation that they at last forced their views upon the Government, but the country had a right to complain that the Government had persisted in building the Intercolonial upon the broad gauge, when it was evident that the narrow gauge must prevail throughout the whole of the continent.

What was the amount of the probable loss involved in this course? It was not simply that the rolling stock had to be built upon the broad gauge, but a large amount might have been saved in making the road bed, if the narrow gauge had been adopted from the first. On former occasions, when this matter was before the House, it was pointed out that the gauge must ultimately be changed—that a large amount might be saved by adopting the change at once, but the Government sturdily resisted such a course.

Now, however, they were obliged to accept the proposition they had heretofore opposed, but the result of their opposing it so long, was a large expenditure on the road bed and in ties and rolling stock, and a large additional expenditure would have to be incurred to bring about the change—in fact they had been burning the candle at both ends. They had built a more expensive road on account of it being a broad gauge, and now they had to go to great expense to change it to a narrow gauge, so that the whole expense caused by refusing to accept the narrow gauge at first, would, he believed, amount to two or three million.

The Minister of Customs (Hon. Mr. Tupper) had stated it would have been monstrous if they had adopted the narrow gauge last session, and that he had positive information then that the Grand Trunk gauge would not be changed; yet, in spite of this positive information, it turned out within twelve months to be incorrect. The fact was that last session the Grand Trunk had then changed the gauge on part of their line, and it was stated that the change on the whole line must be made at the earliest practicable moment. The hon. gentleman stated that it would have been monstrous to have changed the gauge on the Intercolonial last session because a portion of the Government lines would have to remain broad gauge, and yet a few minutes afterwards, he stated that it was not proposed to have a portion of the road on the broad gauge so that the broad gauge stock might be used. That was precisely what was pointed out last session by the member for Oxford South (Mr. Bodwell), and yet the Government would not listen to it then, and they would only listen to it now because they knew the majority of the House would force them to change the gauge, if they persisted in their opposition to it.

It was evident that on this question the interest of the country had been sacrificed to the interest of the Grand Trunk. He took ground that the Government of this country should not shape its policy upon the action of any corporation, much less the Grand Trunk. The Minister of Customs had stated that the Government were willing to accept any suggestions from the Opposition that were for the good of the country. He was pleased to hear that statement, and the best suggestion that could come from this side of the interests of the country was not only to change the gauge on the Intercolonial but to change the Government itself, which, is a comparatively small matter like this, deliberately, by their own confession, wasted two or three million of possible money. (*Cheers.*)

Mr. DOMVILLE spoke in favour of a third rail upon the European and North American Railway. There was a great deal of

traffic between Saint John and Pictou, and it would cost ten cents a bushel to transfer coal at Moncton to the broad gauge cars. If the Government refused this third rail it would be great an injury to the trade of his county, as well as the neighbouring counties. It was his hope to see that they laid the third rail, and he hoped the Government would not put off their old rolling stock upon the Europe and North American Railway.

Hon. Mr. MACKENZIE said the hon. gentleman introducing the resolution, had not furnished the House with the information they were entitled to. The House had been informed by that hon. gentleman, as well as by the Minister of Customs, that the Grand Trunk had determined to change the gauge. He had failed to learn from the reports of their proceedings, as well as from the newspapers supposed to be inspired by the Grand Trunk that they intended to change the gauge to Rivière du Loup.

His impression was that they intended to change the gauge on the main line to Portland, and work off the broad gauge rolling stock on the line from Montreal to Rivière du Loup. The hon. gentleman spoke with so much certainty on the matter that he hoped he would be able to lay more satisfactory information before the House. He might say that he had tolerably positive information that it was not intended to change the Rivière du Loup branch, but to change that part of the line where the commercial interests required the change. The Grand Trunk had a connection with the ocean at Montreal, and in winter at Portland, so that the Quebec branch was not so important. However, if the Grand Trunk really proposed to change the gauge on that branch he supposed the Government had official information of that fact.

Mr. MACDONALD (Glengarry): They have stated so.

Hon. Mr. MACKENZIE said he wished to know where that information came from, because he knew that some gentlemen opposite were in the habit of making very strong assertions that afterwards turned out to be without foundation. This was a matter of very serious importance, and one upon which the country ought to be informed. The hon. gentleman had not stated the probable cost of this proposed change as compared with what it would have been last year. He referred to the action taken by the Government on this question during the past three years.

Last year they had stated the change would cost one million dollars and made that the reason why they would not consent to change. Now the cost of that change would be a great deal more.

He would like to know if it was proposed to lay down a third rail from Truro to Windsor, to aid the Company that owned the road from Windsor to Annapolis, and also if it was proposed to lay a third rail to Pictou. How was it proposed to work these branch lines? These were all questions that were intimately connected with the resolution before the House, and upon which they must have information to enable them to decide intelligently.

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As to the remarks of the Minister of Customs, as to the Government policy as opposed to the Opposition policy, he did not think any Government was to be censured merely because they had changed their views upon the matter of public policy, but the Government should be able to give intelligent reasons why they changed their policy. The member for Oxford South (Mr. Bodwell) did not propose to censure the Government for adopting the policy of the Opposition, because if that were to be pursued the Government would have been condemned several times this session. They had been forced to adopt the views of the Opposition with regard to Dual Representation, the Ballot, and Controverted Elections Bills.

Hon. Sir JOHN A. MACDONALD: How long have you been a convert to ballot?

Hon. Mr. MACKENZIE said he had announced his intention to support the ballot two years ago, because he considered it necessary to protect the constituencies from large corporations and a corrupt Government. The ballot had been generally supported by the Liberal party for many years, but with regard to these measures, the Government had not changed their views, but had been obliged to conform to the views of the country.

It had always been characteristic of the party with which the Minister of Customs (Hon. Mr. Tupper) had been connected to yield to anything, no matter how hostile to their convictions as Conservatives, if they had to do so to retain office. There was nothing too radical for them in such a case. He heard the Minister of Customs declare at a public meeting at Strathroy that he always had been a Reformer and was never a Conservative, although he was known to have been at the head of a Conservative Government, and yet the hon. gentleman stood up here to lecture gentlemen of the Opposition with pompous audacity characteristic of him.

Hon. Sir JOHN A. MACDONALD: Order, order.

Hon. Mr. MACKENZIE said pompous audacity was a parliamentary term. He did not wish to say anything personally offensive, but the hon. gentleman had ventured upon ground where he had little ground to stand upon. The hon. gentleman came before the electors in the west and spoke of his principles as if he ever adhered to any views of public policy. The hon. gentleman had, since his advent into public life, advocated every conceivable phase of political principles and political morality. He had guarded himself from being charged with inconsistency, because at some time or other he may have taken the same stand with reference to any measure, no matter whether he now opposed or favoured it.

It was obvious that a greater amount would be entailed in the change now than would have been the case last year, but he thought the circumstances now shown did not justify the course of the Government last year. But the phrase, "better late than never," was very applicable, and he was ready to support the resolutions as the reasons, as they were last year and two years ago, were entirely in

favour of the proposed change. The Government were very much to blame for the course they had taken on former occasions, which, he believed had resulted in wasting a large amount of public money.

Hon. Mr. TUPPER said if the House wanted an instance of cool pompous audacity the hon. gentleman had given it in his address, and he was surprised he should come to that side for an instance. After hearing the statement of the member for West Durham that this was the first time the prospect of no change of gauge on the Grand Trunk had been alleged as the reason for not changing the gauge of the Intercolonial, he (Hon. Mr. Tupper) wondered that any one could have the pompous audacity to insult this House by a statement so false. (*Hear, hear*). It was not the first time that the member for Lambton had alluded to him in coarse and ungentlemanly terms. He had done so where he (Hon. Mr. Tupper) had not the opportunity to answer him. He had gone from hustings to hustings throughout Ontario and spoken of him behind his back in terms he would not dare to repeat now. The moment his own election was over, the moment that by an overwhelming and triumphant majority the county in which he (Hon. Mr. Tupper) had been born and bred, and to represent which he had been returned to this House at three elections had stamped the libellous character of the allegations of the gentleman who had just taken his seat as unworthy of any man.

That moment he (Hon. Mr. Tupper) went as fast as the railway could carry him to the heart of Ontario, in order that he might have an opportunity of meeting his traducers face to face before a free and intelligent people. (*Cheers.*) The first hour that he took a stand on the platform he challenged the leader of the Opposition to make his charges. The sub-editor of the *Globe* was there, but that craven sheet so loud-mouthed in its denunciations, and that man who he had challenged to meet him on any hustings, and he had been addressing election meetings before, shrank from the contest, and to this hour the craven sheet had neither reported his (Hon. Mr. Tupper's) speech nor those of the gentlemen on the other side of the question.

When he went back from Cardwell to Toronto he got a telegram stating that the member for Lambton had called a meeting in the heart of the constituency he was representing in the Local Legislature. He was invited to attend that meeting, and went as fast as he could to meet the hon. gentleman in the heart of his own constituency, to represent which he had been returned the year before by a majority of some 400 votes, and there, if he had not been coerced by the manly spirit of his own committee, the hon. gentleman would have prevented him (Hon. Mr. Tupper) from getting a hearing.

Hon. Mr. MACKENZIE—It is not so.

Hon. Mr. TUPPER—I state what I am prepared to prove.

Hon. Mr. MACKENZIE—I defy you to prove it.

Hon. Mr. TUPPER said the chairman of the hon. gentleman's own committee, in the presence of twenty gentlemen, stood up and said Mr. Mackenzie had disapproved of his (Hon. Mr. Tupper's) being allowed the opportunity of free discussion. (*Cheers*). This was the chairman of his (Hon. Mr. Mackenzie's) own committee—his own friend—who said in the presence of twenty gentlemen that he had represented to Mr. Mackenzie that if he shrank from meeting him (Hon. Mr. Tupper) after the manner in which he had been attacked, it would be a death blow to his (Hon. Mr. Mackenzie's) cause in Ontario. (*Loud cheers*).

And then, knowing that he had come a thousand miles to meet him, and was only too glad to meet him in the midst of his own constituents, the hon. gentleman found it convenient to make arrangements that would enable him to beat an ignominious retreat from the platform. But what surprised his friends and supporters more than all, was that when the hon. gentleman had to meet him his tone was so lowered and altered that they hardly knew him for the same man. (*Hear, hear.*) He had not to charge the hon. gentleman with any discourtesy on that occasion.

Hon. Mr. MACKENZIE—Nor on any other occasion.

Hon. Mr. TUPPER said he had to charge the hon. gentleman with discourtesy on other occasions. At a banquet in Toronto, at which the hon. gentleman was present, he had dared to use language in reference to him, the most foul and offensive which one man could use of another. Was it no discourtesy for the hon. gentleman to say in the presence of men excited beyond due bounds, was it manly, was it honourable for him to use such language as "that he, (Hon. Mr. Tupper), would rather rule in hell than serve in heaven?" He asked the House if he had ever shown a disposition to go and rule on the other side of the House. (*Immense cheering, which lasted for minutes.*) When had he shown a desire to rule in hell (pointing to the Opposition side of the House), rather than to serve in heaven, (pointing to the Government benches). (*Renewed cheering.*)

Was it honourable or consistent with the position the hon. gentleman occupied that on that occasion he should have undertaken to speak in terms the most censorious of his (Hon. Mr. Tupper's) past political life in Nova Scotia. If the hon. gentleman wanted evidence of his life in Nova Scotia he could find it in the almost unanimous support which that Province had given to himself and the Government of which he was a member. (*Cheers.*)

The hon. gentleman had referred to his (Hon. Mr. Tupper's) claiming to be a Reformer. He had done so when the hon. gentleman undertook to exasperate against him a large body of the so called Reformers of Strathroy. He told the hon. gentleman on that occasion that he was prepared to challenge his record, or that of any man who stood beside him, as a Reformer. There were formerly questions in Nova Scotia which divided men into Liberals and Conservatives. There were family compacts and Tory ascendancy and the Liberal element, but these questions had all been settled

before he went into public life, and he came into Parliament and took his stand openly as a true and determined Liberal and Reformer. (*Hear, hear.*) He had never falsified that record.

Hon. Mr. MACKENZIE—*Hear, hear.*

Hon. Mr. TUPPER asked did the hon. gentleman question it? Did he say he was a member of a Tory Cabinet? He would tell him that he never sat in a Government that was not a Coalition Government. He never sat in a Government where he had not beside him gentlemen who were devoted to the Liberal and Reform Party, as it was called in Nova Scotia.

He would read a declaration which he had made on the floor of the Legislature in his native Province in the struggle which ended in his assumption of office, and he would ask the hon. gentleman whether because he had so struggled for Reform as to carry with him the great body of the old Conservative Party in Nova Scotia and to secure the support and confidence of a great Party in this Dominion of Canada, that was any reason why he should not be called a Reformer. As his first entry into public life he had hoisted the standard of Liberalism and Reform. He had been true to that flag.

He then read the speech he had referred to, and proceeded to remark that the member for Lambton had said that to obtain place and power he had changed his sentiments on various questions from time to time. There was not a public man in the Dominion of Canada who could challenge closer inspection than him. Was it not known to everybody that seats in the Cabinet had been time and again declined by him, because he believed he could serve his country more effectually out of the Cabinet? From the time when he made that declaration was it not known that on every occasion in reference to every question in which the interests of his country, or reforms in existing institutions were at stake, he had invariably adopted the side of Liberalism and Reform.

He asked whether the hon. gentleman was to have a monopoly of that term and throw aspersions on gentlemen whose records would compare with his own on every occasion and under every circumstance. This was the gentleman who, having endeavoured to excite hostility against him among his own constituents, when he met him face to face was unwilling that he should have the opportunity of discussing these questions freely. While he (Hon. Mr. Tupper) was proud of the support he had received from the Conservatives of the country he was prouder still of the record that he had achieved since his entry into public life. To losing or achieving power he was indifferent, provided he could give to those who came after him a record of which he might be justly proud; and yet having spent his life, as he had, in struggling and maintaining everything which he believed to be calculated to advance the interests of the country, standing in a position in which he defied any gentleman to show any attitude of Tory obstructiveness in any shape, he challenged the closest scrutiny of his public conduct—a position in which he had received, to an extent enjoyed by few

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public men in this or any other country, the unqualified confidence of the great mass of the people in the Province from which he came. (*Cheers.*)

But these gentlemen having exhausted their powers of defamation, having spent five years in endeavouring to persuade the people of this country to believe that they monopolized the virtues which a Government ought to possess, and having gone to the country and fought this battle out from hustings to hustings throughout the Dominion, came back here to confront the mortifying fact that all their misrepresentations and denunciations, all the unfairness they had been compelled to resort to in order to bolster themselves up in an untenable position, had failed to obtain for them the object of their ambition (*cheers*), and they were now smarting under this humiliating defeat—under the knowledge of the fact that the vain boasting with which they had filled the country, had been proved to have been empty bombast and audacious assumption. (*Loud cheers.*) How had they dared to tell the people of this country that they were going to obtain the Government? Did they not claim to be the great purists? Had they not exhausted the powers of declamation in trying to persuade the people that every one but themselves was corrupt and sustained by corruption?

Then, if they did not intend to be false to the last degree to the professions they had so lavishly made in the face of a free and independent verdict of the people, how could they, whom the people had left in a miserable minority of at least forty, assume that except by means the most corrupt, they could obtain control of the Government of the country? (*Loud and prolonged cheers.*)

It being six o'clock, the Speaker left the chair and the House rose.

AFTER RECESS

Hon. Mr. MACKENZIE wished to say a few words in reply to the statements of the Minister of Customs, and only a few words were necessary. The hon. gentleman stated he found it convenient to make arrangements to leave before he (Hon. Mr. Tupper) was done speaking. The hon. gentleman knew that statement was inconsistent with the facts. He knew that when he began to speak he informed the meeting that as Hon. Mr. Tupper was expected in a half an hour, he would speak during that time on local subjects so that he might speak on Dominion matters in Hon. Mr. Tupper's presence.

He also informed Hon. Mr. Tupper, when he came, that he would be obliged to leave before 6 o'clock to keep an engagement, that he would speak a little over two hours and leave him about the same time, and that would leave him half an hour to reply, if he thought fit, and he asked Hon. Mr. Tupper to state anything during those two hours that would require any reply. Hon. Mr. Tupper spoke for over two hours and was respectfully listened to. He replied about

twenty minutes, when he was called away by the sound of the railway whistle to catch the train, and yet the hon. gentleman did not think it beneath him to state that he was afraid to meet him.

He (Hon. Mr. Mackenzie) had his faults, perhaps great ones but cowardice was not one of them. (*Cheers.*) He did not pretend to the great ability of many gentlemen on both sides of the House, but so far as his humble abilities enabled him to discuss public matters, he never shrank from meeting that hon. gentleman, or his leader, or any other member of that party. (*Cheers.*) At all his meetings he had invited gentlemen opposed to him to meet him and discuss public matters, but at a meeting held at Chatham the member for South Waterloo (Mr. Young) and the member for Bothwell (Mr. Mills) were not allowed a hearing. (*Cheers.*) At the Strathroy meeting, had he chosen to lift his finger he could have stopped the hon. gentleman from speaking, for he had nine-tenths of the meeting with him, but the hon. gentleman was not allowed a hearing. With regard to the statement that he was for refusing the hon. gentleman a hearing, it was entirely without foundation and he called upon the members for North and West Middlesex (Mr. Scatcherd and Mr. Ross) who were present to testify to the same debated misinterpretation of the hon. gentleman. The hon. gentleman stated that he occupied a position of which any man might be proud, because he led all the members from Nova Scotia, except one. That hon. gentleman had also stated at a meeting in the West that he had the entire of Nova Scotia's representatives, except the member for Lunenburg (Mr. Church), and had it come to this that the hon. gentleman could boast that the Hon. Joseph Howe was one of his followers! Had it come to this that the hon. gentleman had so degraded the man whom he had opposed so long in his native Province that he could claim him as a follower? If the hon. gentleman had Nova Scotia members all at his back, he congratulated him upon his acquired strength; but till these gentlemen showed that they recognized him as their leader, he would not believe it; and when the hon. gentleman came up West he told the people that if he had been able to devote his great abilities to Ontario, the result of the elections would have been different. Well, he could tell the hon. gentleman that if he had spent a week or two in Ontario the effect of such an advocate would have been a more disastrous defeat for the Government. That was the true position of the hon. gentleman in Ontario. He (Hon. Mr. Mackenzie) was able to make a real boast. In spite of all the efforts of the Government, he was able to stand here to day with a large majority of the representatives of Ontario at his back. (*Loud cheers.*) He did not boast of himself. He happened for the moment to be chosen leader of the Liberal party, although not with his desire, and the hon. gentleman dare not say that he was ever chosen by Nova Scotia members as their leader. (*Cheers.*)

Hon. Mr. TUPPER: I never claimed to lead them.

Hon. Mr. MACKENZIE said the hon. gentleman had stated at a public meeting in Ontario that he had the entire representation of Nova Scotia at his back, except one member and he made a similar claim this afternoon. He would not believe it until he heard it from

the hon. gentlemen themselves, and he compassionated Mr. Howe that he should have at last descended to become the follower of the member for Cumberland (Hon. Mr. Tupper).

The hon. gentleman had stated that he never was a Conservative. If that were so, then it had come to this, that while, all the time being a Liberal, he professed to be a Conservative, he had sought to overthrow a Liberal Government in Nova Scotia. He had told the House that he was a Conservative—he was not an honest one, that he was a Liberal all the time, and that in fact he was trying to undermine the man whom he ought to have considered his leader. That was the position the hon. gentleman now forced himself into. It would have been much better for the hon. gentleman to have remained as he really was, leader of the Conservative party in Nova Scotia, than to now claim that, all the time he was acting with the Conservatives and using the Conservatives, he was really a Reformer, and was merely acting for the purpose of undermining the Liberal Government.

He was glad, however, to have a distinct statement from the hon. gentleman that he was not a Conservative, and that it was injustice to call him such. He had done so in ignorance, because he always thought that a gentleman who led the Conservative party and had over turned a Liberal Government, should be classed as a Conservative. It seems that he was mistaken, and that all this time, the hon. gentleman was affecting to be a Conservative, although he was really a Liberal at heart that he was merely desirous of using the Conservatives while pretending to cast over his principles of Liberalism for the purpose of purchasing a lease of power. He did not know that the observations of the hon. gentleman called for a further remark from him. He could call upon the two gentlemen in this House who were at the Strathroy meeting, to state what occurred. He was sure that no one who knew him would dream for a moment that he would ever shrink from meeting the hon. gentleman in fair and honourable debate. (*Loud cheers.*)

Mr. SCATCHERD said he went down to Strathroy, and got in the same train as the Minister of Customs. He could not say what took place between any person and the Chairman, but he knew that a meeting was going on when they got there, and it was continued with the understanding that the Minister of Customs should speak, and give the member for Lambton (Hon. Mr. Mackenzie) the opportunity of answering him, if he saw it before the train came; and when that hon. gentleman did leave for the train, nearly all that meeting went with him, and that if he had seen fit to prevent Hon. Mr. Tupper from speaking, he could no doubt had done so.

Mr. ROSS (Middlesex West) explained the circumstances connected with the meeting. When the leader of the Government had a meeting at Strathroy, some four weeks previously, they erected a platform which it was intended to use for Hon. Mr. Mackenzie's meeting, but on the naming of the day of the meeting the platform was taken down by his opponents, and his friends put up another. Later in the day telegrams were received that Hon. Mr. Tupper was coming, and the Conservatives were obliged

very reluctantly to ask his friends for the use of their platform. This was cheerfully granted, and when Hon. Mr. Tupper arrived, the meeting was going on. He was conducted to the platform, and no objection was taken by any of his friends.

Hon. Mr. Mackenzie spoke for two hours and then gave way for Hon. Mr. Tupper. Hon. Mr. Mackenzie had to leave by the 7:30 train, and, according to previous arrangement, he was allowed a brief time to reply. He did so until the train arrived. Hon. Mr. Mackenzie had fully nine-tenths of the audience with him, and when he left for the train that proportion of the audience went with him, leaving the Minister of Customs to address about one hundred who remained. There were simply the facts of the case. The hon. gentleman had said that he had never attempted to rule on the opposite side, but at any rate he had consented to be ruled by that side. He went on to point out inconsistencies of the hon. gentleman, and stated that a gentleman with his peculiar record would never obtain the confidence of the Liberal party of Ontario, however much he might try to secure it.

Mr. CHURCH said he did not expect to say much during his first session. His reason for coming to that conclusion was that he did not consider himself competent, as a young politician, to enter upon the discussions. He had been elected to represent a very important constituency, and he thought that in coming to Parliament it would become him, a young man, to be modest and unassuming, and post himself on the great questions which were agitating the Dominion. But the extraordinary speech the Minister of Customs (Hon. Mr. Tupper) had made that day—extraordinary in some particulars—had led him to crave the indulgence of the House. It had been said in Parliament and in the press of his native Province that only one man went to that House as a supporter of the Opposition. That remark, he supposed, had reference to himself.

He thought he might as well set himself right on that question before the House. After a pretty keen contest he was elected in opposition to a gentleman who was well known to be a Conservative, who sympathizes with the Confederation party. He stated on the hustings and on Declaration day that if the Government brought down a measure which he thought would be for the good of his constituency and for the good of the Dominion, he would support that Bill simply upon its merit. He had voted generally with the Opposition. He voted with the Opposition because he agreed with its measures, and he was prepared to defend that vote. He was not an extreme party man. He was a Liberal, and would prefer to see a Liberal Government.

He thought that in Nova Scotia they had two well-defined parties, and he was sure the Liberals and Conservatives of Nova Scotia thought so. In 1872, Mr. Johnson was the leader of the Conservative party, and Mr. Howe the leader of the Liberal party. Responsible Government was brought in about 1847, under the leadership of Mr. Howe. When the hon. Minister of Customs went into Parliament he went in as a supporter of the leader of the Conservative party. He supported the Opposition of that day against Mr. Howe; at that time the Government and certainly the people, considered the hon. Minister of Customs a Conservative. He believed that throughout the length and breadth of the

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land he was considered one of the prominent men of the Conservative party, and in opposition to the principles and policy of the Hon. Mr. Howe.

Now, when Mr. Johnson was made Judge, the hon. Minister of Customs was made leader of the Conservative Government. He knew that the Liberals were opposed to the general principles and policy of the Government of which he was the leader, and it was true that there were measures brought forward which the Opposition supported. There was universal suffrage for one and others which Liberals were not disposed to go against.

In 1865 the Hon. Joseph Howe went down to the county of Lunenburg to contest that constituency of the Liberal interest. He knew that the Hon. Minister of Customs attended public meetings in that county, at one of which he (Mr. Church) had the pleasure of listening to him. In opposition to Mr. Howe, he certainly was then recognized as the Liberal Leader of Nova Scotia, and the Liberals of Nova Scotia did not consider the hon. Minister of Customs a Liberal. If Mr. Howe was the leader of the Liberal party, and the hon. Minister of Customs opposed him, the latter could not have been a Liberal. It was true the hon. gentleman brought forward the policy of retrenchment, for which he believed many Liberals voted. He, however, believed that the policy was a sound one. The purpose of the party had gained for it the confidence of the electors.

He then proceeded to refer to the action of the hon. Minister of Customs with regard to Confederation, which he designated as a great act of Toryism. When this great question was brought up, delegates were authorized to go to Prince Edward Island for the union of the Maritime Provinces. Subsequently they were invited to Quebec, where a plan was arranged for a larger union, the basis of which was agreed to. When it was brought before the Nova Scotia Parliament it was carried by a large majority. The people of Nova Scotia complained against this. They thought a question of so much importance should have been taken to the polls and the people consulted. The expression of the people would have been against it, but if the matter had been submitted to them, they would have had the satisfaction of having had it before them, and this circumstance, he thought, would have prevented the retention of feelings against natives of the larger Provinces which were retained.

The people of Nova Scotia did not consider the hon. minister of Customs a Liberal. As a proof of the feeling of the people of Nova Scotia on this point he said [ten] of the nineteen members returned by Nova Scotia all were anti-confederationists except the hon. gentleman himself. Mr. Howe had the anti-confederation party, and, as usual conducted the party with great ability. They came up here opposed to Confederation, but the second year Mr. Howe accepted a situation and entered the Government of the right hon. Minister of Justice. After he accepted office he went down to the county of Hants, for which county he was elected. He did not think the Liberals of Nova Scotia could support the hon. member for Cumberland in the sense they supported the hon. member for Hants.

It was said that the Province of Nova Scotia was unfavourable to the Government. He believed the majority of the gentlemen who were from

Nova Scotia claimed to be Liberals in the past, but they did not pledge themselves to their constituents to support the Government. He believed their position was an independent position. They were independent to vote for the measures they considered right. He himself was a Liberal, but he scorned to be a Radical. He would vote in favour of the Government if it brought down a good measure, but he would simply vote for it because he considered it good for the people. He was willing to acknowledge the services of the hon. Minister of Customs had done the country. The School Act had produced a great deal of good in the Province of Nova Scotia, but he did not and could not acknowledge him as a leader of the Liberal party, nor did he think the great many Liberals of Nova Scotia ever considered him as a leader of the Liberal party.

Hon. Sir JOHN A. MACDONALD suggested that they should now go back to the narrow gauge.

Mr. WITTON thought the impression that, if the narrow gauge had been adopted the road could have been constructed more cheaply was not in accordance with the fact. The cuttings and rail embankments would have to be the same, no matter what the gauge, and the same with the bridges. In the latter case a bridge had to be built in accordance with the weight passing over it, and as a matter of fact narrow gauge engines were as heavy and heavier than broad gauge engines. Nor would there be any difference in the cost of ties; and the only expense, therefore, would be the real change of gauge and the change of rolling stock. Having given personal attention to the matter, he believed the whole work could be accomplished for \$100,000. As to the question of the third rail, he hoped that rail would not be introduced, but that narrow tracks would be ordered to which broad cars could be lifted without breaking bulk.

Mr. BODWELL said that last year he had stated that the change on the Nova Scotia railway should be gradual; he quoted from his last year's speech as proof of the false assertions of the Minister of Customs on that point. The great majority of the people of Ontario thought the present Government undeserving of support or confidence. All the eloquence of the hon. member for Vancouver had had been spent in vain upon his constituents to make them vote against him, although the gentleman had once, as a Reformer, had immense influence in the country he represented when he said he had no confidence in the long to the Opposition in this House. (*Hear, hear.*)

He assured them also that he would be in Opposition until the gentlemen professing his own principles, and prepared to govern the country according to justice and fair play, according to broad and Liberal opinions, were upon the Treasury benches and he would never be found but in Opposition if he had to get on the right of the Speaker, as the hon. gentleman, the Minister of Customs, had done, in swallowing principles he had opposed for years. The hon. gentleman had boasted that he never was a member of a Government that was not a coalition Government. That was because he could not wait until the party to which he had attached himself could triumph; but he was glad to get the opportunity of jumping into office by a coin promise with the men whom he had bitterly opposed, and who were themselves

holding views on political questions directly opposed to his own. (*Cheers.*)

Hon. Mr. BLAKE referred to the suggestion of having narrow gauge trucks to which the bodies of cars could be transferred with very little expense or delay which he thought well worthy of consideration.

Hon. Mr. LANGEVIN had heard of the suggestion before, and had been told that a railway in this neighbourhood was to adopt the system at Prescott, and the attention of the engineer of the department would be called to the matter. The estimate of \$600,000 for a third rail he found only applied from Truro to Moncton, so that if a third rail were adopted generally, the total cost would be over \$1,000,000. Still when the old rolling stock should be worn out, the third rail would alone be used. The plan of transferring cars, he believes, had been found inconvenient on the Grand Trunk, but the point would be considered.

In reply to the member for Lambton (Hon. Mr. Mackenzie), he could say that the difference of changing the gauge last year and this would not be very much. The increase would be only about \$8,000 or \$9,000 in the change of gauge, and he did not think anything would have been saved in the bridges or cuttings if the narrow gauge had been adopted at first. He hoped that the Grand Trunk would change their gauge from one end to the others. He could not say how soon this would be done, but the Managing Director had told him that the change would be effected as soon as possible. They expected to raise money in England, for which purpose the Bill endorsed by the House the other day was introduced.

Hon. Mr. MACKENZIE asked if the Chief Manager had read anything as to what portion of the line was to be thus changed, as the hon. gentleman had not intimated that any such statement had been made, and that he (Hon. Mr. Mackenzie) was right he presumed saying that the gauge would simply be changed east of Richmond towards the seaboard.

Hon. Mr. LANGEVIN repeated the statement with regard to the information he had received on this matter from the Chief Manager of the Grand Trunk Railway, and said the intention was to change the gauge from one end to the other, westward as well as eastward, as far as possible. They would also ask running powers over the portion of the line from Rivière du Loup to Quebec.

Hon. Mr. MACKENZIE said the hon. gentleman had confessed he was not in a position to say that the change would be proceeded with, now, and he was still satisfied as to the material correctness as of his first presumption.

Hon. Sir JOHN A. MACDONALD said that the understanding between the Grand Trunk and the Government was that the Government should have running powers over the

portion of their line in question, which could only be done by a change of gauge. On this understanding the Government had assented to the recent Grand Trunk Arrangements Act.

Hon. Mr. ANGLIN had previously opposed the change because the Government ought to bear the whole responsibility of such matters, but he did not see what reasons the Government could have now in favour of the change that did not exist last year.

In reply to Hon. Mr. Anglin,

Hon. Mr. LANGEVIN said the change would take place from Halifax to Quebec, and from Halifax to Saint John.

Hon. Mr. ANGLIN while not in favour of the narrow gauge railways on principle, approved the idea of having something like a uniform system.

Hon. Mr. BLAKE enquired if a different estimate would be required for this purpose, or if the estimates voted to the Intercolonial Railway covered that also.

Hon. Mr. LANGEVIN said a new vote would not be required. The third rail work would require a special vote, but that would not come in until next year.

In reply to Hon. Mr. Wood,

Hon. Mr. LANGEVIN said the new railway stock ordered in England would be adapted for the narrow gauge, and the old stock would be changed.

Hon. Mr. BLAKE called attention to the fact that the stock could be taken from the Intercolonial Railway to do service on other Government Railways, and some vote must be added to show where these railways were.

The resolution was adopted.

Hon. Mr. LANGEVIN moved for leave to introduce a Bill founded on the resolutions which were carried.

The Bill was then read a first time.

* * *

MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate with papers, on which was founded a bill for the relief of John Robert Martin.

Also a message from the Senate with bills respecting the Department of the Interior, the Montreal Investment Company, and one for the relief of John Robert Martin, which were read a first time.

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ADDITIONAL SALARIES

Hon. Sir JOHN A. MACDONALD moved for a Committee of the Whole on Tuesday next, to consider certain resolutions on the subject of additional proposals to be made to the salaries of the Lieutenant Governor of the different Provinces of the Dominion, and others, etc.—Carried.

* * *

SATURDAY SITTINGS

Hon. Sir JOHN A. MACDONALD—That when the House adjourns on Friday it will stand adjourned till one p.m. on Saturday, and that the order of proceedings on that day be the same as on Friday.

Hon. Mr. MACKENZIE suggested that the House should meet at two and adjourn at six.

Hon. Sir JOHN A. MACDONALD feared that there would not be much done if that were the arrangement, but would agree to a sitting from one to six.

The motion passed with this change.

* * *

NEW BRUNSWICK TIMBER DUES

Hon. Sir JOHN A. MACDONALD moved that on Saturday the House go into Committee on the following resolutions:—

1. *Resolved*—That by chapter 15, title 30, of the revised Statutes of New Brunswick amended and made permanent by later Acts of the Legislature of that Province, certain duties of export on lumber shipped there from are imposed, the proceeds whereof belong to the said Province. 2. *Resolved*—That by section 124 of the British North American Act of 1867, it is provided that nothing in that Act shall affect the right of New Brunswick to levy the lumber dues imposed by the said Provincial Act or any Act amending it before or after the Union. 3. *Resolved*—That by article 30 of the Treaty of Washington, it is agreed that for the term of years mentioned in article 33, Her Majesty's subjects may carry in British vessels, without payment of duty, goods, wares and merchandise, from one port or place within the territory of the United States upon the St. Lawrence the Great Lakes and rivers connecting the same, to another port or place within the territory of the United States as aforesaid, provided that a portion of such transportation be made through the Dominion of Canada by land carriage and in bond under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States; and that by article 31 of the said Treaty, it is desired that Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick that no export duty or other duty shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the River Saint John and

the tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick, and that in case any such export or other duty continues to be levied, after the expiration of one year from the date of the exchange of the ratifications of the said Treaty, it is agreed that the Government of the United States may suspend the right of carrying therein before granted under Article 30 of the said Treaty for such period as such export or other duty may be levied. 4. *Resolved*—That the privilege accorded by article 30 of the said Treaty will be of advantage to Her Majesty's subjects in Canada and tend to facilitate the commerce of the Dominion with the United States; and that it is therefore desirable that such arrangements should be made with the Province of New Brunswick respecting the said export duty on lumber, as will prevent the suspension of the said privilege and with that view offer to the said Province such fair indemnity—not exceeding the sum of \$150,000 per annum—as would compensate the present and prospective loss it would sustain by the total repeal of the said export duty and the abandonment of the right to impose any such duty in future, inasmuch as it would be difficult to abolish the said duty on lumber cut on American territory only, without incurring great loss and expense, and the risk of possible misunderstanding with the citizens and authorities of the United States.

Hon. Mr. MACKENZIE said before the resolution was passed in the Journals of the House, he would support that a verbal alternative be made. He did not care to see the United States special, referred to as American territories, because he considered our own territory American territory. He therefore thought it should be called United States territory. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD admitted the propriety of the amendment.

Hon. Mr. BLAKE said he would like to know whether any and what correspondence had taken place between this Government and that of New Brunswick upon the question.

Hon. Mr. WOOD thought the House should have some suggestions or some information as to what consideration was to be received for giving away these export duties, and also how much we were to receive from American timber?

* * *

MARTIN DIVORCE BILL

Mr. LEWIS moved that the Divorce Bill from the Senate for the relief of John Robert Martin, be referred to a Special Committee.

Hon. Mr. LANGEVIN moved the six months' hoist.

The original motion was lost on the following vote: yeas, 73; nays, 86.

YEAS

Messrs.

Archambault

Baby

Beaubien
 Bellerose
 Bergin
 Bourassa
 Brooks
 Caron
 Charlton
 Cunningham
 Delorme
 Dorion (Drummond—Arthabaska)
 Dugas
 Farrow
 Fournier
 Gaudet
 Gendron
 Glass
 Higinbotham
 Jetté
 Keeler
 Laflamme
 Langevin
 Lantier
 McDonald (Cape Breton)
 Masson
 McDougall
 Mercier
 Pâquet
 Pinsonneault
 Pozer
 Richard (Mégantic)
 Robitaille
 Ryan
 Stirton
 Thompson (Haldimand)
 Tourangeau
 Wright (Ottawa County)—73

Béchar
 Benoit
 Blanchet
 Boyer
 Cameron (Huron South)
 Casgrain
 Costigan
 Currier
 De Saint-Georges
 Dorion (Napierville)
 Duguay
 Fiset
 Galbraith
 Geoffrion
 Gillies
 Harwood
 Holton
 Joly
 Lacerte
 Landerkin
 Langlois
 McDonald (Antigonish)
 Mailloux
 Mathieu
 McGreevy
 Oliver
 Pelletier
 Pope
 Prévost
 Robillard
 Ross (Champlain)
 Rymal
 Taschereau
 Tobin
 Tremblay

NAYS—

Messrs.

Almon
 Beaty
 Bodwell
 Bowman
 Buell
 Burpee (Sunbury)
 Campbell
 Carter
 Casey
 Church
 Coffin
 Crawford
 De Cosmos
 Domville
 Edgar
 Findlay
 Flesher
 Gibbs (Ontario South)
 Gibson
 Hagar
 Harvey
 Kirkpatrick
 Lewis
 Macdonald (Sir John A.)
 Mackay
 Merritt
 Mitchell
 Morrison
 Nelson
 Paterson
 Pickard

Bain
 Blake
 Bowell
 Brouse
 Burpee (Saint John)
 Cameron (Cardwell)
 Carling
 Cartwright
 Chisholm
 Cockburn (Muskoka)
 Cook
 Daly
 Dewdney
 Doull
 Ferris
 Fleming
 Forbes
 Gibbs (Ontario North)
 Grover
 Haggart
 Hincks (Sir Francis)
 Le Vesconte
 Macdonald (Glengarry)
 McDonald (Pictou)
 McAdam
 Metcalfe
 Moffatt
 Nathan
 Palmer
 Pearson
 Robinson

Rochester
 Ross (Middlesex West)
 Ross (Victoria)
 Scatcherd
 Smith (Peel)
 Staples
 Thomson (Welland)
 Tupper
 Wallace (Norfolk South)
 White (Hasting East)
 Witton
 Young (Montreal West)

Ross (Durham East)
 Ross (Prince Edward)
 Ross (Wellington Centre)
 Shibley
 Smith (Westmorland)
 Thompson (Cariboo)
 Tilley
 Wallace (Albert)
 White (Halton)
 Wilkes
 Wood
 Young (Waterloo South)—86

The reference to the Committee was declared carried on the same division.

* * *

SUPPLY

The House then went into Committee of Supply on the following items:—

| | |
|---|-------------|
| Dominion steamers maintenance and repairs of steamer <i>Napoleon III, Druid, Lady Head, and Sir James Douglas</i> | \$93,500 |
| Mail Subsidies, money payable to mail line between Halifax and Cork | \$39,541.64 |
| Steam communication between Quebec and the Maritime Provinces, | \$15,000 |
| Ditto, between Prince Edward Island and Ports of the Dominion, | \$1,600 |
| Ditto, between Halifax and St. John, via Yarmouth, | \$10,000 |
| Ditto on Lakes Huron and Superior, | \$12,500 |
| Ditto, from Saint John, New Brunswick to ports in Basin of Minas, | \$4,000 |
| Steamer services between San Francisco and Victoria, British Columbia, | \$54,000 |
| Steamer services Upper St Lawrence, between Montreal and Kingston, | \$12,000 |

On the item for communication on Lake Huron and Superior,

Hon. Mr. MACKENZIE drew attention to the fact that at the last election the Minister of Justice and the Government candidate had told the electors of Lambton that if he (Hon. Mr. Mackenzie) were elected, the Company would be left out in the cold. He had never asked favour for his county, but only justice. Last year a company had established a line from Sarnia to Lake Superior. The line was not efficient and the Government had granted them \$6,000. This was now withdrawn, and the Collingwood line was to have \$12,000 and the Sarnia line nothing. The member for London (Hon. Mr. Carling) could corroborate him as to the efficiency of the Sarnia line.

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Hon. Sir JOHN A. MACDONALD said the hon. gentleman could not desire that the subsidy should be given for anything but carrying the mail. The experiment from Sarnia was tried a year. The proprietors were friends of the Government and the subsidy was only withdrawn because it was assisting a commercial enterprise, having nothing to do with mails. At the end of the contract with the Collingwood line the course of the Government would be to offer the services to public competition.

Hon. Mr. MACKENZIE said the Minister of Justice displayed a deplorable ignorance of the true state of trade in that quarter. The facts were entirely the opposite way, and the greater part of the Canadian trade was done by Canadian ships.

Mr. WILKES hoped that the reference to American vessels made by the Premier did not truly represent that gentleman's views in that respect, and thought it would be a most damaging policy to discourage shipping even if it were done in foreign countries. He did not say that this vote had been reduced because of the political sentiments of the people of that part of the country, but hon. gentlemen had themselves threatened this as a consequence of returning the leader of the Opposition, and the probabilities were very strong in favour of that view.

Mr. CAMERON (Huron South) would be sorry to attribute the same reasons for the action of the Government as these attributed by the hon. member for Lambton (Hon. Mr. Mackenzie). If the Government sanctioned the said line of conduct, it would undoubtedly be attributed to political purposes. He thought this line of books ought to be encouraged by Government. He trusted the Government would reconsider the matter, and see their way yet to putting the item in the estimates.

Hon. Sir JOHN A. MACDONALD said the item had been kept out of the Estimates in order to move the public money. He, however, would acknowledge with the Postmaster General, and the matter would be considered.

Mr. CHISHOLM said these steamers had been a great success commercially, but he understood they had not been so successful in carrying mails. He would be very sorry to see the subsidy withdrawn. He referred to the defeat which had been sustained by the opponent of the hon. member for Lambton, and thought that the Government should give some favours to the county for the sake of the gentleman who has suffered defeat.

Hon. Mr. MACKENZIE said it was urged upon the electors of Lambton that if they rejected the other candidate Lambton would be left out in the cold. He maintained that the steamers had wanted in no way and could have a hard time later.

Hon. Mr. TUPPER regretted that the member for Lambton had not accepted in a better spirit the promise that the Government would reconsider the matter of the subsidy to the Sarnia line. The Government had only dealt with the matter in respect of obtaining increased accommodation, and he thought the member for Lambton

might have accepted the promise of the Minister of Justice (Hon. Sir John A. Macdonald).

A long discussion ensued, at the conclusion of which

Hon. Mr. MACKENZIE said the hon. gentleman the Minister of Customs had stated that afternoon without any reservations whatever, that the Chairman of the meeting had stated at Hon. Mr. Tupper's supper that he (Hon. Mr. Mackenzie) had objected to his speaking at the meeting. The following telegram was sent to that gentleman immediately.

"To A. Robb Marathroy. Did you say at the supper given to Hon. Mr. Tupper during my election that Hon. Mr. Mackenzie was opposed to allowing Mr. Tupper to speak on our platform at the public meeting? Answer immediately.

(Signed)

Geo. W. Ross".

"Strathroy, April 24. Geo. W. Ross, Parliament House. I stated at Hon. Mr. Tupper's supper last election that there were objections to Hon. Mr. Tupper speaking at that time, and on that platform. In the hotel previous to the meeting, Hon. Mr. Mackenzie said to me that personally he had no objection and left the arrangements wholly in the hands of his friends. The objection was offered on the part of some of Hon. Mr. Mackenzie's friends.

(Signed)

A. Ross".

Hon. Mr. TUPPER in reply, said the statement was made in the presence of the mayor of Strathroy, and no other gentleman. That when Hon. Mr. Mackenzie arrived he was informed of the resolution of the committee, and Hon. Mr. Mackenzie did not approve of the arrangement, saying that it was his meeting and they had no right to make arrangements for him (Hon. Mr. Tupper) to be there. Nothing could be more decided than this. He was satisfied to leave the point for discussion by those who were present.

Hon. Mr. MACKENZIE said the Minister of Customs and the chairman could settle it between them, but the chairman said he had never said anything of the kind. He denied that he had had any objection to meet the Minister of Customs. No one could be more easily met than the Minister of Customs except, perhaps, Mr. McDougall, who was more easily met, because he was better known. He was glad to meet the hon. gentleman in the west who had called himself the ablest advocate of the Government Party, but he did not seem to have much effect on the electors.

Hon. Mr. TUPPER gave a flat and emphatic denial to the statements made, and challenged the hon. gentleman to show that he had ever used such an expression. He was quite willing to let the matter

go to the press and to leave the question to the twenty gentlemen who had heard the statement he had alluded to.

Mr. YOUNG (Waterloo South) remembered that when the hon. gentleman was speaking at the rally and referring to the defeat of Ministerial candidates he said that if he had been in the West more the results would have been different considering that the Minister of Justice (Hon. Sir John A. Macdonald) and the Minister of Finance (Hon. Mr. Tilley) had been through that part of the country before him, the only legitimate labourer was that he was the ablest advocate as that of any of the House. (*Hear, hear.*)

Mr. COCKBURN (Muskoka) decided to say a few words of approval in regard to the remarks of the hon. member for Lambton. He (Mr. Cockburn), having a personal knowledge of the parties and of their enterprises, said the Beatty line deserved encouragement and support. They had for some years also maintained a steamer on the ports from Collingwood, to the Georgian Bay ports. The steamer last year was deprived of the usual subsidy, which he considered unfair, after having done such good service. He hoped that the Government would bring down a supplementary estimate of \$64,000 or even more for the Beatty Line. With proposal to the subsidy for the coming Wood Line, he considered the money well spent. These steamers are all doing excellent services on the north shores of Lakes Huron and Superior. He considered it wise to grant liberal encouragement to enterprises of this kind.

Hon. Mr. TUPPER said the hon. gentleman had omitted to add to that statement that the reason he gave for saying so was that he could have explained the Nova Scotia question on which the Opposition had traded so largely.

Hon. Mr. BLAKE hoped the Government would arrive at a decision as to the subsidy for the Samia line before asking concurrence in the item.

After some further discussion, the items under the head of access and steam product service were passed.

The following items were, with a little discussion passed:—

| | |
|--------------------------------|--------------|
| Penitentiary, Kingston, Ont. | \$111,073.78 |
| Rockwood Asylum, Ont. | \$64,305.00 |
| Penitentiary, Halifax, N.S. | \$21,016.10 |
| Penitentiary, Saint John, N.B. | \$47,131.00 |

On the item of \$111,073.78 for the Kingston Penitentiary,

Mr. ROSS (Prince Edward) said there were complaints at the fact of there being only chaplains from the Church of England and the Roman Catholic Church in the institution.

Hon. Sir JOHN A. MACDONALD stated that he had put the Convenor of the Church of Scotland in communication with the

Warden of the Penitentiary, and he believed satisfactory arrangements had been made with the different denominations.

In answer to **Hon. Mr. BLAKE**,

Hon. Sir JOHN A. MACDONALD said it was intended to retain in the Kingston Penitentiary all who had been tried and sentenced in Ontario, and to remove the other convicts to Quebec.

The item passed.

The Militia items were then taken up and **Hon. Mr. LANGEVIN**, as acting Minister of Militia, made some general observations.

Hon. Mr. HOLTON hoped they would have had a more comprehensive policy. He proceeded to allude to the increases of militia during the American war, a large amount of money had been expended on fortifications. The only possible enemy, the United States, having assumed their several systems, he thought a greater reduction might have been made. He believed that, with a proper consolidation of affairs, the militia expenditure might be reduced to an extent of half a million. He was disappointed with the estimates in this report, and with the explanation of hon. gentlemen. He thought the subject was of sufficient importance to justify the hon. Minister of Justice himself to explain the policy of the Government.

Hon. Sir JOHN A. MACDONALD thought the country would accept the reduction as a very considerable one. It was true the only possible enemy was the United States, and he hoped the Treaty of Washington and the amiable relation brought about between England and the United States would rebound to the peace of Canada. He referred to the responsibilities of Canada before Confederation and alluded to the arrangement entered into with Her Majesty's Government for the defence of the country. This he explained caused a great outlay. The Militia system had been brought to a high state of perfection and had been held up as a pattern to England. The late Adjutant General McDougall had testified to the admirable system we possessed, and he (Hon. Sir John A. Macdonald) maintained that it was necessary that it should be kept up.

They should remember that although they were not in danger, they ought to have a military force to depend upon to keep order. The force for this purpose must be trained men. He believed the Militia could be relied upon for say military service. He thought they would be reduced in the estimation of the mother country, and other countries, if a great reduction were made. He did not think they should be without a force of less than 25,000 men on command.

Hon. Mr. HOLTON said the country had been under Imperial pressure in this regard, and he thought they should be their own judge as to the maintenance of militia. They were in no danger of lateral disturbances, or in danger from their neighbours, and as though they might have a reserve force which could be called out when necessary. The time had come when they should review the circumstances under which they were placed, and adopt a policy concerned with the altered state of things.

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Mr. CARTWRIGHT was of opinion that a young country like Canada should maintain a force that would be equal to an emergency. He would take the opportunity of calling attention to the state of affairs in the North West territory. He referred to the responsibility assumed in this portion of the country, and reminded the House that the Indians were well armed. The Adjutant General spoke in the Militia report of the danger that might be apprehended from the natives.

He also called attention to the fact that several Americans had built forts in Saskatchewan Territory inside the Dominion territory, whence they deal out liquor and ammunition to the Blackfeet and other tribes. He had been informed that the American traders were sedulously circulating false stories with reference to Canada, in inciting them to resist our authority.

It was recommended that a mounted force should be placed in the Red River territory. It was inadmissible that they should run the risks of the dangers apprehended, and the recommendations of the Adjutant General in that report were well worthy of consideration.

Mr. KIRKPATRICK thought the Government would find it more economical to purchase the ammunition in the country. A few skilled workmen would be required in the mills, and the money mentioned of the county (\$600,000) could be well expended in our own country. He referred to this both on military and economical grounds.

Hon. Mr. YOUNG (Montreal West) said there was not the slightest danger of hostilities between this and other countries. He did not think the camping in summer did any good, but rather harm, for the labour of the parties was lost and they were not addressed in their drill, the time was too short.

Mr. BERGIN moved that the Committee rise. He wished to enter at some length into the subject but did not wish to do so at this hour in the morning.

Hon. Mr. MACKENZIE suggested that the discussion should be reserved for concurrence and the votes taken *pro forma* tonight.

This was agreed to and the following items were passed:—

| | |
|---|----------|
| Salaries of Military Branch and District Staff | \$32,540 |
| Salaries of Brigade Majors | \$27,460 |
| Allowances for Drill Instruction | \$40,000 |
| Military Schools, including the pay of the Superintendent and his clerk | \$40,000 |
| Ammunition | \$45,000 |
| Clothing | \$90,000 |
| Military Stores | \$40,000 |

| | |
|---|-----------|
| Public armouries and care of arms, including the pay of storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries | \$52,000 |
| Drill pay and all other incidental expenses connected with the drill and training of the militia | \$370,000 |
| Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and bands of efficient corps | \$58,000 |
| Targets | \$5,000 |
| Drill Sheds and Rifle Ranges | \$10,000 |
| Gunboats | \$10,000 |
| Care and maintenance of properties transferred from the Ordnance and the Imperial Government | \$20,000 |
| Pay, maintenance and equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery including salaries and allowances of the Inspector of Artillery and Warlike Stores and Commandant of "A" Battery at Kingston, and the Commandant of "B" Battery and Inspector of Artillery, et cetera, for the Province of Quebec | \$100,000 |

Hon. Mr. HOLTON explained that many members had been engaged on Committees from an early hour the previous morning and there were other Committees that would require their attention that morning.

Hon. Sir JOHN A. MACDONALD at this period consented to the rising of the Committee.

After passing the militia items, the Committee rose and reported progress and asked leave to sit again.

* * *

CONTROVERTED ELECTION BILLS

In answer to Hon. Mr. Mackenzie,

Hon. Sir JOHN A. MACDONALD said he would proceed with the Controverted Elections Bill tomorrow after routine.

The House adjourned at 12.30 a.m.

April 25, 1873

HOUSE OF COMMONS

Friday, April 25, 1873

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

Prayers

REPORTS PRESENTED

Hon. Mr. McDONALD (Antigonish) presented the fourth report of the Committee on Private Bills.

Hon. Sir FRANCIS HINCKS presented the sixth report of the Committee on Banking and Commerce.

Mr. MACKAY presented a report of the Committee on the Kent, New Brunswick election stating that Mr. Costigan had not attended the meeting of the Committee.

Mr. MACKAY moved that Mr. Costigan do attend this House at its next sitting to show cause why he absented himself from the meeting of the Committee this day.—Carried.

* * *

THE PACIFIC RAILWAY COMMITTEE

Hon. Mr. CAMERON (Cardwell) presented report of Committee on Hon. Mr. Huntington's statement in reference to the Pacific Railway. The report requested the House to order that a message be sent to the Senate requesting that permission might be given to the Hon. Messrs. Macpherson, Cochrane, Chapais, Foster and Campbell to attend and give evidence before the Committee.

Hon. Mr. CAMERON (Cardwell) moved in accordance with the report that a message be sent to the effect indicated.—Carried.

* * *

FEE REMITTED

Hon. Mr. McDONALD (Antigonish) moved that the usual fee on private bills be remitted in the case of James McNabb's Car Coupler Patent Act.—Carried.

* * *

MANUFACTURING INTEREST

Mr. CHISHOLM moved that the Committee on Manufacturing Interests have leave to report from time to time.—Carried.

Mr. CHISHOLM moved that the quorum of the said Committee be reduced to seven members.—Carried

* * *

PICTOU HARBOUR COMMISSION

Hon. Mr. MITCHELL moved the House into Committee of the Whole to consider a resolution providing for the appointment of Commissioners for the harbour of Pictou, in the Province of Nova Scotia, **Hon. Mr. CAMPBELL** in the chair.

Hon. Mr. MITCHELL stated that the object of the motion was to give the Government power to appoint Commissioners to make regulations for the harbour of Pictou, for the rates of dues, and so on.

The resolution was adopted, reported, and read a first and second time.

* * *

MARITIME IMPROVEMENT COMPANY

The **SPEAKER** announced a message from the Senate, with a bill to incorporate the Maritime Improvement Company.

* * *

ABSENCE FROM A COMMITTEE

In accordance with the order of the House of yesterday,

Mr. COSTIGAN attended in his place and submitted a sworn statement of his reason for absenting himself from the meeting of the Kent, New Brunswick Election Committee yesterday. He said he absented himself because his presence would have committed him to what he believed to be an illegal procedure, namely, taking evidence affecting the securities attached to the petition. He, as the nominee of the petitioner, had taken the only step possible to get an opinion of the House on the matter.

Hon. Mr. DORION (Napierville) as a member of the Committee, was sure the hon. gentleman meant no disrespect either to the House or the Committee. He approved of the suggestion of Hon. Mr. Blake, in order to avoid establishing a wrong precedent.

Hon. Sir JOHN A. MACDONALD suggested that as this matter must come up tomorrow, the hon. gentleman might be excused today.

Hon. Mr. MACKENZIE said if they excused him today they would have to excuse him tomorrow on the same ground, unless they had some declaration from the hon. gentleman himself.

Mr. COSTIGAN did not think that any difficulty would occur in future. In taking the step he did, it was with the most perfect confidence of meeting the approbation of a majority of the House; but at the same time he was prepared most cheerfully to yield to the decision of the House. One question was, whether the Committee had the right to enter into the question of recognizance, and another question was whether the House had the right to interfere. Several members, whose opinions had great weight, had expressed their opinion that the House had no right to interfere, and while prepared to comply with the decision of the House, surely it would not be out of place for him to give his reasons and authority for the ground he had taken.

Mr. DALY then moved that the explanation made by Mr. Costigan be accepted, and that he be excused.

The SPEAKER called him to order, as the House had decided that they had no right to interfere with the action of the Committee.

Mr. MASSON said the House had not come to such a decision, only a few leading members had expressed this opinion.

After some discussion upon this point,

Mr. COSTIGAN was allowed to proceed with his argument. He said he was prepared to show that in a New Brunswick case a member had absented himself from an Election Committee, not for the same reason as he had, but for the same purpose, namely to get information from the House as to what his proper course would be under the circumstances. He quoted a case in point, and reminded the House that in the present instance they must be guided by the laws and precedents of the Province according to whose laws the case had to be tried. These he contended, allowed him to appeal for the decision of the House as to his proper course.

Hon. Mr. DORION (Napierville) rose to a point of order. He wished to know if it was in order to adjourn the proceedings of the Committee.

Hon. Mr. BLAKE said the debate might be shortened if Mr. Costigan would state whether he would after this attend the meeting of the Committee.

Mr. COSTIGAN said if the House decided that the Committee was right, and that he should attend the Committee, he would do so.

Mr. DALY moved that the explanation made by Mr. Costigan be accepted and that he be excused.

Mr. MASSON said the House had a right to advise a Committee, and the hon. member for Victoria wished to prove that such was the case according to the law and practice of New Brunswick.

The SPEAKER said the hon. member would be in order if he confined himself to the question of what are the powers of the House, and if he would avoid touching upon what took place in the Committee. That question could not be gone into in this House but if he could show any authority to prove that in New Brunswick the House had interfered with or instructed a Committee, he would be showing an important fact.

Mr. MATHIEU thought it was evident the Committee themselves wished the House to decide as to whether the Committee had a right to consider the validity of the recognizance.

Hon. Mr. CAMERON (Cardwell) said that under the New Brunswick law if the Committee had any doubt upon that point, it was quite competent to make such a report to the House, in order to get instructions as to the point in doubt.

Mr. MACKAY said the Committee had discussed that point and had come to the consideration that they had a right to consider the validity of the recognizance.

Mr. COSTIGAN said the Committee had come to an entirely different consideration and appealed to the member for Napierville (Hon. Mr. Dorion) to confirm his view.

Hon. Mr. BLAKE rose to order. It certainly was irregular to discuss what took place in Committee.

The SPEAKER decided that the House could not discuss the proceedings of the Committee, and requested the member for Victoria to refrain from referring to the action of the Committee.

Mr. COSTIGAN said the Committee had power to appeal to the House for instruction and advice, if they so desired; but a question might arise in which it was just and necessary for a minority on the Committee, against the wishes of the majority, then to appeal to the House and he quoted a case bearing upon the question which had been decided in New Brunswick. It was on this principle he had determined to come to the House for their decision.

Hon. Mr. DORION (Napierville) again called the hon. gentleman to order, and asked if the House was going to consider and perform upon the action of the Committee.

Mr. JONES said if in every election case the members were allowed to come and spend as much time in excusing themselves, a good deal of the time of the House would be wasted.

The SPEAKER called him to order, and said the question now before the House was the point of order raised by Hon. Mr. Dorion.

Mr. JONES said he was speaking to the question of order, and observed that Mr. Speaker's views of order varied according to the gentlemen who were addressing the House. (*Cries of order, and order.*) The gentlemen who cried order were the very gentlemen who agreed what he said was true, and were glad in their hearts to hear him go on.

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The **SPEAKER** again decided that no further action would be taken of Committee to the House.

Mr. COSTIGAN proceeded to propose by intrigue to New Brunswick proposing that the House had a right to grant him the freedom which he deserved.

Hon. Mr. BLAKE said the characteristics of the hon. gentleman endorsed so cheerfully were clear and that the House should expect to move upon the motion. The hon. gentleman moved to add "That the House is of opinion that the question raised by the said explanations as to the conduct of the Committee is not under the circumstances cognizable by the House".

Mr. ALMON desired to hear the decision of the hon. member for Westmorland (Hon. Mr. Smith) who knew New Brunswick law well, before he voted on the legislation.

Hon. Mr. SMITH (Westmorland) said he had never known a stranger case in New Brunswick and the man who stood by the hon. member for Victoria was not misinformed. That Committee was judicial in its power, and was made subject to the jurisdiction of independence of this House.

Mr. GIBBS (Ontario North) wished to know if the minority could enforce to the House, the application of their findings.

Hon. Mr. SMITH (Westmorland) said the law requires that all questions shall be decided by a majority of the Committee.

Mr. NELSON asked if it would be possible for a Committee to exceed their powers.

Hon. Mr. DORION (Napierville) said that matter would have to be recorded by a majority of the Committee, and the House had no power to interfere.

Mr. COSTIGAN asked the member for Westmorland whether he knew a case under the New Brunswick law where the Committee, having been struck and sworn, had considered the questions of validity of recognizances.

The amendment was then carried without a division.

* * *

HON. MR. TUPPER AT STRATHROY

Hon. Mr. MACKENZIE said a question of veracity between the Minister of Customs and himself had arisen yesterday. In reference to that matter he had this morning received the following telegram from Strathroy:—

"To the Hon. Mr. Mackenzie:—

Hon. Mr. Tupper is reported in this morning's *Free Press* to have said that at Strathroy but for the manly spirit of Hon. Mr. Mackenzie's Committee that hon. gentleman would have prevented him having a hearing. That statement is entirely

incorrect, the reverse being the case. Some of your committee objected to Hon. Mr. Tupper occupying their time of your meeting, but the words you used in substance that although the Opposition members were not courteously treated at Conservative meetings, at Chatham and elsewhere, you would, by all means, advise that the Hon. Mr. Tupper should be allowed to speak here."

Twelve signatures were attached to this telegram.

(Loud Opposition cheers.)

Hon. Mr. TUPPER said that in the House, or rather in the Committee yesterday, when the hon. gentleman took the opportunity a second time to drag up the story of their meeting at Strathroy, he taunted him with having intimated an unwillingness on his (Hon. Mr. Mackenzie's) part to meet him on that occasion, and gave that statement a flat denial. He (Hon. Mr. Tupper) had stated that he believed he was in a position to prove that the hon. gentleman had expressed dissatisfaction at his (Hon. Mr. Tupper's) having an opportunity of meeting him. When the hon. gentleman challenged him to prove it, he had further stated that the chairman of his (Hon. Mr. Mackenzie's) committee, his own friend, had declared, not to him (Hon. Mr. Tupper) personally or privately, but at a public entertainment given to him (Hon. Mr. Tupper) in response to the toast of his health, that when the proposal was made to the Committee of which he was chairman that he (Hon. Mr. Tupper) was coming to Strathroy, and that the Committee who had invited him there wished him to be heard and wished it to be a public discussion, some members of the other Committee objected to his (Hon. Mr. Tupper's) having the opportunity of meeting the hon. gentleman.

The gentleman in question, the chairman of that Committee further stated that he took the strongest ground that it should be a public discussion, and the Committee agreed to it; but that when he communicated to the Hon. Mr. Mackenzie the decision of the Committee, he expressed his dissatisfaction, and said it was his own meeting and they had no right to make the arrangement that he (Hon. Mr. Tupper) should be heard. The hon. gentleman had got a telegram sent for the purpose of giving that statement a contradiction; but he would show him that before he undertook to try questions of veracity with him, he would have to be better fortified than he was now. The telegram which the hon. gentleman read last night bore out emphatically the statement which he (Hon. Mr. Tupper) had made. A telegram had been sent to the Chairman of the hon. gentleman's own Committee, in order to extract a denial of the statement that the Hon. Mr. Mackenzie made objection, or expressed unwillingness that he (Hon. Mr. Tupper) should be heard.

In reply what had the hon. gentleman received? Was it a plain, bold statement that that allegation was not correct? No. It stated emphatically and clearly that Hon. Mr. Mackenzie said that personally he had no objection. He (Hon. Mr. Tupper) had never supposed that the hon. gentleman said he was afraid to meet him, but had expressed to the Committee his unwillingness, and his regret that his committee had, without his knowledge, decided that

he (Hon. Mr. Tupper) should be heard. When he made the statement he had heard of what was said in the presence of the Mayor of Strathroy and twenty or thirty other gentlemen. He made it boldly in face of the world, knowing that it was impossible that it could be refuted.

The hon. gentleman had read a telegram. Now he would give him evidence on the other side, and he would say that from the hour he made his statement here he had never had the slightest communication with any one, directly or indirectly, one way or other, on the subject. He had made a statement which he knew to be correct on the authority of a gentleman who, he was sure, from his gentlemanly conduct on the occasion referred to, was not likely to make a declaration telling against his own Party if it was unfounded.

He had now in his hand evidence from a gentleman who had heard the same statement personally from the chairman of the Committee, and which the latter had made publicly at the meeting in question. A letter had been addressed to him this morning by a gentleman with whom he had had no communication, for he did not know that he was present until he received the letter. This gentleman said that being in the gallery last night, and hearing the statement of the hon. member for Lambton (Hon. Mr. Mackenzie) he had thought it right to make the declaration contained in his letter, and he referred to half a dozen other gentlemen to whom the same statement was made. The letter was signed by Mr. A.P. Macdonald. (*Hear, hear, and Opposition laughter.*)

Hon. gentlemen might greet the name of Mr. Macdonald with laughter if they chose, but when he mentioned that name he mentioned the name of a man whom every one who had had the honour of sitting in this Parliament with him, and the country at large, where they had had the opportunity of knowing him, knew to be a man of honour, candour and straightforwardness (*hear, hear*), and one whose name would have as much weight with this country as that of any gentleman sitting on the Opposition benches in the House. (*Cheers.*)

What did he say? He made a statement which could be corroborated by the most intelligent and leading gentleman in that section of country. His letter was as follows:

“Russell House, Ottawa,

“April 25, 1873.

“My Dear Dr. Tupper,—I was in the gallery last night and I was astonished to hear Hon. Mr. Mackenzie deny that he and his party did their best to prevent you from speaking at Strathroy. Mr. Robb, the chairman of the Grit Party, told me, that if it had not been for him you would not have been allowed to speak on the same platform with Hon. Mr. Mackenzie, and that he told them if they refused you a hearing he would leave the chair and the Party, and when they saw he was determined they yielded, and he was allowed to invite you to the platform. This Mr. Robb told me and others.

I can prove beyond a doubt that Hon. Mr. Mackenzie and Mr. Ross did all that lay in their power to prevent you from speaking; but the people were anxious to hear you, and I believe that what the chairman told me is substantially true. When Hon. Mr. Mackenzie left Mr. Ross did all that he possibly could to break up the meeting, as he saw that the number was increasing instead of decreasing. If you remember I was confined to my room at the Cutten House, Strathroy, but I had a fair view of the crowd and the speakers. I saw Mr. Ross moving amongst the people trying to make them depart, or prevent you from speaking. The above can be proved by leading men of Strathroy—Mr. J.D. Dewan, who was mayor of Strathroy at the time, Major English and Mr. English, Mr. C.H. McIntosh, Mr. Armstrong, Mr. Cutten, of the Cutten House—in fact fifty men in Strathroy can prove what I state. Please excuse haste. I leave for Montreal, but if the Grits want more evidence I will go west and get it for them.

“A.P. Macdonald.”

(*Cheers.*) That was a plain statement of the fact, and corresponded exactly with the tone of the Chairman of the Committee, and the sentiments which he expressed in his (Hon. Mr. Tupper’s) hearing, and in the presence of twenty gentlemen. Instead of having placed him (Hon. Mr. Tupper) in the wrong by raising this question of veracity, the hon. gentleman has added another to the instances in which he has shown how treacherous and defective his memory had become. (*Loud cheers.*)

Hon. Mr. MACKENZIE hoped the hon. gentleman would send the letter to the newspapers, as he would send the telegram he had received.

Hon. Mr. TUPPER: I will.

Hon. Mr. MACKENZIE said it would be observed that the letter did not state that he had objected to Hon. Mr. Tupper speaking. It stated that certain persons had objected, but it never mentioned that he had raised any objections. The telegram he had read was signed by Mr. Robb himself, and in that he had stated that Mr. Macdonald had not raised any objection to Hon. Mr. Tupper’s speaking. He had stated that by all means he should be heard. He was willing to leave the matter now in the hands of the public, Mr. Robb’s and Mr. Macdonald’s letters being published.

As to Mr. Macdonald’s veracity, he did not like to say anything against any gentleman who was not present to defend himself, but he would call the hon. gentleman’s attention to the fact that Mr. Macdonald last session made a specific charge against him, which was formally contradicted by the Chairman.

Hon. Mr. TUPPER said Mr. Macdonald had placed in his hands evidence under oath to prove that the statements made were absolutely correct.

Hon. Mr. MACKENZIE said he would call the attention of the House to the fact that there was no question of veracity between him and Mr. Macdonald, or the Minister of Customs.

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Hon. Mr. TUPPER said there was a question of veracity between the member for Lambton and Mr. Robb and Mr. Robb's statement was corroborated by the evidence of Mr. Macdonald. He went to say that the remarks in the *Free Press* were not correct. He had not stated that it was the Committee that prevented Mr. Macdonald stopping him from speaking but the Chairman. What he stated was that Mr. Robb had stated that the Committee induced to withdraw their decision had consented to his having heard, that when the hon. member for Lambton (Hon. Mr. Mackenzie) was informed of the decision he expressed his dissatisfaction. That was the statement he made. He had no doubt that such an assumption was accompanied with a statement that the member for Lambton had previously no objection to his being heard.

Hon. Mr. MACKENZIE had merely to say that he emphatically denied the statement [...]. (*Cheers.*)

The matter then dropped.

* * *

BANKS AND BANKING

The House went into Committee on the bill to further amend the Act relating to Banks and Banking, **Hon. Mr. CAMPBELL** in the Chair.

The Committee rose and reported. The bill was read a third time and passed.

* * *

GOVERNMENT OF MANITOBA ACT

On motion of **Hon. Mr. TUPPER** the House went into Committee on the Bill to amend the Act 33 Vic., Cap. 3, entitled An Act to amend and consolidate the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the government of Manitoba. He said in accordance with the suggestion of the hon. member for Lambton he would move an amendment to the effect that no spirituous or vinous liquors should be allowed to be manufactured in or brought into, that territory from any of the Provinces of Canada, except by special permission of the Lieutenant Governor, and if such spirituous liquors were brought into the territories in contravention of this Act they should be seized by an excise or other officer of the Government, and that a sum of not more than one hundred dollars should be paid as a penalty by the person upon whom such liquor was found, one half of which should go to the party prosecuting and one half to Her Majesty.

Hon. Mr. MACKENZIE suggested that a minimum fine should be imposed, say \$20.

Mr. MACDONALD (Glengarry) said he thought it should be \$100, or at least \$50.

Mr. CUNNINGHAM said that in that territory the fine was already \$100, and he did not think it should be any less now.

It was afterwards agreed to fix the minimum at \$50.

In reply to Hon. Mr. Mackenzie,

Hon. Sir JOHN A. MACDONALD said that the appointment of Justice of the Peace, under whose authority the prosecution in such cases would be conducted, was in the hands of the Lieutenant Governor of the territories who would see that a sufficient number were appointed to meet the necessities of the circumstance. In point of fact some new appointments were to be made, the Hudson Bay Council having recently organized additional means for that purpose.

The amendment was then adopted. The Committee reported the Bill as amended, and it was then read a third time and passed.

* * *

INSPECTION OF STEAMERS IN BRITISH COLUMBIA

On motion of **Hon. Mr. MITCHELL**, the House went into Committee on a Bill to suspend for a limited time the operation of the Acts relating to the inspection of steamboats in British Columbia.

The Bill was adopted, with amendment, read a third time and passed.

It being six o'clock, the House adjourned for recess.

AFTER RECESS

THIRD READINGS

The following Private Bills were read a third time and passed:—

An Act to incorporate the Dominion Fire and Inland Marine Insurance Company.

An Act to incorporate Date's Patent Steel Company Limited.

* * *

SECOND READINGS

An Act respecting the St. Francis and Mégantic Railway Company.

An Act to incorporate the Canada and Detroit River Bridge Company.

An Act to amend the Erie and Niagara Railway Company Act, 1863.

FREEHOLD LOAN AND SAVINGS COMPANY

On the motion for the second reading of bill entitled "An Act to change the name of the Freehold Permanent Building Society of Toronto to that of the Freehold Loan and Savings Company, and to extend the powers thereof."

Mr. BURPEE (St. John City and County) asked that the bill might be allowed to stand over until tomorrow as he understood parties interested were on their way to Ottawa.

Mr. MORRISON replied that the bill had already stood over for some time, and the only parties opposed to it were those interested in an opposition scheme. He should therefore, if necessary, take a vote of the House on the bill.

Hon. Mr. BLAKE doubted the competency of the House to pass the bill and repeated his remarks made at a previous stage.

Hon. Mr. HOLTON thought a difficulty might be caused if the Dominion Parliament passed the bill as similar societies were not incorporated under an Act of the Local Legislature, while the society in question received its charter under a bill of the old Province of Canada, the terms of the two bills being somewhat different. He therefore thought it would be well to allow the bill to pass its second reading, but leave the third reading until another day in order that all parties interested might have an opportunity of representing their views.

Mr. MORRISON was willing to adopt Hon. Mr. Holton's suggestion.

Hon. Sir FRANCIS HINCKS concurred in the remarks of the member for Châteauguay, but did not think that the consideration of the bill should be delayed because the Secretary, or some other officer of a society in Toronto, had not thought proper to be on hand. The time of the House was too important to admit of delay from such a cause.

Mr. BURPEE (St. John City and County) agreed with the remarks of the members for Châteauguay and Vancouver and merely rose in the first place to deliver a message which he received during the afternoon.

Mr. YOUNG (Waterloo South) had received letters raising objection to the bill that were worthy of consideration, and as other Building Societies were interested in the bill he thought it should be allowed to stand over until the representatives of other societies could arrive.

Mr. MORRISON said the parties interested were aware that the bill was in progress, and it was their own fault if they were not there.

Hon. Sir JOHN A. MACDONALD said that if the company had been incorporated under an Act of the Provincial Legislature he scarcely thought the Dominion Parliament could amend, alter or affect it, unless it referred to a railway or public work, which could

be made a Dominion work. With that single exception, he did not believe that a corporation, brought into existence by a Provincial Act, could afterwards be altered or extended by a Dominion Act.

The difficulty in this case, as to jurisdiction, was that the company came into existence under an Act of the late Province of Canada prior to the British North America Act, and, therefore, it might be supposed to apply to the Dominion Legislature for smaller purposes. As to the bill itself being a good bill they should leave that to the Committee on Banking and Commerce.

Mr. WILKES said Bills equally objectionable had passed this House, and he thought it should be let through the second reading. He would like the Minister of Justice to give his opinion as to the jurisdiction of the House.

Hon. Mr. BLAKE said there were in Ontario half a dozen similar societies which came into existence prior to Confederation, and as many more which came into existence under an act of the Provincial Legislature, and therefore, he thought the matter should be left to the Local Legislature.

Hon. Mr. SMITH (Westmorland) was of the opinion that the House had jurisdiction, and thought the purpose of the Act very desirable in itself.

Hon. Mr. WOOD agreed with the hon. member for Bruce South as to the constitutional view of the question and the thought that an Act came properly within the legislative power of the Local Parliament, according to provisions of the Confederation Act.

The second reading was carried, and Monday fixed for considering it in Committee of the Whole.

* * *

SECOND AND THIRD READINGS

The following Bills were read a second and third time and passed:—

Respecting the St. Francis and Mégantic Railway Company, as amended by the Standing Committee on Railways.

To amend the Erie and Niagara Railway Act of 1863, as amended by the Standing Committee on Railways.

* * *

CONTESTED ELECTIONS

On motion of **Hon. Sir JOHN A. MACDONALD** the House went into Committee on the Bill to make better provision respecting election petitions and matters relating to contested elections of members of the House of Commons.

On the first clause, which declared that the Act shall be cited as the Controverted Elections Act of 1873,

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Hon. Mr. BLAKE said he had only to express his regret that the first clause might not have read "Converted Elections Act 1872". (*Hear, hear.*)

On the second clause,

Hon. Mr. BLAKE asked for some explanation. It seemed to condone the power of trying election petitions to one of the three Judges forming the Election Court. Was that the intention of the clause?

Hon. Sir JOHN A. MACDONALD: Yes.

Hon. Mr. BLAKE said in that case the measure would prove wholly inadequate. There were 83 members in Ontario, and there were as the result of last election between 30 and 40 contestations. It would be impossible for the judges to perform all this work, especially considering the other work they had to perform all the judges should be on the rota, all as in England.

Hon. Sir JOHN A. MACDONALD said he had misapprehended the question of the hon. gentlemen. He quite agreed that the work of trying election petitions should not be confined to three judges in each Province. It was the intention of the Bill that all the Superior Court judges should be placed upon the rota.

This clause was adopted.

Hon. Mr. BLAKE contended that corrupt practices were not sufficiently defined.

Mr. CARTER quoted from the laws of old Canada in support of the provisions of the bill under discussion.

Hon. Mr. BLAKE ridiculed the remarks of the member for Brome (Mr. Carter) as being too limited, and apply only to Ontario and Quebec, quite ignoring the Lower Provinces, Manitoba and British Columbia.

Hon. Sir JOHN A. MACDONALD said his hon. friend (Hon. Mr. Blake) would not look into the old laws of Canada, but would search the statutes of England since the heptarchy. The bill was not intended to define what were corrupt practices. They had a separate bill on that subject, the election bill, and it would be well to lease the question until the bill came up for discussion. He did not think that the remarks of his hon. friend from Brome were open to the attack of the hon. member for Bruce South (Hon. Mr. Blake). He asked for an explanation as to security.

The third clause was adopted.

On the fourth clause, which provides that when the Court of Appeal for the Dominion is established, the Judges of that Court shall try election petitions.

Hon. Mr. BLAKE asked for explanations.

Hon. Sir JOHN A. MACDONALD said he hoped to see the Court of Appeal for the Dominion established, though not this session. When it was established, he thought its judges should try election petitions. They would specially be Dominion Judges, and would have jurisdiction over the whole Dominion besides, for very many years they would not be troubled with the daily increasing work that falls to the judges of original jurisdictions in the Provinces.

Hon. Mr. DORION (Napierville) thought a difficulty would certainly arise from the few judges who, according to the provisions of the Bill, would be available for the trial of contested elections. In the case of twenty or thirty elections being protested against, as was the case this time, how would the management be carried on?

Hon. Mr. BLAKE said the Minister of Justice (Hon. Sir John A. Macdonald) had at one time contended that the trial on these cases would take away the Judges from their duties, and afterwards had thought that the seven Judges of the Court of Appeal could dispose of the whole of these cases.

Hon. Sir JOHN A. MACDONALD said he had contended that the Provincial Judges ought not to be taken from their other duties, except by the consent of the Provincial Governments; but there would be nothing to prevent the Judges of the Court of Appeal going through the country, holding circuits and trying these cases until the whole were disposed of.

He pointed out that the Judges of the different Provinces were appointed by the Central Government in the same way as the Judges of the Court of Appeal would be, so that the same political influences, if any, might be supposed to exist in the one case as in the other. If these cases could be tried by the Judges of the Court of Appeal, so that the Provincial Judges would not be burdened with these extra duties, it would be a great benefit. The Judges of Quebec, and he believed those of Ontario, had objected to being employed in the trial of election petitions. If this clause were left out, there would be a claim from the different provinces for additional Judges. This clause had been inserted in order to show, as far as it could be shown, that this would not be a duty imposed permanently on the Provincial Judges.

He said that one of the advantages of the proposition was to bring in judges from all the Provinces, and thus keep out all sectional and political feeling in trying these cases. As his hon. friend would see the judges could leave aside the cases of appeal for the time being and for two or three months devote themselves to the trial of election cases, without any hindrance to the administration of justice.

Mr. KIRKPATRICK was sorry that the Court of Appeal was not already established, and he hoped it would not be much longer delayed. He approved of the proposition of the Minister of Justice that the Dominion Judges, when they were appointed, should have the trial of controverted elections.

Hon. Mr. SMITH (Westmorland) thought the country was not at all suffering from the want of a Court of Appeal. It seemed to him necessary to legislate for a contingency that could not take place for several years, besides, he thought it was impossible for two or three Dominion Judges to try election petitions all over the country.

Hon. Mr. BLAKE thought it was utterly premature to discuss the propriety of establishing a general Court of Appeal, and therefore it should not have been brought into this Bill. The House, in a measure, were asked to approve of such a Court, while the question was set properly before the House. If it was time to have such a Court, then let the House have a Bill on the subject, but if not, then it should not be referred to at all in this Bill. When such a Court was established, Parliament could then transfer to it the duties of trying also those petitions. It was time enough to define their duties when the office was established.

He agreed with the view that it would be very difficult for Dominion Judges to attend to all the election cases throughout the Dominion. The Provincial Judges, mixing among the people, and being known by the People, would far more command the respect of the people than some seven gentlemen living at Ottawa, never trying cases by jury, and very little known by the people. However, he did not wish to prejudge the question. All he asked was that the question be allowed to stand over till it came practically before them.

Mr. KIRKPATRICK said the hon. member for Bruce South (Hon. Mr. Blake) acted differently in the Ontario legislature than here. He had introduced a Bill to give the power of trying election cases to the judges of the Superior Courts, and not to County Court Judges, who were continually among the people. He argued, however, that it was hardly the thing to legislate upon the prospective appointment of any set of judges.

Hon. Mr. BLAKE said he would with permission, refer to a former utterance of the Minister of Justice, in which he pointed out that if there were fifty cases, that number of judges would be called away from their duties, but now seven judges were expected to do the same thing without the disturbance of the administration of justice, and it was proposed to legislate only in prospect of the appointment of these seven.

Hon. Sir JOHN A. MACDONALD said he held yet that the administration of justice would be seriously interfered with by taking away the judges engaged upon the circuit. He held that the proposed judges of the Court of Appeal would command the respect of the country, and would be not only just but perfectly free from bias. The only country in the world where judges were perfectly free from bias was England. Every unpopular judge in other countries was more or less complained of on political grounds, and indeed in almost all cases judges were not altogether free from having such motives imputed to them now and again.

Hon. Mr. WOOD: The hon. gentleman has said that only in England were the judges perfectly free from political bias. He must also include Ontario. There never were any imputations cast upon any Ontario judges from a political point of view.

Hon. Sir JOHN A. MACDONALD: What about the Hon. Judge Robinson?

Hon. Mr. BLAKE said there was never any imputation cast upon his motives from a political point of view.

Mr. BOWELL said *The Globe* newspaper had adverted to the political motives of the judges in the Double Shuffle case.

Hon. Mr. WOOD said he was not speaking of the newspapers. He was talking about the profession. He went on to say that the Provincial judges had plenty to do and had complained at having this additional work to do. It would be better therefore to have Dominion judges to do the work, so that the Provincial judges would not be taken from their ordinary duties. He thought the clause should stand as it was, as it would be an intimation that it was desirable to have a Court of Appeal.

Hon. Mr. BLAKE said it came out now that this clause was really intended to be a legislative declaration that a Court of Appeal should be established.

Hon. Mr. CAUCHON said there were several important questions to consider when they came to discuss the propriety of establishing a Court of Appeal, and it was not right to decide in advance of a consideration of these questions that Court should be established. He thought the clause had better be omitted.

Mr. MERCIER opposed the duty of trying election cases being imposed on the general Court of Appeal.

Mr. GLASS said this clause did not make the establishment of a Court of Appeal imperative.

Mr. JOLY criticised the provisions of section seven, by which the Governor General, in case the Lieutenant Governor of each Province did not require the Provincial Judges to try these cases, might appoint a Court of from three to five Barristers of five years standing, to try them. The House had such confidence in the Judges that it was ready to divest itself of its authority in this matter, and hand it over to them; but the country would be very much disappointed if these questions were to be placed in the hands of a court of that kind.

Hon. Sir JOHN A. MACDONALD reminded his hon. friend that they were on the fifth clause and not the seventh.

Mr. JOLY could not have made his argument complete without referring to sections five, six and seven. He objected to the trial of

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election cases by any Judges other than those of the superior or higher courts of the land.

On the sixth clause, providing that Provincial Judges shall not be required to serve under this Bill without the consent of the Local Government.

Hon. Mr. WOOD quoted from the British North America Act as to the appointment of Judges and the establishment of Courts, and argued that if the bill should be passed in its present shape it would establish a Supreme Court, and the Governor General could, by commission, appoint Judges of the Superior Courts Judges of the Supreme Court.

Hon. Sir JOHN A. MACDONALD said that with reference to clause six, until the establishment of the Supreme Court, he desired that the Judges of the Superior Court in the several Provinces should try controverted election cases as they were in some of the Provinces then doing. He was so strong on the point that he would consider it fatal to the bill if the clause were so amended as to throw upon the Judges of any of the Superior Courts in any Province the trial of controverted election cases, unless with the assent of the Lieutenant Governors of the different Provinces, who were responsible for the administration of justice and who should say whether their Judges could be spared for the trial of those cases. He thought the Lieutenant Governors would give their assent; but unless they could say that their Judges could be spared, without disturbing the administration of justice, they ought not to be called upon to try election cases.

Hon. Mr. SMITH (Westmorland) hoped that the Minister of Justice would consent to strike out the last part of clause seven providing for the appointment of barristers to be Judges for the purposes of the Act. If they were to transfer the trial of controverted election cases from their own High Court of Parliament it should be to the Judges of the highest Court of the land, in whose judgment the people would have confidence. He did not think that such a result could be obtained by the appointment of barristers who might have to try cases in the counties where they had exercised their political influence.

Hon. Mr. CAMERON (Cardwell) said the argument of the hon. member for Westmorland was a sufficiently strong reason, not only to authorise the insertion of clause five, which had been allowed to stand over, but to the immediate establishment of the Supreme Court indicated in that clause. For his own part he would have preferred that the Minister of Justice should have brought down a bill establishing the Supreme Court prior to discussion on the Election Bill, because as his hon. friend from Westmorland had said the Judges to try such cases should be of the very highest Court. The question would come up on a future occasion, when he hoped to offer his reasons why the Supreme Court should be immediately established. Every one who knew anything of the judiciary of the Dominion would acknowledge that the Judges were very much overworked. He would refer to the hon. member for Bruce South (Hon. Mr. Blake) who had so much experience in the Court of

Chancery, if he did not think that the judges in that particular Court were overworked?

Hon. Mr. BLAKE took strong objection to clause six. No hon. gentleman would deny that they had by various means imposed duties upon Sheriffs and County Judges, and ordered them to do so and so; and why should they not do the same with the Superior Court Judges. It was within the jurisdiction of the House to impose duties upon and compel the performance of the same by any person in the country. It would be unconstitutional in the extreme for Lieutenant Governors to require Provincial Judges to perform any duties at all. He thought as far as the Court of Chancery was concerned, at any rate, the judges would find no difficulty in doing their share of the election trials. It was not to be supposed that if the Local Government find that the judges were overworked they would not increase the number more especially as they had not to pay for them. The Local Government had the remedy in their own hands, if these judges could not perform the work required of them.

Hon. Sir JOHN A. MACDONALD said the reason why he took strong ground in this case was, that if they were in the Act under discussion to force the duties of trying controverted elections on the Superior Court Judges, they might throw upon them any work however foreign to their ordinary judicial duties. He thought it would be a great mistake to throw upon the Judges any work beyond the trying of ordinary civil and criminal cases in their respective districts.

The member for South Bruce had said that they had the power to order Judges to perform any duties Parliament might involve upon them. If such was true with regard to Judges, it was equally so with regard to Lieutenant-Governors. The hon. gentleman had said that it was an imaginary idea that the Judges would be called upon to perform more work than they could do. It was well known that the Judges did complain of overwork and not in Ontario only, as he had complaints from other Provinces, and the complaints from Nova Scotia were frequent. He had in his possession officially a complaint from a suitor that his case was so delayed, not from neglect on the part of the Judges, but from the amount of work on hand that practically there was a failure of justice.

Hon. Mr. DORION (Napierville) said it had been argued that an enormous amount of labour would be entailed upon the judges in Lower Canada. There were twenty-one judges of the Superior Courts, and it was proposed to raise the number to 26. It was not at all likely that in Quebec more than 25 cases of contested elections would arise at any election in the Province, so that there would be only one for each of the judges every five years. At this calculation that would be the amount of additional labour, and could not certainly be complained of.

The Bill, he considered was unnecessarily complicated. He thought that these cases should be tried as was suggested by the hon. member for Richelieu—that the cases should be tried by the judges on circuit in that particular district. It would save the great expense of bringing witnesses from long distances to such places as

Montreal, Ottawa, and Toronto, as well as considerable delay. It would be unconstitutional for the Lieutenant Governor to impose upon the Courts duties which the Legislature had not disposed upon them. (*Hear, hear.*)

Mr. PALMER would be glad to see a general Court of Appeal appointed, so that Judges not mixed up in provincial politics might try these questions. He took a similar view as the hon. member for Napierville (Hon. Mr. Dorion).

In clause thirty-eight, **Mr. JOLY** contended that candidates ought to be examined.

Hon. Mr. BLAKE said that was the law in the Province of Ontario and there was besides a provision in that Province for a preliminary examination.

The clause was carried.

Mr. WILKES said it had not been seriously urged that Provincial Judges were not competent to undertake this additional work, but the main argument was that the judges were overworked. The proper way to remedy that was to increase the number of judges. Considering that the new elections law would very probably largely diminish the number of contestations, he calculated there would be less than one case for each judge in every five years.

Hon. Mr. ANGLIN said the unconstitutionality of putting power in the hands of the Lieutenant Governor to call upon any subject of Her Majesty, struck him from the beginning. He thought if the Local Legislature found it necessary, they would increase their number, and he denied that the judges of New Brunswick were all overworked, and if there was but one case of controverted elections from that Province, he did not think it would add greatly to their work to hear all the other cases that would be likely to come up.

Mr. TASCHEREAU (in French) opposed the adoption of the clause.

The clause was adopted and the seventh clause allowed to stand over.

The eighth clause, providing that judges may arrange as to rotation on duty, was also allowed to stand.

The ninth and tenth were passed, and on the eleventh,

Hon. Mr. BLAKE said the Clerk of the Crown in Chancery should publish in the Official *Gazette* the receipt of the petition against a return, and the date ought to be fixed from the publication of the *Gazette*.

After some discussion the clause was adopted.

The clauses relating to the presentation of petitions and the furnishing of securities and various preliminary steps to be taken were all passed.

After some discussion the clause was adopted.

The clauses relating to procedure, jurisdiction, and roles of courts, attendance and jurisdiction of the judges, the regulations concerning swearing of witnesses, withdrawal and abatement of election petitions, cost and miscellaneous provisions were carried, the more objectionable clauses being referred for discussion when the Speaker would be in the Chair.

Hon. Mr. BLAKE suggested that the present election petitions should be tried under this law, else they would not be likely soon to be tried otherwise.

Hon. Sir JOHN A. MACDONALD was understood to say he would consider the matter.

The whole of the clauses, with the exception of those mentioned and with some few verbal amendments, were adopted, and the Committee rose and reported progress.

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WRECK AND SALVAGE ACT

The House, on motion of **Hon. Mr. MITCHELL** then went into Committee of the Whole on the Act respecting Wreck and Salvage.

The Committee rose and reported the amendments, which were read a first time.

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PATENT ACT

On motion of **Hon. Mr. POPE (Compton)** the Bill to amend the Patent Act of 1872 was read a second time.

The Bill passed through committee, and the amendments made were read a second time.

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NORTHWEST TERRITORY BILL

On motion of **Hon. Sir JOHN A. MACDONALD** the Bill to make further provision for the Northwest territories was read a second and third time and passed.

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MANITOBA LAND ACT

The bill respecting the claims to lands in Manitoba for which no patents have been issued, was read a second and third time and passed.

The House adjourned at 12.50 a.m.

April 26, 1873

HOUSE OF COMMONS

Saturday, April 26, 1873

The **SPEAKER** took the chair at 1.30 p.m.

Prayers

REPORTS PRESENTED

Hon. Mr. BLANCHET presented the third report of the Committee on Railways, Canals and Telegraph lines.

Mr. RYMAL presented the thirteenth report of the Committee on Standing Orders.

* * *

AN AGGRIEVED MEMBER

Hon. Mr. WOOD, who spoke in a most indistinct voice, almost inaudible in the gallery, was understood to say that he asked permission, in justice to himself, to call the attention of the House to a gross misstatement of facts in reference to his action in this House which appeared in a leading paper published in this Province. The statement in question appeared in an article in *The Mail* newspaper of the 25th inst. The first part of the article contained very grave charges against him to which he did not intend to allude. They were beneath his contempt and he fancied would be treated with contempt by the whole Province, at least where he was known; but the latter part of the articles, it had suggested itself to him, that it might be proper to refer to.

It read as follows:—"The other night he denounced the Pacific Railway and said it ought to be built by Commission *a la* the Intercolonial Railway. Hon. Sir John A. Macdonald read from the journals to show that Mr. Wood had voted quite the reverse when in Parliament before—Oh, but, said he, I didn't vote for a large land grant to the Railway. Sir John again turned to the journals, and in this particular, too, pointed to the miserable man's inconsistent course. But E.B. Wood, we are well aware, cares not a snap for this. He denounced Mr. Scott's land sale and then supported it for money."

Now he had understood at the time that the right hon. leader of the Government had alluded to his (Hon. Mr. Wood's) former votes merely in by-play, and facetiously without any intention to assert that any such records were actually on the Journals of the House. On his asking the right hon. gentleman to send him over the journals, he turned them up and said he found no such vote, and on

further reference to the journals he found that the resolution referred to by the right hon. leader of the Government was simply an order of the House.

At page 212 he found the following:—"On motion of the Hon. Sir George-É. Cartier, seconded by the Hon. Mr. Tilley, *Resolved*, that this House will tomorrow resolve itself into a Committee to consider the following proposed resolution:—That the railway referred to in the Address to Her Majesty concerning the union of British Columbia with Canada, adopted by the House on Saturday, the 1st of April, inst. should be constructed and worked by private enterprise, and not by the Dominion Government, and that the public aid to be given to secure that undertaking should consist of such liberal grants of land and such subsidy in money or other aid, not unduly pressing on the industry and resources of the Dominion, as the Parliament of Canada shall hereafter determine." That was cited by Sir John as having been voted for by him (Hon. Mr. Wood), but the House would understand that it was no vote at all, but merely an order of the House that on a future day they would take the resolution into consideration.

When it was so considered, he found it recorded on page 266 that Mr. Dorion moved an amendment on concurrence on the second reading of the resolution. For that amendment he voted. He found further, that Mr. Tremblay, a member of this House, moved an amendment which was in substance a modification of the resolution, but inserted in it that the Company should be subsidised by large grants of land against that amendment he voted, and finally the record closed in this way:—"Then the main question being put, the House divided, and it was resolved in the affirmative".

Now, upon that record, which was explained sufficiently he thought at the time, the reporters of the public newspapers being present when that explanation took place had thought it not beneath them to report to the proprietors and editors of their own papers, for they must have got the information somewhere, that he (Hon. Mr. Wood) had on previous occasions voted that there should be a private company to construct the Pacific Railway, and that they should be subsidised by grants of land and money. And then the newspapers founded upon that the charge of inconsistency against him in now opposing the construction of the Pacific Railway by a private company, subsidized by grants of land and money. The House would see that whether he was right or wrong in the view he was now taking, it was precisely the same view that he had taken in 1871.

He had found that several members of the House were chuckling, were actually delighted themselves, that he had been put to a *non plus* by the exposure of his inconsistency, but he had now shown

that he was consistent. He hoped this newspaper, if it had any respect for itself, would make the *amende honorable*. If not, they could only treat it as they did other political hacks and political traducers. Iago was moral perfection in comparison to the midnight assassin and cut-throat who deals his cowardly blows from behind the defence of journalistic impersonality.

* * *

SUPPLY

On motion of **Hon. Mr. TILLEY** the House went into Committee of Supply.

On the item of \$120,000 for construction of lighthouses, fog trumpets, et cetera.

Hon. Mr. MACKENZIE thought the hon. gentleman having charge of this should explain how this money was expended. It was supposed to be given in detail, but the detail was a very defective one. He had not had a detailed account put in his hands which appeared to be satisfactory, but it would be desirable to have some idea of the new works required, the construction necessary, and to give some idea of the amounts that would have to be expended on other parts of the coast. He dwelt upon the necessity of additional lights etc., on Lake Superior.

Hon. Mr. TILLEY said it would give him much pleasure to enter into the required explanation. He said the course the Government had pursued was to endeavour from time to time to proceed with the expenditures in place which were considered most necessary. He explained how many lights had been placed on the shores of Lake Superior and other portions of the Dominion, as contained in the hon. gentleman's reports. He said, with reference to the hon. gentleman's question, as to the views of the Government respecting the future expense in relation to this service, that it was impossible for any Government to make any estimate in that respect. It would be found by referring to the report of the Department that Parliament might be congratulated upon the enterprise shown during the past five years. In that time the lighthouse system had been doubled at a moderate expenditure, which was well expended for the additional facilities thus afforded.

Hon. Mr. ROBINSON said that while he thought all attention should be paid to the lighting of Lake Superior, he thought there was one point at which there was much necessity for a light, namely, Passage Island on the American side.

Hon. Mr. MITCHELL replied that Passage Island belonged to the United States. He would take the necessary steps to bring the want under the notice of the American authorities.

Hon. Mr. MACKENZIE said he was glad to see the hon. member for Algoma (Hon. Mr. Robinson) so well pleased with the

light house system on the Canadian side that he turned his attention to the American side.

Hon. Mr. ROBINSON said he was better acquainted with the matter than the hon. member for Lambton.

Hon. Mr. MACKENZIE said the hon. member for Algoma was blessed in thinking more of his own qualities than any other person around. (*Laughter.*) He thought if the survey of our coasts already made were not perfect we should obtain other surveys. He, however, was under the impression that those which had been made were so complete and accurate that it would be quite possible for the Minister of Marine to point out the exact spots where they were required. He was sorry to see that the hon. gentleman had expressed himself in favour of a policy at variance with the requirements of the trade and the country. It was a very commodious thing to have a few lighthouses now and again with which to bring in refractory members into the pale of the Ministerial lighthouse.

Mr. COFFIN thought the hon. member for Lambton (Hon. Mr. Mackenzie) was rather hard upon the scheme of the Minister of Marine and Fisheries (Hon. Mr. Mitchell) in his gradual policy.

Hon. Mr. TUPPER said there was no doubt that such expenditure should not be governed by political reasons, but he urged that the present system was the best. The attention of the Minister was called to the wants of a certain part of the coast. He was not called upon to act on such representations without enquiry, but instituted full enquiry, and referred to the elaborate plans and charts of his department; and after an examination of the whole question he was enabled to decide whether in the interests of the trade and navigation of the country a lighthouse was necessary. He urged that there was great good in thus taking advantage of this particular local knowledge of gentlemen in and out of the House.

Mr. JONES did not think any blame could attach to the Government in this matter. The best information had been obtained from persons practically acquainted with the wants of navigation, and he did not think any general survey was necessary. Skilled scientific men were not so likely to give reliable information as were captains of vessels and others practically acquainted with the matter.

Mr. KILLAM thought the course adopted of placing lighthouses where they were most needed, and as the want made itself felt, was the proper one, and that no general survey was necessary. He was also in favour of the present plan of erecting wooden lighthouses.

Hon. Mr. HOLTON agreed with Hon. Mr. Mackenzie that some general scheme should be adopted, instead of the haphazard plan suggested by the last speaker. The wants of the coasts could not be properly ascertained except by a skilled survey. There was no appropriation he would more readily support than that for the purpose of rendering navigation safe, but some intelligent scheme

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should be adopted and expenditure should not be made at particular places to obtain political support.

Hon. Mr. YOUNG (Montreal West) testified to what had already been done in lighting up the coasts, but as much more had still to be done he thought a thorough and complete investigation and survey would be a very great advantage. In the rivalry now existing between Canada and the States, it was absolutely necessary that we should do everything we could in the interest of safe navigation.

Hon. Mr. MITCHELL said Hon. Mr. Mackenzie had taken his usual course of finding fault with everything the Government proposed to do. Referring to the suggestion that a general survey was necessary, he spoke of the report and survey made in 1855. Again, in 1866, another examination was made. On the former occasion it was reported that a lighthouse on Bird Rocks would cost \$70,000, and the estimate was the same on the latter occasion. Nothing had resulted from these enquiries but the adoption of the most costly system of building stone lighthouses; but he (Hon. Mr. Mitchell) had suggested and brought into operation a more effective and far more economical system, so that the service had been doubled in the course of a few years. A light had been placed on Bird Rocks in four months at a cost of \$11,000, instead of the large estimate of the reports mentioned. It was said, also, that a lighthouse at Cape Race would cost \$50,000, instead of which he had erected one for \$11,000, and a fog signal for about \$9,000.

He appealed to the record of the last four years, and appealed to the members from the Lower Provinces and from the constituencies on the lakes, and asked whether one single representation as to the wants of the coast had been neglected, and whether the service was not more effective. The Canadian plan had attracted so much attention in Europe that England had sent out a special commissioner last year to enquire into the matter. He quoted from the report made by Sir Frederick Arrow, the Commissioner, to the effect that the system adopted was admirably adapted to the wants of the country. The London *Times* had devoted a long article to the subject. He also quoted from Sir F. Arrow's report as to the fog whistles of Canada, which he termed good and effective, comparing it most favourably with the system in operation in the States.

He argued that this Department was in possession of the fullest and most detailed charts and information, and that there was no necessity for any further survey. He did not believe the House would think that either his Department or the Government had been neglectful.

Mr. TREMBLAY spoke of the good effects produced by the lighthouses erected on the north shore of the St. Lawrence and stated that many accidents in the St. Lawrence would have been avoided had vessels gone to sea by the northern channel. The lighthouse for Saguenay was a small one, but it would be of great benefit to the navigation of the river.

Mr. WILKES objected that the Minister ought to have submitted a comprehensive scheme of the works that should be undertaken, instead of waiting for accidents to show where lights were necessary, referring in this respect to the loss of the *Atlantic* which might possibly have been prevented had a lighthouse been in existence. He referred particularly to the lowering of insurance rates that would result from safe navigation.

Hon. Mr. MACKENZIE said that what he urged was that if the charts now in existence were not sufficient, a new survey should be undertaken, as perfect information ought to be obtained on this subject.

The item then passed, also the following items:—

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| Salaries and allowance and Maintenance of Lighthouse Keepers, and Assistants, and Salaries and allowances | 134,617.50 |
| Oil—93,000 gallons Petroleum | 20,770.00 |
| Maintenance, ordinary and extraordinary repairs of Lighthouses, Light Ships, Steam Fog Whistles, Buoys and Beacons, Signal Stations et cetera | 177,200.00 |
| Steamer <i>Richelieu</i> , maintenance and repairs | 8,864.00 |
| Schooner for delivery of coal and other supplies to Lighthouses and Steam Fog Whistles | 8,000.00 |
| Total | \$349,451.50 |

Hon. Mr. MACKENZIE called attention to a block sum being asked for the salaries of a number of keepers of new lighthouses, and asked how they were to be apportioned.

Hon. Mr. MITCHELL said the salaries were not decided until the actual establishment of the lighthouses, and the appointment of keepers.

In the course of further conversation as to points peculiar to New Brunswick and Quebec,

Mr. TREMBLAY called attention to the absence of any vote to replace a lighthouse burned down at a point in his county.

Hon. Mr. MITCHELL replied that the lighthouse having been burned down, he had not considered that a lighthouse was so urgently needed at the point in question as many others, and that, therefore, no vote was asked for the purpose this year. Further, from the information he had obtained, he was rather of opinion that when the lighthouse was rebuilt it would be advisable to place it at a point at some distance from its former position.

Hon. Mr. MACKENZIE: I suppose it will be moved beyond the limits of the hon. gentleman's county.

Hon. Mr. MITCHELL indignantly denied the insinuation, stating, amid cheers, that he knew no man's county in such matters,

but acted with a sincere desire for the benefit of the country, and the improvement of navigation.

The item of \$7,995 for Trinity House, Quebec, then passed without discussion.

On item of \$5,903 for the Montreal Trinity House,

Hon. Mr. HOLTON asked how it was this vote was asked as the Trinity House was to be abolished.

Hon. Mr. MITCHELL said he could not assume the bill would be passed until it was passed, and the salaries of the staff of Trinity House would have to be provided for. When it passed over to the Harbour Commissioners, he would consent to amend the vote by substituting Harbour Commissioners for Trinity House. The item then passed.

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|---|---------|
| Removal of wreck of barque <i>Chryseis</i> at Saint-Jean, Port-Joli, Province of Quebec | \$1,000 |
| Sable and Seal Islands Humane Establishment | 8,000 |
| Cape Race Light | 300 |

Mr. CASGRAIN suggested that some provision should be made for the relief of wrecked sailors. He had called attention to one of these cases in which insufficient relief was afforded.

Hon. Mr. MITCHELL said he would be happy to consider the case in the supplementary estimates.

The following items under the heading of Fisheries, was then taken up. Salaries and disbursements of Fishery Overseers and Wardens:—

| | |
|--|---------|
| Ontario | \$7,400 |
| Quebec | 8,000 |
| Nova Scotia | 9,755 |
| New Brunswick | 7,080 |
| Maintenance and repair of <i>La Canadienne</i> | 9,000 |
| Fish-breeding, Fishways and Oyster Beds | 10,000 |

Mr. YOUNG (Waterloo South) objected to the large expenditure in Nova Scotia seeing that the revenue derived from that Province in this matter was so little. He thought some plan should be adopted for the collecting of some revenue from this source.

Mr. MACKAY said the expenditure in Ontario and Quebec also largely exceeded the receipts, yet there was no benefit from the fish-breeding establishments for which \$10,000 were to be voted. The fishing interests of Nova Scotia were as important to the people of that Province as the agricultural interests of Ontario were to the inhabitants of that Province.

He pointed out that Nova Scotia required no vote for fish breeding, and therefore he thought this vote should not be objected

to, especially as to the expenses in other provinces also exceeded the revenue.

Hon. Mr. MACKENZIE observed that what was complained of was the different systems kept up in the Upper and Lower Provinces. In Ontario and Quebec license fees had to be paid, while in Nova Scotia no fees were required.

Mr. DOULL thought the license oppressive, and that Government should abolish it.

Mr. BODWELL said that was a misapprehension; the only way by which they could abolish it was by this House, at the instance of the Ministry.

Mr. COFFIN was of opinion that licenses for rivers should be abolished altogether.

Hon. Mr. WOOD was of the same opinion.

Mr. YOUNG (Waterloo South) said if Nova Scotia needed more money to protect their fisheries, he for one had no objection; but if no license fees were to be collected in Nova Scotia, then license should be abolished all over the Dominion.

Mr. ROSS (Victoria) was sure that if the other Provinces wished to throw their rivers open, as in Nova Scotia, the representatives for that Province would be happy to assist them in abolishing license. The fisheries of Nova Scotia were one of their greatest industries, and in the public interest should be protected.

Mr. FOURNIER complained of dissatisfaction with the license system in certain districts in Quebec.

Hon. Mr. MITCHELL maintained that the licensing system had protected the fisheries to a very great extent, and held that the system in operation in Ontario and Quebec was mainly a system of registration. There could be introduced no system that would not present a difficulty. The present system had been a success.

Mr. FORBES said the system in operation in Nova Scotia worked very satisfactorily, and he hoped it would not be changed.

Mr. CHURCH also spoke in favour of the system in operation in Nova Scotia. He recommended the increase of the sum given to protect the fisheries of Nova Scotia as suggested.

Hon. Mr. ANGLIN was glad to hear that the fish in the rivers of Nova Scotia had increased so greatly. He never did approve of the license system, and after the experience he had of that system he did not now approve of it. He complained of an instance in which he understood a Port Warden named Cunningham of New Brunswick, had been discharged, because he exercised his franchise against Mr. McAdam, a Government candidate, and another man, who had voted for McAdam had been placed in the position with a salary of \$2,000 a year. He wished to know if this was correct.

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The items were then passed.

Hon. Mr. ANGLIN asked if silence gave consent to the statement respecting the Port Warden.

Hon. Mr. MITCHELL said a charge of so serious a nature should be made in another way.

The Committee then rose and asked leave to sit again.

* * *

THE KENT ELECTION CASE

The Order of the Day was they called for Mr. Costigan to attend and give reasons for the absence from the Election Committee.

Mr. COSTIGAN said he was absent for the same reason he had stated yesterday but that since the order of the House yesterday, he had attended the meeting of Committee.

Mr. DALY stating that the excuse was sufficient,

The excuse was accepted.

* * *

PATENT ACT

Hon. Mr. POPE (Compton) moved the third reading of the Patent Act.

The motion was carried, and the bill passed.

* * *

WRECK AND SALVAGE BILL

On motion of **Hon. Mr. MITCHELL**, the Bill respecting wreck and salvage was read a third time.

* * *

BIRTHS, MARRIAGES, AND DEATHS BILL

Hon. Mr. POPE (Compton) moved the second reading of the Bill to provide for the registration of births, marriages and deaths, and for the collection and publication of statistics.

On call for explanations,

Hon. Sir JOHN A. MACDONALD said the measure had been explained on the first reading in accordance with the practice in such measures, and it was usual to pass the second reading without debate.

Hon. Mr. MACKENZIE objected to entering upon the consideration of this Bill, as it wanted only ten minutes to six and they would not have time to discuss it properly.

Hon. Mr. POPE (Compton) said he had explained the bill on first reading, and there was not time for full explanation now. He had no desire to press the measure, but he would ask for the second reading and would accept every suggestion hon. gentlemen could give, in order to make the measure as perfect as possible.

Hon. Mr. MACKENZIE still objected that the bill was being unduly pressed.

Hon. Mr. POPE (Compton) denied that there was any disposition to press the bill, and would give every opportunity for discussion. He had only asked the second reading at this hour because he understood that the principle was accepted.

Hon. Mr. TUPPER said as the principle was approved the second reading might well pass and the details could be considered afterwards.

Hon. Mr. DORION (Napierville) said there was a very perfect system in operation in Quebec already, and the change proposed would meet with some opposition. He thought this should be considered and the measure explained in this respect. He thought the matter was of great importance and the measure should be postponed.

Hon. Mr. BLAKE thought there was some doubt as to the power of Parliament to legislate in this matter, and, under the circumstances, he thought the measure should be fully explained, so that it might be seen whether Parliament was acting within its powers.

Hon. Mr. POPE (Compton) said he was not going to try to enlighten the member on such a point, but he would not press the second reading against the wish of the House.

* * *

THE INSOLVENT ACT

Hon. Mr. MACKENZIE ask what the Government would do as to the Insolvency Act; suggesting a continuance of the Act for one year.

Hon. Sir JOHN A. MACDONALD said he should call a meeting of the Committee on Expiring Laws, and should press on that Committee the expediency of reporting in favour of the continuance of the Insolvency Law. If they so reported, and the report was adopted by Parliament, the Government would accept it as an evidence that Parliament approved of the principle of an Insolvency Law, and in recess would endeavour to frame as perfect a measure as possible, which they would submit next session as a permanent Insolvency Law.

THE PACIFIC RAILWAY

Hon. Mr. BLAKE referred to the clause in the Pacific Railway contract which was subject to the approval of Parliament, and asked whether the Government proposed introducing a bill on the subject.

Hon. Sir JOHN A. MACDONALD replied that was a question of which the hon. gentleman should give notice.

The House then adjourned at 6 p.m.

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HOUSE OF COMMONS

Monday, April 28, 1873

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

Prayers

THE MARTIN DIVORCE CASE

Mr. LEWIS presented a report of the special Committee on the bill to relieve John Robert Martin.

* * *

BOARD OF TRADE

Mr. CARTER introduced a Bill to authorise the incorporation of the Board of Trade in the Dominion.

* * *

PACIFIC RAILWAY

Hon. Mr. BLAKE said before the orders of the day were called he desired to ask whether it was the intention of the Government to submit any matters having reference to that clause of the Pacific Railway Charter which required the sanction of Parliament.

Hon. Sir JOHN A. MACDONALD: I will give my hon. friend an answer tomorrow.

* * *

FREEHOLD LOAN AND SAVINGS COMPANY

On motion of **Mr. MORRISON**, the House went into Committee on the Bill to change the name of the Freehold Permanent Building Society of Toronto to that of the Freehold Loan and Savings Company, and to extend the powers thereof.

Several amendments were agreed to, and the Bill was read a second and third time and passed.

Hon. Mr. BLAKE remarked that he was glad that the Government did not intend to revoke the powers of very useful societies—the Building Societies of Ontario—but had largely

increased their powers in this case by granting the power of receiving deposits.

MARITIME IMPROVEMENT COMPANY

Mr. DOMVILLE moved the consideration of the amendments made by the Senate to the Bill to incorporate the Maritime Improvement Company of the Dominion of Canada.

The amendments were agreed to.

* * *

DESJARDINS CANAL

On motion of **Mr. CHISHOLM** the House went into Committee on the Bill respecting the Desjardins Canal, as amended by the Standing Committee on Private Bills.

The amendments were agreed to.

Mr. CHISHOLM then moved that it be referred to the Committee on Railways and Telegraphs.

Hon. Mr. MACKENZIE called the attention of the hon. gentleman who had charge of the Bill to what he conceived to be the proper shape of the Bill. He did not think the House could authorise the corporation of Dundas to do anything, nor any local road company, each of which derived their life from the Local Legislature. They must obtain the necessary authority elsewhere. This House had always proceeded upon that assumption before, as in the case of the Northern Railway Bill. They had authorized that Company to amalgamate with the local company only, and the bill had to be amended accordingly by the unanimous consent of the Railway Committee. The local companies had to receive power to amalgamate from the Local Legislature, which gave them existence. He would point out to the hon. gentleman that this course would have to be adopted in this case, and the knowledge would allow him the opportunity of saving a good deal of trouble afterwards.

The motion was then carried.

* * *

BILLS INTRODUCED

Hon. Mr. GIBBS (Ontario South)—To amend the Act incorporating the London and Canadian Loan and Agency Company, Limited.

THE MAREZZO MARBLE COMPANY

Mr. SAVARY moved the second reading of the bill to incorporate the Marezzo Marble Company of Canada, Mr. McDonald of Pictou, in the chair.

The bill was reported, read a third time, and passed.

* * *

THIRD READINGS

The following bills were also read a third time and passed:—

An Act to incorporate the King's County Board of Trade.

An Act to incorporate the Royal Canadian Insurance Company.

An Act to change the name of the Superior Bank of Canada.

An Act to amend the Act incorporating the Queenston Suspension Bridge Company.

An Act to enable the Great Western Railway Company to further extend and improve its connections.

An Act to incorporate the Great Western and Lake Ontario Shore Junction Railway Company.

An Act to incorporate the Dominion Express Company of the Dominion of Canada.

* * *

MONTREAL TELEGRAPH BILL

Hon. Sir FRANCIS HINCKS moved the second reading of the Bill to extend the powers of the Montreal Telegraph company and for other purposes.—Carried.

The House went into Committee upon it.

* * *

THE MONTREAL TELEGRAPH COMPANY

Mr. TOBIN read a memorial which had been placed in his hands on behalf of the Western Union Telegraph Company, who felt that their rights and privileges would be interfered with by the powers proposed to be given to the Montreal Telegraph Company.

Hon. Sir FRANCIS HINCKS said the memorial had been communicated to the Committee on Railways and Telegraphs. The bill was opposed there in the interests of the Western Union Telegraph Company, and after a long discussion the Committee were unanimous in reporting in favour of the bill. There was a provision that no exclusive rights should be given to the Montreal Telegraph Company. There was no danger of the interests of Nova

Scotia being prejudiced or intruded upon. The people would be better served by free competition than by a monopoly.

Hon. Mr. McDONALD (Pictou) agreed with the member for Vancouver as to the advantages of the fur trade as compared with a monopoly, but this was not such a case. They were dealing with the rights of a Company long established, and which had largely benefited Nova Scotia. Although sorry to differ with the hon. member for Vancouver, and others largely interested in the Montreal Telegraph Company, he was of opinion that if the bill were passed in its present form it would not be doing justice to those interested pecuniarily in the Western Union Telegraph Company.

He had no interest personally in the matter, but as a representative of Nova Scotia, he could not allow the bill to pass without protesting against it. He did not think it was so clear that there were not legal, or at least equitable rights, which should induce the House to protect the interests of the oldest established Company in the Province.

He briefly reviewed the history of the Nova Scotia Telegraph Company and the right thereof assumed by the Western Union Telegraph Company. The Western Union Company had been compelled to erect lines and open offices in many villages and outlying places where the business did not pay expenses, and it would not be just to give the Montreal Telegraph Company power to erect their lines in paying districts and not compel them to open offices at non-paying places. He did not think the admission of the Montreal Company into Nova Scotia without making some compensation to that already established there, would be right or just.

He intimated his intention of moving an amendment providing for the erection of lines and the opening of offices by the Montreal Telegraph Company at all places touched by the Western Union Company.

Mr. GLASS could not support the bill upon the information at present before them.

Mr. PALMER said that originally the Nova Scotia line was built by the Government, and an Act was passed declaring that no other line should be erected without the sanction of the Provincial Legislature. He was aware that the power to give this sanction had passed over to the Dominion Parliament, but when the Company took over the line, might they not assume that the rights previously pertaining to the Government in this matter would belong to them. He thought it would be very unfair to let any company come in now without imposing on them the same burdens as those which were assumed by the original company. All he asked was that this company should be put on the same footing as the existing company.

Hon. Sir FRANCIS HINCKS said he had no interest of any kind or description in the Montreal Telegraph Company, or any

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other telegraph company. The Nova Scotia Company had bought this line at their own risk, and they must take the risk.

Mr. RYAN said the Nova Scotia Company had sold out to the Western Union, a foreign telegraph company, and although there were 377 districts in Nova Scotia with populations of 200 and upwards, there were only 43 places which had the benefit of telegraphic communication. He compared this with the action taken in establishing telegraph stations in old Canada by the Montreal Telegraph Company, and pointed out how necessary it was that the monopoly should be put an end to and this Bill be passed. From the action of the Montreal Telegraph Company in the upper Provinces, it was but fair to infer that they would soon improve the communication in Nova Scotia.

Mr. TOBIN enquired if the hon. gentleman was prepared to give any pledge that all the places having as many as 200 inhabitants should have telegraphic communication.

Mr. RYAN said they must have a definite promise.

Hon. Mr. WOOD said that in Ontario the Montreal Telegraph Company had established telegraph lines in almost all the inhabited corners of the country. The line extended along only a part of the coast of Nova Scotia, and it was in the interest of trade, commerce and humanity that it should be extended along the whole coast. No one could doubt from what had been done by the Montreal Telegraph Company elsewhere, but that this would soon be accomplished if they were granted the powers asked for. He contended that there would be nothing unfair in granting this power to the Montreal Company; but even if there were some slight loss caused to a few individuals from this, surely the first thing Parliament should look to was the interest of the many. The Great Western Railway Company alone thought they should have the sole right of constructing railways in the west, but this House ruled otherwise. He strongly supported the Bill.

Mr. COFFIN was very glad that the Montreal Company had taken this matter up, as it was much needed on account of the deficient telegraph communication of Nova Scotia. He thought, in all justice, there should be no objection thrown in the way of the Montreal Telegraph Company extending their lines to Nova Scotia.

Hon. Mr. ANGLIN also favoured the Bill, and hoped the Montreal Telegraph Company would extend their lines to Nova Scotia. He had no fear, from his own knowledge and from information he had from time to time received, but that the Montreal Telegraph Company would extend their lines to Nova Scotia as they had done elsewhere.

Hon. Mr. ROBITAILLE felt it right to state that last year the Montreal Telegraph Company constructed in Gaspé from 230 to 310 miles of telegraph lines, placing the stations on an average at distances of nine miles apart, the inhabitants of the district providing poles.

Mr. MACKAY said the Western Union Company had not complied with the terms of the Act incorporating their predecessors, the Nova Scotia Company. He supported the bill

Hon. Mr. CAMPBELL also supported the bill.

After some further discussion,

Hon. Mr. McDONALD (Pictou) moved the amendment which he had alluded to the effect that the people of any sections in the Province where any telegraph lines exist now may raise a sum of money to erect new lines; and on giving the Company guarantee of sufficient business to defray expenses, shall be entitled to go into the Company on the same footing as the original stockholders.

Hon. Mr. TUPPER hoped the member for Montreal Centre (Mr. Ryan) would accept the amendment. He did not see that it would injure the bill in any way. With the evidence of the anxiety of the Montreal Telegraph Company to extend its line into Nova Scotia, and, the great energy of that Company before the House, he thought they might feel that Sir Hugh Allan would not have objected to this amendment if it had been proposed to him.

Hon. Mr. BLAKE said no important amendment could be proposed to any private bill without one day's notice. He suggested that the amendment might be moved tomorrow.

The bill was then reported.

It being 6 o'clock, the House rose.

AFTER RECESS

SECOND AND THIRD READINGS

The following Bills were read a second time, passed through Committee, read a third time, and passed:—

Mr. MORRISON—To amend the Act incorporating the Detroit River Railway Bridge Company.

Also—To amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.

* * *

BILL INTRODUCED

Mr. TOBIN introduced a Bill to regulate the rate of interest in Nova Scotia.

RE JUDGE BOSSÉ

Mr. FOURNIER asked whether it was the intention of the Government to impeach the Hon. Joseph Noel Bossé, one of the judges of the Superior Court for the Province of Quebec, for having persistently refused, since the 9th of April 1869, to obey the order of the Quebec Government commanding him to have and maintain his residence at Montmagny and for having also refused to obey the orders which have been given him by the Dominion Government to the same effect.

Hon. Sir JOHN A. MACDONALD said that that hon. gentleman having explained the reason why he had not taken up his residence at Montmagny and having pledged himself to do so on the first of May, upon the opening of navigation, it was not the intention of the Government to take any steps in that direction.

* * *

IMPROVEMENT OF RICHELIEU RIVER

Mr. MATHIEU asked whether it is the intention of the Government so to improve the River Richelieu and the Chambly Canal as to afford a greater depth of water than at present existing therein.

Hon. Mr. LANGEVIN said it was the intention of the Government to make certain improvement in the River Richelieu but the widening and enlarging of the canal was a matter for the consideration of the Canal Commission.

* * *

MANITOBA MOUNTED FORCE

Mr. OLIVER asked whether it is the intention of the Government to dispatch a mounted force to Manitoba, or whether it is intended to send reinforcements of any description to that territory, and if so, at what date will such expedition be organised and ready to proceed.

Hon. Sir JOHN A. MACDONALD said it was the intention of the Government to ask for an appropriation for the purpose of forming a mounted force.

* * *

READJUSTING SALARIES

Mr. JOLY asked if the sum to be voted for readjusting the salaries of the Civil Service employees was to be divided among them in proportion to the amount of their present salaries; if not, on what principal will it be apportioned; is it intended to allow to the employees of the Senate and the House of Commons an equal rate of increase to that of the employees in the other departments of the public service.

Hon. Sir JOHN A. MACDONALD said the sum in the vote was asked for, for the purpose of readjusting the salaries of civil service employees, but it was not to be divided in proportion to the amount of their present salaries, but for the purpose of readjusting them with a view to the efficiency and nature of the labours of the different officers. In the Senate application had been made for a small sum to raise the salaries of their officers. Another small sum had been asked to enable Mr. Speaker and the Committee on the Internal Economy to readjust the salaries in that House.

* * *

THE THOUSAND ISLES

Mr. BROUSE said he had a question on the papers a few days ago with regard to the Thousand Islands. He would like an answer to his question now, the matter having laid over for a week.

Hon. Sir JOHN A. MACDONALD said he had received a letter on the subject from the Superintendent General of Indian Affairs, which he had not then with him. He would however, forward the papers at once to the hon. gentleman.

* * *

FRANKING PRIVILEGE

Mr. THOMPSON (Haldimand) asked whether any arrangement existed between the Post Office Department and the Local Parliaments whereby members of the said Parliaments had the right to send printed documents of their Parliaments free of postage during recess.

Hon. Mr. TUPPER said there was no arrangement by which members of Local Parliaments had the right to send their documents free of postage.

* * *

WINDSOR BRANCH RAILWAY

Mr. KILLAM moved the House into Committee of the Whole on the resolution that it is expedient to empower the Government of Canada to transfer to a Company the Government Branch Railway in Nova Scotia, extending from Windsor Junction to Windsor, on condition that such company guarantee to extend the railway system of the Province westerly by building a railway between Annapolis and Yarmouth, on such conditions as may be agreed to. In doing this, he said he thought it would be admitted on all hands that it was desirable, as far as possible, to extend the railway communication of this country, if it could be done without burdening the people too much. He also thought that the proposition contained in his motion would not only confer a great benefit upon the public, but would relieve the revenue of a large annual charge. The Windsor branch of the railway leaves the main line of the Intercolonial thirteen miles and a half from Halifax, he said, and goes in a northwest direction towards Annapolis. From Annapolis to Yarmouth it was proposed to build a railway, for which purpose

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a Company had been chartered by the Nova Scotia Local Legislature; and if the motion he proposed succeeded, it would put them in a position to carry on and bring the work to a more rapid conclusion. The Local Government had promised to aid it by grants, enabling them to raise money loans.

He did not intend to make any remarks on the Government management of the Nova Scotia railways, which was on the whole creditable. Still he was of opinion that any Minister of a Government, even as energetic and able as the present Minister of Public Works (Hon. Mr. Langevin) could not carry on a railway as successfully as a private company. The extension of the railway to Yarmouth might be looked upon as a local matter, but it was as much in the interests of the Dominion as of Nova Scotia.

He had taken from the reports of the Hon. Minister of Public Works the following statement of receipts and expenditure on the Nova Scotia Railways for the five years ended 30th June, 1872:—

| | Receipts | Ordinary Expenditure on capital | Expenditure Account |
|------|-------------|---------------------------------------|------------------------|
| 1868 | \$253,994 | \$255,530 | \$32,943 |
| 1869 | \$272,237 | \$268,560 | \$91,606 |
| 1870 | \$275,687 | \$313,278 | \$99,724 |
| 1871 | \$314,257 | \$279,872 | \$51,786 |
| 1872 | \$328,841 | \$339,324 | \$33,502 |
| | \$1,445,016 | \$1,456,564 | \$309,561 |

Showing a deficit on the ordinary working of those roads of \$11,548, which, added to the expenditure on capital account, makes the total expense to the Dominion of \$321,109 to which must be added \$42,925 for rolling stock charged to construction on the Pictou road in 1868, making a total of \$364,054 expense to the country on the 145 miles of Government railway, or a proportionate loss on the thirty-two miles of the Windsor branch of \$80,343, which total expense has been incurred since the roads were supposed to be fully completed and in an efficient condition as they doubtless were.

The railway might have been paying a good dividend to the shareholders under the more economic management of a private company. The branch to which he more particularly referred in this instance was no part of the Intercolonial railway. It would not be in opposition to it either, and it could and would be better utilized under the direction of a private Company. He would also remark that it was worth the consideration of the Committee now deliberating on the shortest route to Europe. He would leave the matter for the consideration of the House, and would simply repeat that this measure would relieve the country of a large and unnecessary expenditure and loss, and secure additional railway communication, both of which he considered objects sufficiently desirable to obtain a serious consideration from the House and the

Government. He concluded by moving that the House go into Committee on the resolution.

Hon. Mr. TUPPER said the Government had not yet sufficiently considered this matter to enable them to accept this resolution. It was very desirable that the railway should be extended to the western part of the Province, both for the local and general interests. The proposition contained in the resolution was a very important one, and would receive the careful consideration of the Government, and if they found it was in the public interests to adopt the proposal they would do so.

Mr. KILLAM said he had been pressing this matter for several years, but always without success. If the Government would give any promise that they would deal with this matter this session he would allow his motion to drop.

If the branch were handed over to a private company, the construction of the extension to Yarmouth would be commenced at once, and carried on with vigour.

He believed the House was in favour of it.

Hon. Mr. McDONALD (Antigonish) contended that the Government ought either to improve and extend these roads or should allow others to take charge of them. He believed there was a general feeling in the country in favour of extending the Intercolonial Railway to Louisburg, which he believed, was destined to become a great port of departure for Europe.

Hon. Mr. McDONALD (Pictou) said that a few years ago a company called the Windsor and Annapolis Railway Company, built a road from Windsor to Annapolis, on the Bay of Fundy. There was a distance of eighty miles between Windsor and Yarmouth, the largest shipping port in the Province with the exception of Halifax, and the extension of the railway to that port would open up very large agricultural districts, and the railway would extend from the extreme west to Halifax, and thence by the Intercolonial throughout the Dominion. He need not add one word to the views expressed by the mover of the resolution.

The course proposed would be one equally for the benefit of the Dominion at large. It had been said in a previous debate, and was universally known, that those railways were not built so much for the purpose of creating revenue as for promoting the general trade of the country, and the same interests should prevail among members representing other portions of the Dominion.

The road had not been a success pecuniarily in the past, and there were no prospects for the future. The Windsor and Annapolis Company was very much embarrassed, and was not, and had not been for some months, in a position to provide facilities for transport over the road. In fact he understood that it was not able to pay the dues to the Government. For the benefit of the Dominion and the public revenue those roads ought to be put in the hands of individuals. He trusted, therefore, that the Government would give

the matter their careful consideration, and that when they were in a position to bring a resolution down, the House would feel it their duty to adopt the view suggested in the motion under discussion.

Mr. KILLAM suggested that if the Government did not wish to take any action upon the matter now, the debate might be adjourned, so as to give the Government time to consider the question.

Hon. Sir JOHN A. MACDONALD said it was a matter involving the surrender of Government property, and necessitated the sanction of His Excellency the Governor General before any further action could be taken. The Government would consider the matter, and if possible, bring down a measure advising the surrender of that portion of the public domain. They had better adjourn the debate, allowing the notice to remain on the orders of the day.

The debate was then adjourned.

* * *

BREAKING OF RIVER BOOMS

Mr. FINDLAY moved for copies of the claims preferred against the Government for losses sustained by the breaking of the booms at the mouth of the Madawaska River during last season. He pointed out that very much depended upon the character of the slide-masters, and he instanced the case of the breaking of the booms at the mouth of the Madawaska River in the spring of 1871, which was due to the neglect of the slide-master.

The attention of the Government had been drawn to the inefficiency of this man, and if the Government had done their duty this officer would have been dismissed, and the catastrophe would have been prevented. There had been an investigation in regard to this matter and he cited evidence taken to show the incompetency of this slide-master.

Hon. Mr. LANGEVIN said it was only fair to this officer that the whole evidence taken by the arbitrators should go before the public and until it was laid before the House he asked them to withhold their judgment. The award of the Arbitrators had within the last few days been protested against. He intended to refer the matter to the Minister of Justice for his opinion as to the legal course to be taken.

Mr. FINDLAY said the question of interest to lumbermen was to get an efficient slide-master at the mouth of the Madawaska River. It was not a question of the award.

Hon. Mr. LANGEVIN said if the officer was not a proper one he must be replaced, but that should be proved before any action was taken.

The motion was carried.

* * *

MONEY PAID TO J.A. CHICOINE

Mr. MERCIER moved for a statement of the sums of money paid from the first of January 1868 up to this date by the Government of the Dominion to J. Adolphe Chicoine, Esq.—Carried.

* * *

FISHING RIGHTS

Mr. FOURNIER asked whether the Government had ordered to some purchasers of the Seigniorship of Mingan the right of fishing on certain rivers running through this Seigniorship as well as the water of the Gulf of St. Lawrence, in front of the said Seigniorship; and if such a grant had been made to what persons, for what price, and for how many years has it been made; and whether notices have been published in the newspapers offering said rights for public competition.

Hon. Mr. MITCHELL answered no, to the first question; to the second, none had been made; to the third, he could not say, neither he, himself, nor his Department had authorized any such advertisement, and he knew nothing of it.

* * *

MOTION WITHDRAWN

Hon. Mr. DORION (Napierville) withdrew his motion for a committee of five members to enquire into the names of the employees of this House who are or have been connected during the present session with newspapers published in this Dominion, remarking that he was satisfied after the course taken by the Speaker, that the House was free from any imputation in this matter.

* * *

MURDER OF THOMAS SCOTT

Mr. RYMAL moved for any communication made by or under the authority of any member of the Government to Louis Riel or any other person touching an amnesty in favour of the murderers of Thos. Scott. He said some three years ago Riel and his political adherents in Manitoba trampled upon the authority of the Hudson Bay Company and set up a Provisional Government of their own, defying the Canadian authorities and preventing the entrance into that country of the Lieutenant Governor appointed by the Canadian Government. He also arrested and imprisoned certain of the people of that country who were loyal to the Canadian Government, and

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disgraced his character as a patriot by at last assuming the role of murderer. Afterwards negotiations were opened up, and he believed terms of capitulation were agreed upon; and what these terms were was what he wished to ascertain by his motion.

The House was aware that delegates from this Provisional Government were sent to this city. Members of the Government were in consultation with these delegates and after having spent some days there, they returned, and then rumour prevailed that an amnesty was to be proclaimed for all political and criminal offenses committed during the insurrection. From what occurred upon the return of these delegates to that country, he was bound to believe, and verily did believe, that such an arrangement was entered into.

Hon. Sir FRANCIS HINCKS [ironically]: Hear, hear.

Mr. RYMAL went on to say that when the delegates arrived at Fort Garry the troubles seemed to lessen, and a very short time afterwards, without any further blood being shed, the Government of Canada got possession of the purchase that they had made from the Hudson Bay Company. Speaking of the Hudson Bay Company he would say that no blood had been shed in the revolution which took place, by which the power was transferred from the Hudson Bay Company to Riel and his political adherents.

He believed, as he had said, that a promise had been made that upon the surrender of that country to the Canadian authorities a general amnesty would be proclaimed. Now he was bound to say as a Canadian, and one who would like to see British justice administered wherever the British flag floated, that if this treaty was arranged then the Government were greatly to blame for not carrying out that promise. If an amnesty were promised, why was it not forthcoming? The leader of the Government had, during the election pronounced the shooting of Scott, a foul murder, and that efforts would be made to bring the murderer to trial. Taking that declaration into consideration, it would appear that he had not promised the amnesty, and therefore he made this motion for the purpose of giving the hon. gentleman an opportunity of stating just exactly the position of affairs to that country. It was high time that these people should be relieved from anxiety as to the true state they occupied. If they were to be punished for their political and criminal offenses it was time steps were taken to bring them to justice, if they were to receive an amnesty then it should be known.

It was high time that the people of Canada should know what British justice meant as administered in Manitoba. He had no doubt the leader of the Government would take this opportunity to satisfy the desire of a great many people by stating exactly what had taken place.

Hon. Sir JOHN A. MACDONALD said he did not know exactly from the speech of the hon. gentleman whether he made his motion for the purpose of getting the parties punished or freed from punishment.

Mr. RYMAL: I am not the Minister of Justice.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman seemed to charge in one breath the Government with dereliction of duty, because they had not punished these persons, and in the next breath that these persons should not be kept under the ban of infamy.

Mr. RYMAL: I want justice administered.

Hon. Sir JOHN A. MACDONALD said when the papers were brought down, as they would be, the hon. gentleman would have an opportunity of gratifying his natural curiosity.

Mr. ALMON, who spoke in the midst of uproar and interruption from the Opposition benches, was surprised that the hon. gentleman had introduced this matter in so mild a manner. If a Nova Scotian had been murdered and 100 Nova Scotia volunteers had been sent up there, the question of bringing the murderer to justice would never have had to be brought before the House.

Mr. CUNNINGHAM wished to offer a few remarks upon the motion. He differed with the opening remarks of the mover (Mr. Rymal) when he stated that Louis Riel had trampled on the flag of Canada. This was not true. It had never been proved that he had trampled on the flag of Canada. It was a well known fact at Red River that Riel had set up the flag of Canada when others dared to attempt to raise another flag. Before blaming Louis Riel and those who acted with him it would be well to look at the circumstances of the case.

They were a people who claimed British rights, having British liberties, who had held the land in peace and security for many years, nobody disturbing them. They were all at once informed that a triple alliance had been formed, consisting of England, the Hudson's Bay Company, and Canada, who had entered into a compact, and by which the people were sold like sheep in the shambles. Seeing this, and feeling as English subjects ought to feel, that their rights were being trampled upon, when the representative of Canada approached the territory, they took their stand as British subjects and said to him, "Thus far shalt thou go and no further until we know who you are, and by whose authority you come; what our rights are to be, what position we are to occupy relative to this new Government, and what share we are to have in it." That was the beginning of the affair, and he would ask if defending a man's own rights was to be considered as trampling on the Canadian flag?

Riel had been accused by the mover of the resolution with harassing and imprisoning certain parties. Had the hon. member for Lisgar (Mr. Schultz) been in his place that night, he would have told him that of all men in Red River, he was the most instrumental in bringing about the sad result of the whole affair—he was most to blame. When the people of that country took the stand he had described, the member for Lisgar took it upon him to act as representative of Canada, and gathered round him a number of enthusiastic people, many of them good-hearted young men; he

raised the Canadian flag around his followers, in a way fortified his house, and pronounced the people of the country rebels. One thing brought on another, and whilst one sad result occurred which every one must regret, he firmly believed all the time he foresaw the day when the little document would show itself in the world, which some of the hon. members of the House would remember as having passed through the Public Accounts Committee of last Session.

Riel had been pronounced a murderer. He might be so and he might not, but this every one knew that no man had a right to be called a murderer until he was proved to be. Louis Riel had given every opportunity to be tried, but no sworn information had ever been made before any magistrate in Red River charging Riel with murder. He himself at a public meeting was accused of having refused to grant a warrant for Riel's arrest. He offered on the spot to sign a warrant if any man would step forward and swear to an information, but no man did so neither then nor since.

With regard to the amnesty, he firmly believed that amnesty was promised. He believed that on various grounds. The Government had given no indication on this point; everything was quiet respecting it; but he had authority which he could not dispute and which he could not question that that amnesty was promised by more members of the Government than one, by Lord Lisgar, and by Sir Edward Thornton at Washington. As the amnesty was granted he held it ought to be acted on, in order that the honour of Canada and England might be maintained. The honour of both countries was involved, and if it had been promised something decisive ought to be done to remove the cloud which continued to hang over the Province in consequence of this matter.

If something were done one way or the other, the wranglings, bickerings, quarrels, and listlessness which prevailed in that country would disappear; and these people who before had lived so happily, so peacefully and so undisturbed, would once more enjoy the comfortable existence they had enjoyed before Canadian connection commenced.

Hon. Mr. RICHARDS (Leeds South) said for many years these people had no political rights and no liberty. Their laws were made by the Hudson's Bay Company, until a Commission was appointed of whom all but three sent up from here were natives of the country. He did not suppose that any one had anticipated the troubles which arose, but when they went up there they were not allowed to enter. He had no doubt that the Hudson's Bay Company were at the bottom of these difficulties. He proceeded to give a history of Mr. McDougall's expedition, and asserted that there was no excuse whatever for Scott's being put to death. Scott was an Orangeman, and, strange to say, the Orangemen of Ontario had taken very little interest to bring Riel to justice.

Hon. Mr. DORION (Napierville) thought the leader of the Government should say whether or not the amnesty had been promised, in order to settle the minds of the people. For his own part he thought that no harm could come from granting amnesty, if it had really been promised. The good faith of the Government

should be maintained, and it would satisfy the minds of the people both here and there. He thought the motion of the member for Wentworth South (Mr. Rymal) was made in such a way as to elicit such information as it would have been well for the Minister of Justice (Hon. Sir John A. Macdonald) to give the House and the country, and he thought the Minister of Justice (Hon. Sir John A. Macdonald) should, on this occasion, give the information asked for. He thought that the Government should say whether the amnesty had been promised or not. He thought no harm would result from carrying out the amnesty, but that the country would be relieved from anxiety by the information being given.

Mr. BOWELL thought the reference of the member for South Leeds (Hon. Mr. Richards) to the Orangemen quite unnecessary. He thought every member of this House must have been shocked at the speech of the member for Marquette (Mr. Cunningham). No one who had any feeling of humanity would have had the audacity to rise in his place and attempt to justify an act which had heretofore been denounced as a foul murder. He had been sorry to hear the remarks of the hon. gentleman with respect to the member for Lisgar (Mr. Schultz) and believed that had that hon. gentleman been in his place he would not have dared make the remarks he had. It was well known that for some years previous to the purchase of that territory every one in Canada was led to believe that the population, as a whole, had been besieging the people of this country to relieve them from the incubus of the Hudson's Bay Company, and there was no one who did not suppose that the introduction of a system of free Government would be hailed by them with delight. The speech of the member for Wentworth South (Mr. Rymal) seems to have been in favour of the ban being taken off from these people. That was quite in accord with the action of the Party to which the hon. gentleman belonged in another Legislature.

Hon. Mr. WOOD related the events connected with this question, and quoted from Mr. McDougall's pamphlet to show how that gentleman's expedition had proceeded. He wanted to know whether the Minister of Justice had even sent a note to the Lieutenant Governor desiring him to take steps to bring the murderers of Scott to justice. He could hardly believe the Minister of Justice had ever verbally promised an amnesty to these people. The hon. gentleman had expressed a wish that he could catch Riel, but at that time Riel was canvassing a constituency in Manitoba. He (Hon. Mr. Wood) had always declared this to be a foul murder, and he declared that there were no extenuating circumstances connected with it.

There was great want of judgment on the part of the Government. They sent up people to make surveys who had no discretion. These surveyors ran their lines through the settlers' country without giving them information or explanation, and this naturally incensed them. This House had been very indulgent to the Government for the mistakes they had committed by sending up their representatives, who had practically done no more than incite a rebellion by their conduct.

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The object of this motion was to ascertain all the facts, and find out whether the Government had treated the people fairly or not. The Government had sent up a representative with a cocked hat to play at Governor in the North-west, but at a cost of three or four millions of taxation, and without any possibility of a return, as there was no income. The management of the North-west had been a series of gigantic blunders, enough to sink ten Governments into oblivion—not oblivion, for the Government would always be remembered for their mismanagement of this question.

Mr. DALY thought it was refreshing to hear the question of the Scott murder discussed by the hon. member who had just sat down, as no one could do so more feelingly than he. They all regretted the death of Scott, but the Party opposite had agitated this question merely to influence the elections. The people generally throughout Ontario understood the question of the Scott murder—that it was being agitated for political purposes only. In the history of no country has so much been done at so little cost of life as had been done by this Government with reference to the settlement of the North-west. It had been said that large sums had been expended to settle this country, but Mr. Schultz had said that the country presented magnificent advantages for the settler. It was the bounden duty of the Government to bring about a reconciliation without further shedding of blood, and they had done so most ably. He would ask the hon. gentleman (Hon. Mr. Wood) what he did when he was in the Ontario Government to bring the offender to justice. He might have made one of his thundering speeches, but nothing more.

Mr. RYMAL expressed his surprise that the Minister of Justice (Hon. Sir John A. Macdonald) had not given some explanation with reference to this matter. The papers would not give that satisfaction to the country that a few minutes' speech from the Minister of Justice would give. He repudiated the insinuation that he was actuated by political motives in this motion.

The motion was carried.

* * *

CANADIAN TELEGRAPH SERVICE

Mr. GLASS moved the House into Committee of the Whole to consider the following resolution:—"Resolved, that it would be attended with great advantage to the Dominion, as well as to merchants and traders and the public generally, if a cheaper, more widely extended and more expeditious system of telegraphy were established in the Dominion of Canada, and to that end it is expedient that the Government should take steps to purchase, control and work the whole telegraph system of the Dominion on the same, or a similar basis, as was adopted in 1868 by the Government of the United Kingdom of Great Britain and Ireland."

Mr. MILLS opposed the resolution as it involved an expenditure of public money, and was therefore out of order.

The point of order was sustained and Mr. Glass subsided, withdrawing his motion.

* * *

DISMISSAL OF POSTMASTER

Mr. GALBRAITH moved for copies of documents touching on the investigation held as to William Robertson, postmaster, Lanark village, and touching his dismissal from said office. He said charges had been made against this postmaster of a very aggravated character. He would state one case that occurred last summer. A person residing in the village of Clayton addressed a letter to a person living in Lanark, where this postmaster resided. That letter purported to contain a certain sum of money, but when it reached the person to whom it was addressed, no money was found in it. The person sending the letter made affidavit before a magistrate that the money had been put in the letter. The letter and envelope were referred to the Inspector of the Post office, who, from certain tests which he applied, became convinced that there had been no money in the letter when it was mailed. When the Postmaster was charged with it, he felt it to be his duty to prosecute the matter, and when it came up at the Assizes, the person who sent the letter admitted that he had not put any money in it, and admitted further that certain parties in the village of Lanark, actively opposed to the Postmaster, induced him to do it, with the view of injuring the Postmaster.

During the election last summer, William McDougall, the Ministerial candidate for North Lanark, held a meeting in the village of Lanark, at which the Postmaster was present. Mr. McDougall became indignant at something the Postmaster had said and declared that he would be dismissed in a few weeks. The parties in the village who had been persecuting the Postmaster were encouraged by this declaration, and renewed their persecution, and the Postmaster felt it would be necessary to have an investigation. He referred the matter to the Inspector of post offices, who came down to Lanark and held a public investigation. The evidence taken was so contradictory and unreliable that every person felt satisfied that the Postmaster was exonerated from every charge against him, and they thought the matter would rest there. They heard no more of the matter till after this House met. A telegram was sent down there intimating that the Postmaster would be dismissed.

When the people of Lanark became aware of the probability of the Postmaster's dismissal they drew up a memorial to the Postmaster General expressing their fullest confidence in the honesty and integrity of the Postmaster, and asking that he be retained in office. That memorial was signed in a short time by 150 people who were in the habit of getting their letters at the Lanark post office. It was forwarded to him at Ottawa who presented it to the Postmaster General, who promised to give it most careful consideration. In a few days afterwards he heard that another person had been appointed postmaster at Lanark. With respect to the estimation in which the postmaster was held by the people of the village, he might mention that for nine or ten years

after the incorporation of the village he had been elected reeve by acclamation.

He (Mr. Galbraith) had been associated with him during that time in the County Council, and could speak of the very satisfactory manner in which he had performed his duties. For three years this gentleman had been warden of the county. The people of Lanark village were strongly impressed with the belief that the postmaster had been made the victim of petty political persecution. For these reasons he desired the papers brought down.

Mr. HAGGART said that the postmaster had acted as chairman of the Reform Convention and had been a good deal away from the office. When people came to him to deposit money in the Post-office Savings Bank, he represented that the Government were about to collapse, and that it was not a safe investment and advised them to invest their money with him.

Mr. GALBRAITH admitted that the postmaster had, when parties had gone to invest money there, asked them to loan it to him but he had admitted that frankly, and stated that he was not aware it was against rules. He was satisfied that was no part of the charge upon which he was dismissed. With regard to the other charges, he had not heard of them before, and was not prepared to meet them.

Hon. Mr. TUPPER said there was no objection to bring down the papers.

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REMISSNESS OF POSTMASTER

Mr. THOMPSON (Haldimand) called attention to the remissness of which the postmaster of Cayuga was guilty in the delivery of letters, and of an instance in which \$50 was missed out of a letter, and which was repaid.

Hon. Sir JOHN A. MACDONALD: Have the facts of the case been laid before the Post office Department?

Mr. THOMPSON (Haldimand) replied that the Department had been informed of the circumstances, but no action had been taken after the money was repaid.

Hon. Sir JOHN A. MACDONALD advised the hon. gentleman to move for the papers respecting the case to be laid upon the table.

The motion was carried.

* * *

GERMAN NATURALIZATION

Mr. DALY moved for the correspondence between the Canadian and Imperial Governments on the subject of German naturalization.

NOVA SCOTIA IMMIGRATION

Hon. Mr. ANGLIN moved for a return showing how the sum granted to the Local Government of New Brunswick for the encouragement of immigration into that Province has been expended. He was of opinion that the money was being expended with partiality, and hence the necessity of the return.

Hon. Mr. MACKENZIE thought the whole of the Provinces should be included.

Hon. Mr. ANGLIN had no objection to alter his motion to this effect.

Hon. Mr. POPE (Compton) said he did not go so far as his hon. friend from Lambton suggested, but he could furnish the information with regard to New Brunswick. He was sure the money had been wisely and properly expended.

It was decided that the New Brunswick return should be brought down first.

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BRITISH COLUMBIA INLAND REVENUE

Mr. De COSMOS moved for the report of the Special Agent of the Inland Revenue Department for British Columbia for 1872-1873.—Carried.

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INDIAN AFFAIRS FOR BRITISH COLUMBIA

Mr. De COSMOS moved for the report of the Superintendent of Indian Affairs for British Columbia for 1872-1873.—Carried.

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VOLUNTEER COURT OF ENQUIRY

Mr. TASCHEREAU moved for the Report of the Division Enquiry Court, held at Lévis during the encampment of Volunteers there in June and July, 1872.

Hon. Mr. LANGEVIN said that the Government would gladly bring down the papers required.

Hon. Mr. MACKENZIE said a circumstantial statement of the facts had been laid before him, showing that a fraud had been committed, and that the Adjutant General was cognizant. It showed a deplorable state of affairs with regard to militia matters. The person who had made the statement was a gentleman of standing and character. He thought the hon. gentleman should also give

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information as to the action of the Court as well as bring down the papers.

Hon. Mr. LANGEVIN said the hon. gentleman had not properly understood him. He had not heard of the circumstance until early that morning. A rigid enquiry must take place, not only as to the conduct of the officers, but also as to the payment of the money.

Hon. Mr. BLAKE held that the action of the Adjutant General should also be enquired into, and the cause of the delay in the forwarding the report should be inquired into.

Hon. Mr. LANGEVIN assured the House that searching inquiry would be made into all points.

Mr. FOURNIER (in French) condemned the conduct of the authorities.

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REMOVAL OF POSTMASTER

Mr. ARCHIBALD moved for the papers connected with the removal of the postmaster at Farran's Point. He said the gentleman who had acted as postmaster had given every satisfaction, and he was informed that his successor had been appointed. It was said his absence from the office and his getting the duties performed by assistants were the reasons of his removal. This he could not receive as the correct cause, because many postmasters did their work by deputy. He understood the real cause of his removal was because he had not voted for the Government candidate at the late election. He moved for this return in order that he might ascertain the true cause of the removal.

Hon. Mr. MACKENZIE said some members of the Government ought to be able to give an explanation of the matter, it having been on the notice paper some days. All postmasters of small places had a right to vote, and where they had dared to speak their political friendships they were to be beheaded. In the towns they could enter upon political functions in favour of the Government candidates without complaint being made, when by law they were prohibited from taking an active part in politics. He instanced the Postmaster of Woodstock, who canvassed the county on behalf of the Government candidate, and who had addressed public and political meetings at Sarnia. A money letter was lost and traced to the office, but no action was taken, as the money was paid back. He was a Government supporter and was not prosecuted. The condonance of offenses of those who were political friends, and the punishment of those who dared to vote or speak against the Government, appeared to be the course pursued.

Hon. Sir JOHN A. MACDONALD said the Post office Department was one of the best managed Departments, and he denied that the servants of the public were punished for their so called political sins. He could not give any information as to the cause of the removal of the postmaster in question; but he had no doubt that when the papers were brought down it would be found

that the reasons for the appointment of another officer were satisfactory.

Mr. OLIVER supported the statement of the hon. member for Lambton (Hon. Mr. Mackenzie) with regard to the conduct of the Postmaster of Woodstock during the late election.

Mr. BODWELL said the Postmaster of Woodstock stumped the county against him and attacked the members of the Opposition violently. He said all the postmasters of Ontario took a most active part in the elections, and not always in favour of the Government candidates.

Mr. MILLS pointed out a case in Bothwell in which Mr. Hancock, Postmaster at Ridgetown, had been warned by the inspector that if he voted at the time of the local election, for Mr. McKellar, it would not be for his interest. He declared that many of the postmasters, especially those who were appointed of late, were appointed on the understanding that they would use their influence as postmasters to destroy the circulation of newspapers opposed to the Government. When people who were subscribers of these papers came to the office, they were induced to drop these papers and take those in the Government interests. It was a disgrace to the country that the power possessed by the Postmasters General had been used for the purpose of improperly influencing electors in Ontario.

Mr. GLASS said the postmasters of Middlesex voted against him, and worked energetically as well as voted against him.

Hon. Mr. MACKENZIE: They had a perfect right to do so.

Mr. GLASS said there was no objection on the part of the Opposition to postmasters voting for them, but the complaint was on behalf of those who supported the Government candidates.

Hon. Mr. WOOD complained of the coercive measures of the Government with regard to postmasters, and warned the Government that unless they would be careful they would fall into the slough in which the United States authorities were wallowing.

Mr. BROUSE was of opinion that the Post office Department was on the whole well managed.

After some further remarks from **Mr. WHITE (Hastings East)** the motion was carried, and the House adjourned at 12.20 a.m.

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NOTICES OF MOTION

Mr. De ST-GEORGES—On Wednesday next— Address to His Excellency the Governor General, praying him to cause to be laid before this House a statement in detail in respect to each Province, showing the quantity of tobacco raised in Canada during the year preceding the imposition of the present duties of license and excise,

as well as the quantity grown during the fiscal year ending the 30th June, 1872, with the amount collected by the Government, and the cost of collecting.

Mr. Fiset—On Wednesday next—Enquiry of the Ministry, 1st, whether the Government has received from certain farmers, *censitaires* of the seigniors of the parishes of St. Fabien, St. Simon and St. Mathieu, in the county of Rimouski, or from any other persons entrusted with these witnesses, petitions or applications praying for exemption from the payment of charges for personal labour imposed on them in contravention of the provisions of the Seigniorial Act of the late Province of Canada. 2nd, Whether, in the event of such petitions or applications having been presented, it is the intention of the Government to take such steps by letters patent

or otherwise, as will relieve the said *censitaires* from the payment of such charges for personal labour.

Mr. Mathieu—On Wednesday next—Enquiry of Ministry, when the Government will give its decision upon the petition of the Corporation of the town of Sorel, submitted in 1871 to His Excellency the Governor General in Council, praying that the Commons formerly held by the citizens of Sorel, but of which they were deprived some years ago, may be restored to them.

Mr. Mathieu—On Wednesday next—Enquiry of Ministry whether it is the intention of the Government to improve the River Yamaska from the village of St. Almic to its mouth.

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HOUSE OF COMMONS

Tuesday, April 29, 1873

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

Prayers

MANUFACTURE OF SUGAR

Mr. JOLY said that when he introduced his resolution for the encouragement of the manufacture of sugar, it was desired that the matter should be allowed to stand over. This was a fortnight ago, and he would like it to be taken up as soon as possible.

Hon. Mr. TILLEY said there would be no objection to taking up the Bill on Thursday.

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REPORTS PRESENTED

Hon. Mr. CAMPBELL presented a report of the General Committee on Elections.

Hon. Mr. BLANCHET presented the fourth report of the Committee on Railways, Canals, and Telegraph Lines.

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INSPECTION LAW

Mr. TOBIN asked for information respecting the inspection law.

Hon. Mr. TILLEY said it was then with the Committee on Banking and Commerce, and was on the papers for tomorrow.

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INTIMIDATION OF VOTERS

Hon. Mr. MACKENZIE desired before the Orders of the Day were called to again call the attention of the Government to a matter he had brought up last week when he had read a letter from the London Post office Inspector that was clearly intended to intimidate Postmasters in the exercise of their legitimate franchise. On that occasion he stated that he would say nothing about the matter until the hon. gentleman had time to communicate with this official or to receive a communication from him. He now desired to ask if the leader of the Government had any communication to make to the House on the subject.

Hon. Sir JOHN A. MACDONALD said he would attend to that matter on Thursday.

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PACIFIC RAILWAY

Hon. Mr. BLAKE asked if the hon. gentleman was yet in a position to say whether he intended to submit to Parliament that clause of the Pacific Railway Charter that required the sanction of Parliament.

Hon. Sir JOHN A. MACDONALD said the Government had not yet made up their minds on the subject. The reason was that they were daily in expectation of receiving a communication from the Pacific Railway delegation in England respecting the success and progress of their negotiations. The Government did not desire to bring down any resolution until they had further information on the subject. By the arrival of the next mail he might probably be able to give a definite answer.

Hon. Mr. HOLTON said it appeared to him that instead of waiting to hear from the delegation in England to determine what course to take, the very fact that there was a delegation in England making a proposal to raise money under a charter which required the sanction of Parliament, was the strongest possible reason why the sense of Parliament should be asked at the earliest possible moment, because Parliament might, to a certain extent, be compromised if engagements were entered into in England, founded upon the assumption that Parliament would give its sanction to those exceptional provisions of the Charter.

Hon. Sir JOHN A. MACDONALD said Parliament would in no way be compromised.

Hon. Mr. BLAKE: Then we understand that the hon. gentleman expects the result of negotiations will be such that a proposition will be placed before Parliament in the same way as if no delegation had been sent at all.

Hon. Sir JOHN A. MACDONALD: Parliament will in no way be shackled.

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INDIAN DEPREDATIONS IN THE NORTHWEST

Hon. Mr. MACKENZIE asked if the Government had received any information respecting the rumours in the papers of Indian depredations in the North-West. He hoped there was no truth in such rumours, but if there was, he presumed the Government must have official intelligence.

Hon. Sir JOHN A. MACDONALD said the Government had no information of any raid or incursion of the Indians in any way. The rumours had reached the Government, and one would suppose that where there was so much continuous rumour there must be some foundation for it. However, the Government had received no information about it from Manitoba. He had received a telegram in cypher from Manitoba, but he was not able to ascertain from it whether anything had occurred or not. He had telegraphed for further information.

* * *

SAVINGS BANKS

On motion of **Hon. Mr. TILLEY**, the House went into Committee on the Bill to amend the Act respecting certain savings banks in the Province of Ontario and Quebec, as amended by the Standing Committee on Banking and Commerce.

The Bill was adopted as amended, reported, and the report concurred in.

Third reading was fixed for Thursday.

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DECK LOADS

Hon. Mr. MITCHELL moved the House into Committee on the Act respecting deck loads, **Hon. Mr. McDONALD (Pictou)** in the chair.

Mr. PALMER said the bill had been greatly altered in Committee, and it had been rendered less objectionable than at first. The principle, however, was vicious, but it might not prove very objectionable, as its provisions could be very easily evaded. He referred to the immense importance of the shipping interests of the Dominion, and also to the necessity to take every means to lessen loss of life at sea, and mentioned the recent action taken in the English House of Commons by Mr. Plimsoll, which was in the very direction he had previously advocated for Canada. The principle of inspection was applied to very many articles, and why should not the same principle be applied to the shipping of the country. Wooden ships had been found preferable to iron ships and had consequently become very valuable.

Mr. Plimsoll had introduced a bill in England providing for an inspection of ships, the provisions of which he explained, and urged that unless Canada took measures to have an inspection and ship register of her own, the result would be very detrimental to her ships. He was sure shipowners would be very willing to pay all the expenses of an inspection. He referred to the working of the English Lloyds register as being very unfair to Canadian ships, but condemned the bill before the House as being wrong in principle in laying down strict rules instead of providing a proper system of inspection.

It was urged that the law must be passed to prevent the casualties that had occurred in the West India lumber trade, but he denied that the casualties as alleged had even occurred. He was well acquainted with the subject personally, and he was sustained in what he said by information he had received from the most eminent shipowners in the Province and he knew that the loss of life in the trade in question had been infinitesimally small. The deck load law, however, had been evaded before, and it could be very easily done again and he only opposed it because it was taking the place of what he believed ought to be enacted, an efficient system of inspection.

He urged that the measure should be postponed so as to allow members representing the constituencies interested to make enquiry into the matter, and to ascertain what course was calculated to be the most effective and most desirable. We had only to free our ships from control of foreign interests and an immense advantage would be gained. No such restrictions as those proposed were in effect in England, or the States, and the result in Canada would only be to harass and hamper the trade. He would have opposed every line of it did he not believe it could be so easily evaded. He believed a vessel was safer with a deck load than without, but urged a commission of enquiry instead of passing the present bill.

Hon. Mr. YOUNG (Montreal West) spoke of the great importance of the matter as affecting the commercial interests, and also as connected with the loss of human life, and quoted figures showing that a very large preponderance of lumber-laden ships that had been lost in years past had carried deck loads. He thought it was the urgent duty of the House, in the interests of humanity, to take steps to prevent any further loss of the lives of the poor seamen. He approved of the bill as a step in the right direction, and thought the only objection was that it did not abolish deck loads altogether. He thought also that the time excepted should be from the first of September instead of the first of October. The high rates of insurance occasioned a great loss to the country commercially. He did not think the statement of the member for Saint John as to the small loss of life in the East Indian timber trade was in accordance with the fact, and he read a statement made by the Minister of Marine and Fisheries in the Committee on Banking and Commerce, showing a very large loss of life and property to have really occurred.

Mr. PALMER said this very statement confirmed what he had said, as many of the accidents had not been occasioned by deck loads at all.

Hon. Mr. YOUNG (Montreal West) said that the statistics showed that an immense loss of life had been occasioned by the practice of carrying deck loads, and he quoted from statements made by the Consul-General at Havana on the subject urging stringent regulations to check the practice. There could be no doubt that the carrying of deck loads increased the loss of life and also the rates of insurance. He urged that Canada should follow the course taken in England thirty years ago and limit the carrying of deck loads from the first of September, and if the Government would not

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assent to this he should take the sense of the House on the question. Parliament was bound in every way to do everything possible to protect the life of her seamen.

Mr. DOULL agreed that it was the duty of the House to prevent a loss of life from improper loading of vessels, but he did not think the bill would have the effect desired. This bill was unfair, as it made no distinction between vessels of different builds. What was wanted was not merely legislation for or against deck loads, but a bill to prevent any vessels from going to sea over-loaded. He would offer no opposition to the bill if the Minister of Marine (Hon. Mr. Mitchell) would add a clause to prevent unseaworthy vessels from going to sea.

Hon. Sir FRANCIS HINCKS read an extract from an English newspaper containing an expression of the sympathy of the seamen of Liverpool with Mr. Plimsoll. There had also been a meeting of the shipowners of Liverpool when a similar feeling was expressed.

Mr. PALMER denied that many of the losses attributed to deck loads were really to be ascribed to that cause. The Council of the Saint John Board of Trade had drawn up a memorial as the result of a meeting of the Board of Trade, in which they stated that not a life had been lost in vessels in the European trade going to Saint John during the last five years through deck loads. The object of the commission in England was to prevent unseaworthy and overladen ships from going to sea, and that was what ought to be done here. In the West Indian trade from Saint John, but very few losses of life had occurred from deck loads. He believed that the vessels which had been lost when they were carrying deck loads would have been lost without deck loads. He continued to argue in favour of a Government inspection, of which the whole cost should be paid by the shipowners.

Mr. DOMVILLE could not agree with the member for Saint John. He contended that the council of the Saint John Board of Trade was a very different body from the Board of Trade. He read a letter from Captain Stockton, a shipowner, shipbuilder and master mariner, in which an opinion was expressed that this bill was just and humane and that deck loads ought to be regulated according to the size and build of the ship.

Hon. Mr. YOUNG (Montreal West) moved in amendment, that the 1st of September be substituted for the first of October in regard to vessels sailing from the St. Lawrence.

Hon. Mr. MITCHELL objected to amending the bill now, after its having been reported unanimously by the Committee on Banking and Commerce. The member for Saint John was mistaken in saying that no lives had been lost through deck loads on ships in the European trade within the last five years.

Mr. BURPEE (Saint John City and County) objected to this amendment after the action of the Committee.

Mr. DOULL also objected to amendment, but would support an amendment fixing the date at the 15th of September.

Hon. Mr. MITCHELL thought the bill was sufficiently stringent, and that it would be made too stringent to fix the date the 1st of September. After hearing the objection of the member for Pictou (Mr. Doull), he would not accept the amendment.

Hon. Mr. SMITH (Westmorland) gave his entire concurrence to the Bill.

On division the amendment was lost by a majority of 30 votes.

The Bill was then adopted without amendment and reported, and fixed for third reading tomorrow.

* * *

PILOTAGE

Hon. Mr. MITCHELL moved the second reading of the bill respecting pilotage.

Hon. Mr. HOLTON hoped the Minister of Marine would allow the bill to go to the Committee on Banking.

Hon. Mr. CAUCHON thought that at this late period of the session the bill ought not to be sent to the committee, but it should be discussed in the House.

Hon. Mr. MITCHELL while willing to oblige his hon. friend from Châteauguay (Hon. Mr. Holton) hoped he would consent to discuss the bill in Committee of the Whole. He was afraid that if the bill were sent to the Committee on Banking and Commerce, it would not come back in time to be passed this session.

Hon. Mr. HOLTON in that case would insist that the second reading should not be taken today, as the bill was not yet printed in French.

After some remarks from Messrs. **CAUCHON** and **PALMER** the bill was allowed to stand over.

* * *

FROM THE SENATE

The SPEAKER read a message from the Senate, reporting that the following bills had been passed, as sent from the Commons;—

Bill to extend the Grand Trunk Arrangements Act.

Bill to amend the Act relating to Port Wardens at Quebec.

Bill to provide for the examination of witnesses under oath by Committee of the Senate and House of Commons under certain circumstances.

The SPEAKER read another message from the Senate announcing that permission had been given the Hon. Messrs. Macpherson, Cochrane, Foster, Chapais and Campbell to attend and give evidence before the Committee in reference to Mr. Huntington's charges in relation to the Pacific Railway.

The SPEAKER also read another message from the Senate, with amendments to the following bills:—

Bill incorporating the Isolated Risk Fire Insurance Company.

Bill to incorporate the Three Rivers Bank.

Also, the following bills of their own—

Bill respecting the Central Prison of Ontario.

Bill to unite the Beaver and Toronto Mutual Fire Insurance Companies.

* * *

ISOLATED RISK COMPANY

On motion of **Hon. Mr. MACKENZIE**, the amendments to the Isolated Risk Insurance Company incorporation bill were read a first and second time, and concurred in.

* * *

EXAMINATION OF WITNESSES ON OATH

Hon. Mr. MACKENZIE enquired if the Government intended to take any steps to have the Royal Assent given to the bill enabling Committees to examine witnesses under oath.

Hon. Sir JOHN A. MACDONALD said his hon. friend could not expect an answer to this question now, as he had only just been made aware that the bill had been passed.

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FIRST READINGS

On motion of **Hon. Mr. CAMERON (Cardwell)**, the bill respecting the Central Prison of Ontario was read a first time.

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KENT CONTROVERTED ELECTION

Mr. MACKAY presented a report of the Committee on Kent Controverted Election, stating that the Committee had found that the recognizance to the petition were insufficient and therefore recommended that the petition should be dismissed.

Mr. MACKAY moved that the Committee on the Kent Controverted Election be dissolved.

Mr. COSTIGAN intimated his intention of moving an amendment, as the Committee had no right to enter into the question of recognizance.

Hon. Mr. MACKENZIE asked the Speaker if the motion was necessary, or if the Committee was not *ipso facto* dissolved on the presentation of their final report.

Hon. Mr. BLAKE was of that opinion.

Hon. Mr. McDONALD (Pictou) said no doubt that the final report of the Committee was the end of the matter but there might be a difficulty in regard to the wording of the report. The committee had not found that the sitting member was or was not duly elected, but merely recommended that the petition should be dismissed.

After some discussion the motion was, on the recommendation of **Hon. Sir JOHN A. MACDONALD** withdrawn.

* * *

PRINTING

Mr. STEPHENSON presented the fifth report of the Joint Committee on Printing.

It being six o'clock, **The SPEAKER** left the chair.

AFTER RECESS

SUPERANNUATION ACT

On motion of **Hon. Mr. TILLEY**, the Bill to amend the Civil Service Superannuation Fund was read a second time and referred to Committee of the Whole.

In Committee, **Mr. JOLY** moved an amendment to the effect that in the case of any person who, after the age of 25 years, enters the public service possessing scientific acquirements, which he could not have obtained in the Civil Service, the Governor in Council may add any number of years not exceeding ten to the years of his service in applying the Superannuation Act to him.

Hon. Mr. TILLEY said the question had been considered by the Government, and they had not considered it expedient to adopt it.

The Bill was reported, read a third time, and passed.

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INSPECTION OF GAS

On motion of **Hon. Mr. TUPPER**, the bill to provide for the inspection of gas and gas metres was read a second time and referred to the Committee on Banking and Commerce.

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SECOND AND THIRD READINGS

The following Bills were read a second time, reported from Committee, read a third time and passed:—

Hon. Mr. LANGEVIN—To amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of timber down the rivers and streams.

Hon. Mr. TUPPER—Respecting the ocean mail service, with the amendment giving the Government as well as Sir Hugh Allan power to terminate the contract at any time by giving one year's notice.

The House then went into Committee, **Mr. MASSON** in the chair.

A desultory discussion ensued, after which the bill was reported as amended.

The amendments were read first and second times and concurred in.

The bill was then read a third time and passed.

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NAVIGATION IMPROVEMENTS

On motion of the **Hon. Mr. TILLEY**—The bill to authorize the loan of one and a half million dollars to be expended in the improvement of the navigation of Lake St. Peter and the River St. Lawrence and to authorize the imposition of tolls, should it be necessary to meet the interest thereon was read a second time, passed through Committee, and was reported.

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THE INTERCOLONIAL RAILWAY

On motion of **Hon. Mr. LANGEVIN**—the bill to amend the Act respecting the construction of the Intercolonial Railway was read a second and third time and passed.

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PICTOU HARBOUR

On motion of **Hon. Mr. MITCHELL**—the bill in relation to the harbour of Pictou was read a second time, passed through committee and was read a third time and passed.

* * *

SUPPLY

The House then went into Committee of Supply.

The items under the heading of "Indian", as follows, were passed:—

| | |
|--|----------|
| Annual grant to Indians, Quebec | \$400 |
| Annual grant to Indians, Nova Scotia | \$3,300 |
| Annual grant to Indians, New Brunswick | \$3,200 |
| To purchase blankets for aged and infirm Indians of Ontario and Quebec and transport thereof | \$1,600 |
| Annuities payable to Indians in the Northwest Territories under Treaty No. 1, viz:—Broken Head River Band 93 persons | \$279 |
| Fort Alexander Band, 320 persons | \$960 |
| Fort Garry Indians, 233 persons | \$699 |
| Pembina Indians, 312 persons | \$936 |
| Portage la Prairie Band, 425 persons | \$1,275 |
| St. Peter's Band, 1,493 persons | \$4,479 |
| Annuities payable to Indians in the Northwest Territories, under Treaty No. 2.—Fairford River Bands, 299 persons | \$897 |
| Lake Manitoba Band, 160 persons | \$480 |
| Riding Mountain, Fort Ellice, and Dauphin Lake Bands, 113 persons | \$339 |
| Water Hen and Crane River Bands, 176 persons | \$528 |
| Barons River Band, 447 persons | \$1,341 |
| Fort Francis, Rainy Lake and Contiguous Bands, 1,000 persons | \$3,000 |
| Salaries of the Commissioners of the Northwest Territories, Assistant Commissioners, agents, interpreters, school teachers, and medical officers; travelling expenses of Commissioners, and agent's office, furniture, medicines and contingencies | \$10,900 |
| Supplies for Indians attending to receive annuities and on other occasions | \$5,000 |
| Farming stock, to be furnished to chiefs not yet supplied | \$1,500 |
| To meet the expenses in connection with Treaties to be made with the tribes of Indians on the Saskatchewan | \$10,000 |
| To pay expenses connected with the Indians of British Columbia | \$29,000 |

\$80,113

In answer to Hon. Mr. Holton,

Hon. Mr. TILLEY said Mr. Provencher was now the Indian Commissioner, receiving a salary of \$2,000.

In answer to Mr. Young (Waterloo South),

Hon. Sir JOHN A. MACDONALD said it was expected that immigration would flow into the Saskatchewan Valley and it would be necessary for the Government to make treaties with the Indians there. For this purpose the \$10,000 were asked.

Mr. MILLS pointed out that the Indians on the territory west of Lake Superior that belonged to Ontario should be dealt with by the Ontario Government.

Hon. Sir JOHN A. MACDONALD said it made no matter how the boundary was settled, the Indians could only be dealt with by the Crown as represented by the Governor General.

Mr. MILLS contended that the lands there were Crown lands owned by the Local Government, who had to deal with the Indians living on them.

Hon. Sir JOHN A. MACDONALD held that the Indian lands were not public lands at all.

Hon. Mr. MACKENZIE pointed out that the word "reserved" in the Act implied that the lands were public lands, which were reserved for the Indians. He asked if the government had not recently received communications respecting the Indians between Fort William and Fort Garry?

Hon. Sir JOHN A. MACDONALD: Not that I am aware of.

Hon. Mr. MACKENZIE said the miners up there had been put to a great deal of trouble by the Indians, and he understood that the matter had been brought under the notice of the Government. It was absolutely necessary that some arrangement should speedily be made with those Indians, as no doubt the land there would be offered for sale.

Mr. MILLS asked if the tribes of Indians inhabiting the territory in Ontario which had not been transferred to the Local Government by treaty should become extinct, to whom would the land revert? Would it revert to the Dominion Government simply because it had not been transferred by treaty? This showed that the Indian lands could only be regarded as Crown Lands.

Hon. Mr. WOOD wished to know how the item for expenses connected with the Indians in British Columbia came to be put in the estimates. In the other Provinces the Local Governments paid such expenses, and there was nothing in the arrangement with British Columbia requiring the Dominion to assume these expenses. Was this state of things to be continued?

Mr. De COSMOS held that the Dominion Government alone had the arrangement of Indian affairs, and they should pay the expenses.

The items were passed, also the following items, under the head of "Miscellaneous":—

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| Printing Canada <i>Gazette</i> | \$3,330 |
| Postage | \$1,200 |
| Miscellaneous printing | \$5,000 |
| Unforeseen expenses: expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament during the first fifteen days of the next session | \$50,000 |
| Expenses connected with ascertaining correct time at Ottawa, and firing of noon gun | \$400 |
| For purchase of life boats and life preservers, and maintenance of same, rewards for saving lives and investigations into wrecks and casualties | \$9,400 |

Mr. TOBIN said he observed there was an increase in the sum asked for under this head of \$2,000. He wished to know if the government intended to apply any of this amount to the relief of the poor fishermen of Prospect, who when the starving, half-naked, passengers from the *Atlantic* were thrown upon their shores, gave them all they had in food and clothing. Foremost among those who had afforded this assistance was the Rev. John Ancient who had saved life by his pluck and energy, and had earned for himself the title of the hero of the *Atlantic* wreck. This was not only empty praise, but had taken a practical shape in New York, Boston, and in Halifax, where a considerable amount had already been raised for him.

He mentioned the matter that Parliament might have an opportunity of exhibiting its appreciation of many daring, and successful and energetic efforts to save human life. He hoped that if a sum had not been already provided for this purpose it was the intention of the Government in this \$2,000 to make provision for the fishermen of Prospect, and the Rev. Mr. Ancient in particular.

Hon. Sir JOHN A. MACDONALD said the circumstances referred to by hon. gentleman had been brought prominently under the notice of the Government by Sir Hastings Doyle, Lieutenant Governor of Nova Scotia, in a despatch which was not in the hands of the Minister of Marine and Fisheries, and he had no doubt a report on the subject would be prepared and submitted to the House before prorogation.

| | |
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| Commutation in lieu of remission of duties on articles imported for the use of the army and navy to be apportioned by Order in Council | \$10,000 |
| To provide for examination and classification of Masters and Mates of Mercantile Marine | \$7,000 |

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|---|-----------|
| To provide for one-half of the British share of the expenditure in reference to surveys of the boundary line between Canada and the United States of America, on the 49th parallel north latitude | \$120,000 |
| To pay half of the cost of surveying the boundary line between Ontario and the Northwest Territory, revote | \$12,000 |
| Surveys in Manitoba, Northwest Territory | \$250,000 |
| Pay and maintenance of Dominion forces in Manitoba, viz:—343 officers, non-commissioned officers and men, including the expense of providing barrack accommodation, contingencies, et cetera | \$140,000 |
| Reserve militia stores, third and last instalment due The Imperial Government, on the purchase of reserve stores on withdrawal of regular troops in 1870-1871, for the year ending 30th June 1874 | \$144,900 |

Mr. YOUNG (Waterloo South) called attention to the fact that no revenue appeared in the public accounts from the *Canada Gazette*.

Hon. Mr. TILLEY said he would explain on concurrence.

Hon. Mr. MACKENZIE said that it could not be possible that \$1,200 was needed for postage on the *Gazette*.

Hon. Mr. TILLEY promised an explanation on concurrence.

In answer to Hon. Mr. Mackenzie,

Hon. Mr. TILLEY said the plan pursued for surveying the lands in the Northwest was to pay the surveyors so much per township. He would give particulars on concurrence.

Hon. Sir JOHN A. MACDONALD said he believed the men had refused to go back this spring, unless they got an increase in pay. With reference to the force in Manitoba, it was not proposed to diminish that force now. To do so would cause great dismay in that country, where the embers of the troubles of 1869 were still hot, and might be turned into a flame. Besides that, there was some apprehension of Indian troubles. The force was small, but it gave confidence to the people.

He would bring down on the following day a series of resolutions for the establishment of a mounted police, which would be of more service to that part of the country. They would be mounted on strong, hardy horses and would be able to move rapidly from one part of the country to the other, and would supply the place of the present military force.

Mr. YOUNG (Waterloo South) asked if he understood rightly that this force was to consist of 150 men.

Hon. Sir JOHN A. MACDONALD: Yes; and the presence of the force now in the Province, which consisted of 300 men, would be dispensed with.

The following items respecting Customs were passed:—

Salaries and contingent expenses of the several ports, viz, in the Province of Ontario, \$187,246; Quebec \$176,214; New Brunswick, \$79,736; Nova Scotia \$97,240; Manitoba and North-West Territory, \$11,800; British Columbia \$24,000.

Salaries and travelling expenses of Inspectors of Ports \$11,000.

Contingencies of head office, covering printing, stationery, advertising, telegraphing et cetera, for several ports of entry \$15,000.

Hon. Mr. TILLEY called attention to the increase of these sums upon last year, which were as follows:—Ontario, \$14,000; Quebec \$8,067; New Brunswick \$7,360; Nova Scotia \$3,927; Manitoba and North-West Territories, \$8,000; British Columbia, \$4,000. He also explained that it had been found necessary to raise the salaries of officers in consequence of their increased expenses.

Hon. Mr. MACKENZIE said last year he had complained of the discrepancies in the salaries, and this year he observed similar differences, which he referred to in detail.

The Committee rose and reported progress, and asked leave to sit again.

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EXAMINATION OF WITNESSES ON OATH

Hon. Mr. MACKENZIE asked if the leader of the Government could now state whether the Oaths Bill would be assented to tomorrow.

Hon. Sir JOHN A. MACDONALD said he could not. He would be able to tell tomorrow.

Hon. Mr. MACKENZIE said it did appear to him that the bill had been unnecessarily delayed in the Senate, and he did not see why the Royal Assent need be delayed.

PETITION

Mr. DOMVILLE submitted a petition of the Canada Cable Company, praying for the suspension of the standing rules of the House respecting Private Bills.

The petition was received, and the House adjourned at 1.20 a.m.

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NOTICES OF MOTIONS

Mr. GIBSON—On Thursday next—Enquiry of Ministry whether it is the intention of Government to enlarge and improve the Williamsburg Canal this season or not, and if so, what are the improvements contemplated.

Hon. Sir JOHN A. MACDONALD—On Tuesday next—the following resolution: “That it is expedient to provide first that every judge of any of the Provincial courts who becomes liable to be called upon to try any election petition or to act as a member of an election court shall receive an allowance for the same of \$100 for each election petition tried by him, in addition to his salary as such judge of a Provincial court, and a further allowance of \$10 per diem for each day during which he is necessarily engaged in the trial of an election petition and his travelling expenses when absent on any such duties from his place of residence; and second, every judge *ad hoc* appointed to try an election petition shall receive a like allowance of \$100 for each election petition tried by him, and a further allowance of \$10 per diem for each day during which he is necessarily engaged in the trial of an election petition or at a sitting of the Election Court, and his travelling expenses when absent on any such duties from his place of residence. Third, and such allowances shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, on the report of the Auditor General that they have been claimed and are due.

That the travelling and other expenses incurred by the Sheriff or other officer in consequence of any sittings for the trial of an election petition and providing a court room and accessories, shall be defrayed in like manner as other incidental expenses payable by the Dominion under this Act. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the Superior Courts of Law in the same Province, may be allowed to such person by a certificate under the hand of the Judge or of the Clerk of the Election Court, or the prescribed officer; and such expenses of providing a court in other cases shall be deemed the costs of the party calling the witnesses and shall be taxed against such party interested in the trial of such petition as the judge may determine. Fourth, that the duties to be performed by the clerk or other prescribed officer of any election Court, under this Act or rules of the Court shall, if the Election Court consist of judges of any Dominion or Provincial Court or Courts, be performed by such officer or officers of the Court or Courts last mentioned as the Judges of the Election Court may appoint; and if the Election Court consisted of judges

appointed *ad hoc* then by such person or persons as the Government may appoint to act as such clerk or other prescribed officer; and the remuneration to be allowed in either case for such services shall be fixed by the Governor in Council on the report of the Election Court in question.”

Mr. WITTON—On Tuesday next—Resolution that in view of the great importance to the whole community of the growing manufacturers of the Dominion, it is expedient and highly desirable that the fullest information should be sought by the Government regarding the utilization of raw materials in various processes of manufacture which it is the special object of the forthcoming exhibition at Vienna to show.

Mr. PALMER—Thursday—Committee of the Whole on the following resolution, “That in the opinion of this House it is expedient to provide for the inspection and classification of all sea going vessels built in Canada.”

Mr. PALMER—Thursday—Committee of the Whole, to consider the following resolution, “That in the opinion of this House, a Commission should forthwith issue to make enquiry with regard to the alleged unseaworthiness of Canadian ships, arising from over loading, deck-loading, defective construction condition, equipment, form, or machinery, age or improper storage, and also to enquire into the present system of inspection of sea going vessels and marine insurance, and the state of the law on the liabilities of ship owners for injury to these whom they employ, and the effect of under-measuring ships and to suggest the best remedy for the removal of such evils as may have arisen from the matters aforesaid.”

Mr. EDGAR—Thursday—Address for statement showing, first, the name of the steamship companies or shipowners whose vessels were employed during the year 1872 to carry to Canada the immigrants who received assisted passages from the Government; second, the price or different prices paid to the vessel owners in 1872 for each adult so carried, distinguishing the portion paid by the Government and the portion otherwise paid; third copies of any advertisements asking for offers or tenders for steamship owners to any emigrant receiving assisted passengers in 1872 or 1873, and the names of the newspapers in which such advertisements were published; fourth the names of any steamship company or ship owners with whom engagements had been entered into for the carriage of emigrants receiving assisted passengers in 1873, and the different rates or prices to be received by the respective vessel owners for each adult so carried, distinguishing the portion payable by the Government, and the portion otherwise payable.

Mr. JETTÉ—Thursday—A Bill entitled an Act to abolish the property qualification of members of the House of Commons.

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HOUSE OF COMMONS

Wednesday, April 30, 1873

The **SPEAKER** took the chair at 3.20 p.m.

Prayers

Hon. Mr. CAMPBELL submitted a report of the General Election Committee, naming the Select Committee for the trial of the following election petitions:—Addington, Brockville, Stormont, Durham East and Quebec Centre.

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EXPIRING LAWS

Hon. Mr. CAMPBELL presented a report of the Committee on Expiring Laws, strongly recommending that the present Bankrupt and Insolvency Law be not continued—(*Cheers*)—particularly as the existing law would expire within a few months of the next meeting of Parliament.

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ERROR IN THE MINUTES

Hon. Mr. MACKENZIE called attention to what he considered an error in the minutes of the previous day. The hon. member for King's (Mr. Domville) asked for permission to present a petition praying that another petition should be received. Both these petitions were reported as having been resolved. This was not the intention of the House, and he for one would not have sanctioned that course. The petition would have to go to the Committee on Standing Orders, so that they might report whether or not it was a case in which they should receive the petition.

Hon. Sir JOHN A. MACDONALD said the error would be rectified. His attention had been called to the matter by the Clerk of the House. The intention of the hon. gentleman was simply to have it referred to the Standing Orders Committee as soon as possible.

Hon. Mr. MACKENZIE said the last entry on the minutes would therefore be considered expunged. After some discussion this was agreed to.

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BANKING AND COMMERCE

Hon. Sir FRANCIS HINCKS presented the seventh report of the Committee on Banking and Commerce, reporting several bills, amongst others, the bill relating to weights and measures.

INTEREST AND USURY

Mr. SAVARY introduced a bill relating to Interest and Usury in Nova Scotia.

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LIFE BOAT SERVICE

Hon. Mr. CAMPBELL asked whether it is the intention of the Government to establish a life-boat station at or near Cape Canso Island on the coast of Nova Scotia.

Hon. Mr. MITCHELL replied in the affirmative.

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PORT STANLEY HARBOUR

Mr. CASEY asked whether the Government intend to advise the Governor General to grant the prayer of certain persons resident in the county of Elgin, asking that Port Stanley harbour be transferred from the charge of the present trustees into that of the County Council, or that the Government should assume the direct control of it themselves.

Hon. Mr. LANGEVIN said the matter was engaging the attention of the Government.

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DESERT LAKE DAM

Mr. SHIBLEY asked whether it is the intention of the Government to keep up the dam recently erected across the outlet of Desert Lake, in the township of Loughborough in the electoral district of Addington, and if so, how soon will the Government indemnify the township municipalities which have suffered for the destruction of their roads, and overflowing and loss of their lands caused by the said dam.

Hon. Mr. LANGEVIN said it was the intention of the Government to have the work examined again, and if it was found that it could be reduced in height it would be done.

NAVIGATION SCHOOL

Mr. CASGRAIN asked whether it is the intention of the Government to create a school of navigation and seamanship for the Dominion of Canada.

Hon. Mr. MITCHELL said the Government had given encouragement to something very much approximating to schools of instruction in Quebec, Halifax and Saint John. It was not the intention of the Government to go beyond what had been done.

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CUSTOM HOUSE APPOINTMENT

Mr. GILLIES asked whether Mr. Keith, a Custom-house Officer at Southampton is the County of Bruce, has tendered his resignation to the Government? If so, has such resignation been accepted, and when, and has a new appointment been made, and if so made, who is the party appointed, or if not made yet, when is it the intention of the Government to fill the vacancy, and who is the party to be appointed?

Hon. Mr. TUPPER said Mr. Keith had been superannuated and an appointment in his place would be made very shortly.

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CHARGES FOR PERSONAL LABOUR

Mr. Fiset asked whether the government had received from certain farmers, *censtaires* of the seigniors of the parishes of St. Fabien, St. Simon and St. Mathieu, in the County of Rimouski, or from any other person entrusted with their interests, petitions or applications praying for exemption from the payment of charges for personal labour imposed on them in contravention of the provisions of the Seigniorial Act of the last Province of Canada. Second, whether in the event of such petitions or applications having been presented, is it the intention of the Government to take such steps by legislation or otherwise as will relieve the said *censtaires* from the payment of such charges for personal labour?

Hon. Mr. ROBITAILLE said a petition presented by Alexander Chauveau was under consideration by the Government.

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MAILS TO WEST INDIES

Mr. FORBES moved for correspondence relating to a mail service with the British Foreign West Indies. He referred in particular to the petitions which had been presented upon the subject. He showed there should be no difficulty in establishment between the Dominion and the West Indies of a mail service. This was proposed by a delegation sent to those islands for the purpose of reporting upon such a communication. Their report showed that

the securities of those islands would not only benefit such a line, but would supplement a grant for that purpose.

The subject has been under consideration of the Government for some six years, and as yet nothing practical has been done. He said that the trade of the Dominion with the West India Islands was of considerable magnitude, and was of the greatest importance to the Provinces. The enterprising Americans had already rushed into the field, had established a line of mail service, by now of which they had communication with the West India Island semi-weekly.

Hon. Mr. YOUNG (Montreal West) thought the necessity of this must be apparent and thought it would be worthy of consideration of the Government. As far as the Island of Cuba was concerned, if proper representations were done, we might at least be placed on an equal footing with the United States, so far as differential duties were concerned. He supported the motion.

Mr. DOMVILLE thought the trade ought to be fostered. There were sixty-three million tons of produce shipped to the West Indies and South America from the United States. A very large proportion of that came really from Canada, and he saw no reason that portion of it should not be forwarded direct from the Dominion through Baie Verte Canal via Saint John. He proposed that a fortnightly service should be established from Saint John to St. Thomas. We would gain as much from saving on leakage, sugar, thus directly imported, as would be an asset to run the steamers, and he pointed out the advantage of the coal supply of Nova Scotia at hand for the purpose of supplying to the vessels. He thought the Government should see fit to grant a small subsidy to the line of steamers, which ought, if possible to be a Canadian line. The island of Barbados imported 200,000 barrels a year alone, and the other islands in the same portion. They also imported ice largely from the United States—in fact all kinds of produce.

Hon. Mr. TUPPER said the Government was fully alive to the importance of this fact, and were willing to have an expression from both sides of the House. It was an evident from what had been said, that there was a good chance of establishing a commercial enterprise in connection with these provinces which produced many of the products consumed, and consumed many of the products we produced. If there were any parties who felt sufficient interest in this project to grapple with the question, they would find that the government would give a hearty support, as well as a small subsidy, for the purpose of increasing direct communication between Canada and these lands. The papers would be brought down.

Hon. Sir FRANCIS HINCKS supported the idea of having direct trade communications with the Islands, but seeing that we had such an excellent mail service between them and New York, we really did not stand in need of increased mail communications. He contended that our policy towards the sugar centres of British Guiana was such as not to encourage the trade, arising out of high sights. The people had the greater portion of their fish imported from North America and merely pointed this out, to show the

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difficulties there were in the way of establishing direct trade with these islands.

Mr. ALMON supported the motion. He said there was a line of steamers to St. Thomas and other West Indian ports.

Hon. Mr. YOUNG (Montreal West) quoted from the *Pilot* (Hon. Sir Francis Hincks was editor) to show that he was in favour of the most extreme free trade in 1847.

Hon. Sir FRANCIS HICKS said he had been converted since that time by no less an authority than John Stuart Mill. (*Laughter.*)

Hon. Mr. YOUNG (Montreal West) continued to read from the *Pilot*. It contained sentiments declaring that every Custom-house should be swept away and the revenue raised from direct taxation on real property. (*Hear, hear.*) He (Hon. Mr. Young) had always held that there should be a free breakfast table in this country, and he had never been false to his principles on any occasion whatever.

Mr. RYAN thought the member for Montreal West was also a convert, as he was elected to support protection.

Hon. Mr. YOUNG (Montreal West) said he was only in favour of incidental protection.

Mr. FORBES said under the present arrangements merchants in Saint John had to wait two months for their bills of exchange and their other business communications, and very great inconvenience was suffered on that account. That was one excellent communication spoken of by the hon. member for Vancouver. He commended that there was quite a large lumber as well as fish trade with these islands, and had urged the matter upon the attention of the Government.

The motion was carried.

* * *

THE FISHING LIMITS

Mr. MILLS moved the House into Committee of the Whole to consider resolutions for an address to Her Majesty, praying that steps may be taken to remove all doubt as to her exclusive sovereignty over all bays, harbours, and inlets upon our coasts to the same extent that similar waters are claimed by every civilized nation having a frontier on the seas.

He moved the following resolutions:—First, that the Government of the United States by the Convention of 1818 renounced for ever any liberty previously enjoyed or claimed by the inhabitants of that country to take dry, or cure fish within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's Dominions in America not included within certain specified limits. Second, that in the opinion of this House, this line of exclusion coincides with in liminary line which according to the law, nations marks out that portion of the sea which the Sovereign of the adjoining state has exclusive jurisdiction. Third, that this view has

always been taken by the public men of this country and by the Government of Great Britain, but has been denied by the Government of the United States, who maintain that a fair construction of the first article of the convention confers upon their fishermen the right to follow the sinuosities of the coast to enter the large bays and harbours for the purpose of fishing, so long as they do not approach within three miles of the shore. Fourth, that this, and the purposes for which fishermen might land, were the sole grounds for misunderstanding between the Government of Canada and Great Britain on one side, and the Government of the United States upon the other, in relation to this fisheries.

Fifth, that it was for the purpose of settling these misunderstandings that the negotiations which resulted in the appointment of the Joint High Commission in Washington were initiated. Sixth, that the Joint High Commission at Washington made no attempt to settle the true construction of the Convention of 1818 between Great Britain and the United States. Seventh, that by one twenty-second Article of the Treaty of Washington, it is agreed that if the privileges accorded to the citizens of the United States under Article Eighteen of the said Treaty are of greater value than those accorded by Articles Nineteen and Twenty to the subjects of Her Britannic Majesty, Commissioners shall be appointed to determine, having regard to the privileges accorded by the before-named articles to the inhabitants, the British empire and of the United States, the gross sum of money which shall be paid by the United States Government.

Eighth, that as the amount of the award to which Canada is entitled under the twenty-second Article of the Treaty of Washington is dependent upon the true construction of the article of the Convention of 1818, it is possible for the said Commissioners so appointed to determine the amount of compensation until the construction of the first article of the Convention of 1818 is settled. Ninth, that without such prior determination there is not only great danger of Canada receiving a much smaller sum than she is entirely entitled to by the Treaty of Washington, but great danger that a basis for that determination may be assumed which will greatly impair the undoubted right of the country to the sovereignty of the larger bays and inlets upon our coasts, which were by the Treaty of Washington left in abeyance. Tenth, that immediate steps should be taken to remove all doubts as to the exclusive sovereignty of her Majesty over all the bays, harbours, and inlets upon our coasts to the same extent that similar waters are claimed by every civilized nation having a frontier on the sea.

In moving the adoption of the foregoing, Mr. Mills gave a history of the negotiations which led to the Treaty of 1783 during which the American Commissioners fought to include Nova Scotia in their possessions, in order to obtain control of the British coast fisheries, and the Province of Florida in order to secure the navigation of the Mississippi, Spain having offered to mediate between the United States and Great Britain and American Commissioners were compelled to abandon the attempt to acquire Florida and the Southern States Commissioners no longer felt any interest in pressing their aims to the Northern fisheries. Great Britain claimed

not only the right to the inshore fisheries but to those on the Grand Banks, and in more than one treaty with France she was bound not to fish within thirty leagues to the coast of Nova Scotia and fifteen leagues of Cape Breton; ultimately they agreed that the Americans could have a right to fish on the Grand Banks of Newfoundland, and the liberty to fish upon the coasts mentioned in the third Article of the Treaty of 1783.

At the Treaty of Ghent in 1814, the English Commissioners notified the United States Commissioners that the liberty of fishing upon the coast was terminated by the war, just as the English right to navigate the Mississippi was put on hold to by the same cause. This position was subsequently controverted by John Quincy Adams, and very ably sustained by a despatch from Lord Bathurst, which has been attributed to George Canning. The controversy was terminated by the Convention of 1818, which gave the United States more liberty to fish upon certain coasts, but as to the rest the United States renounced forever any liberty previously enjoyed or claimed by the inhabitants of that country to fish within three miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's Dominions in America, not included within the assigned limits.

He (Mr. Mills) briefly referred to the American and British interpretation of this provision, and showed that the former ignored its exclusion from the larger bays and harbours. He pointed out that the line of exclusion was evidently intended to be the limit of a country as settled by international law. He referred to the Treaty of 1834, which gave to the United States certain liberties in addition to those mentioned in the convention of 1818, and that therefore the Treaty of 1813, was not touched by the treaty of 1834, but remained in force after the termination of the latter, as though it has never existed. He then referred to Mr. Campbell's mission to London, and to the statement of the Premier and his colleagues as to the necessity for having the headland question defined, and to the twenty-second article of the Treaty of Washington, by which that question was left in abeyance.

He alluded to the proposed Commission to sit at Halifax in order to decide on the claims of Canada to compensation, and showed how nearly impossible it was to fix on any compensation until the extent of the privilege granted to the Americans by the Treaty was ascertained. Now that the Americans have the right under the Treaty of Washington for the settlement of this vexed question, but if the Government permitted the Commission to sit and grant compensation, without first determining the extent of our rights, the Commissioners could only grant compensation for such fisheries as the Americans admitted to belong to Canada. Such a decision would be held in time to come to be a practical abandonment of our rights. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD asked what would be the consequence of passing this motion of the hon. gentleman. It would not stop the Treaty, which would be in existence for the next twelve years, so far as all parties thereto were concerned. The only consequence, therefore, of the resolution being carried, and an

address forwarded for presentation to Her Majesty, would be that during the twelve years in which the Treaty would be in operation we would get no compensation whatever for our fisheries. (*Cries of "No, no."*)

If the hon. gentleman would look a little more closely at the protocol of the Treaty he would find that the American Government were unwilling to go into the question of headlands of anything affecting territorial rights, or any other disputed point, and expressed very strongly the importance of avoiding it, so that there should be no additional cause of difference at that time. They considered it infinitely more important to settle the matter than under consideration by a temporary arrangement for twelve years, leaving the original question as it was before.

Supposing the question had been settled finally, either for or against us, the value of our fisheries to the American fishermen, and the temptation to enter into our waters, would have been as great as ever and there would have been the same danger of collision as before, so long as our rights were enforced. Her Majesty's Government had at all time acknowledged their liability to defend our rights in the particular case.

Mr. MILLS enquired in what way could the settlement of the question of right prevent the English Commissioners from conceding the liberty of the fisheries of the United States.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman would see there the two Governments, Canadian and English, were anxious to avoid entering into any discussion with regard to the fisheries at all.

Hon. Mr. MACKENZIE: One of these Governments was.

Hon. Sir JOHN A. MACDONALD continued to say that the American Government were unwilling to approach the subject at all, and only consented to the proposition on the ground that some arrangement should be made by which all questions pertaining to territorial rights should be left in abeyance, that there should be reciprocity for twelve years, and that nothing should be done which would act as a disturbing cause or destroy the probabilities of the United States Senate agreeing to the Treaty of Washington. Her Majesty's Government had agreed that for twelve years there should be free trade and reciprocity on matters pertaining to fisheries, and that there should be a Commission appointed for the purpose of setting what sum, if any, should be awarded to Canada for this advantage to the United States.

Mr. MILLS enquired how this Commission could absolutely determine this matter prior to ascertaining what our fisheries were.

Hon. Sir JOHN A. MACDONALD said they could not, it was quite true, ascertain this with mathematical exercises unless all disputed questions of boundary were first settled, and there would thus be the same vagueness as to the question of our rights in the case submitted to the Commissioners; but the Commissioners would entirely disregard this question and settle the matter upon the

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broad principle by awarding a lump sum. He had no doubt there would be argument for and against this award by our agent and the American agent respectively, but the hon. gentleman would easily see that the ultimate decision would in no way affect the question of territorial sovereignty. It occurred to him that the effect of passing such a resolution as that proposed by the hon. gentleman would be to entirely deprive us of any compensation for our property. (*Cries of no, no.*) At any rate it would postpone it indefinitely, as there could be no doubt that the Americans would object to it very strongly if based upon this principle. The simple question for the commissioners to determine was, whether we are giving the Americans more than we were receiving from them, or otherwise?

And he could inform the hon. gentleman, that communications, [...] the proper and ultimate settlement of the questions of headlands. At the proper time these would be asserted and upheld; but it was quite clear that the settlement of the question contemplated in the motion of the hon. gentleman ought not to be entrusted to the present Commissioners. Theirs was a mere commercial matter, a question of pounds, shillings, and pence, the value of the respective waters and the opening up of the markets of both nations for reciprocal trade. The question of headlands and territorial boundaries would have to be settled by an entirely independent court, constituted for that particular purpose, and Her Majesty's Government should press for a reference to jurists of high standing, to whom this question should be referred for settlement on the great principle known as International Law, and not merely for the few years for which this Treaty will have a legal existence, which would end, as he had already stated, in the course of twelve years. There must even be a readjustment of the whole matter, and he had no doubt that by that time the fisheries on both sides will have greatly changed from their position. He thought the hon. gentleman should be satisfied with having called the attention of the House to the matter, as it was quite proper he should do.

Hon. Mr. BLAKE could not agree with the hon. leader of the Government as to his history of the Treaty, and he contended that one of the matters the Commissioners were instructed to come to a conclusion upon was the proper interpretation of the headland question, and in proof he quoted from these instructions to the Commissioners. The portions quoted read as follows: "the two chief questions are as to whether the expression 'three miles off any of the coasts, bays, creeks, or harbours of Her Britannic Majesty's Dominion', should be taken to mean a limit of three miles from a line drawn from headland to headland." Also, another portion expressed the hope that these Commissioners would be able to arrive at a conclusive understanding with the United States Commissioners upon the disputed interpretation of the Convention of 1818, but they feared that they would find it expedient that a settlement should be arrived at by other means, in which case they would be prepared to refer the whole question for consideration and inquiry to an International Commission.

He found it was upon this latter ground that the hon. leader of the Government proposed a reference to jurists of the whole question.

On the 6th of March, at a conference, the British Commissioners stated that they were prepared to discuss the question of fisheries either in detail or generally, so as either to enter into an examination under the Treaty of 1818 and general law of nations or to approach at once the settlement of the question on a comprehensive basis. The American Commissioners said with view of avoiding discussion of matters which subsequent negotiation might render unnecessary to enter into, they thought it would be preferable to adopt the latter course, and inquired what in that case would be the basis which the British commissioners desired to propose.

Thus it was seen that the policy of the Canadian Government had been, instead of determining the question of right, as they ought to have done, to propose one of two courses, of which the United States commissioners adopted the latter alternative; and he did not think he would be doing sufficient credit to the acuteness of the Leader of the Government if he did not say that there could be little doubt in his mind, when these alterations were submitted, as to which of them would be accepted. (*Hear, hear.*) He knew beforehand they would accept the second; they would not go into the question of right because they knew it was not arguable in their favour, and they of course desired to avoid the discussion of a question which could only be argued in one way and on one side. (*Hear, hear.*)

The ultimate result, as had been correctly enough stated, was reciprocity in fishing and appointment of a commission to ascertain excess in the value of privileges, if any, given by Canada to the United States in return for other benefits received. It was utterly impossible that such a valuation could be arrived at, unless some determination was arrived at concerning our fishery boundaries. Was or was there not any value attaching to those headlands, or were the rights which the Canadian people and Parliament had contended for years and years of the great value they were represented, or were they not. No Government would contend that they were not of immense value.

The hon. leader of the Government (Hon. Sir John A. Macdonald) said he did not wish to mix up the two questions, and appeared to look on it as a trifling matter. It seemed, from the manner in which he spoke of it, that it would be treated as a trifling matter; but the question was, Are we to abandon our right or are we not? How could they possibly arrive at the value of these rights, if their extent were not determined? In entering upon the question of compensation, the Commissioners must proceed on the supposition that we had no rights. According to the statement of the hon. leader of the Government, these rights were to be left in abeyance for twelve years, and the question before the Commission will be one of pounds, shillings, and pence; but it was impossible for him to answer upon what basis in that case this calculation of pounds, shillings, and pence would be arrived at.

The hon. gentleman assured the House that at some future time our rights would be maintained—that, after twelve years we would again consider whether we should approach this question which it was impossible to discuss now. In what respect would we be in a

better position than now? The hon. gentleman tried to make the House believe that the effect of the presentation of such an address as was moved for would be that we should have no compensation at all. That was not so. If there was anything in the language of the resolutions indicating that the Commissioners were not to proceed, that could be easily altered; but the House knew from what had been said by the hon. leader of the Government himself that nothing could stop the operation of the Treaty for the next twelve years, and that the Commission must do on in spite of fifty addresses.

His hon. friend had utterly failed to show that the temporary sacrifice or amendment of the rights of this country was at all necessary to proceeding with the arbitration as to the relative value of those advantages we gave away and those we received under the Washington Treaty, or that the step taken to ascertain our territorial rights and boundaries would at all interfere with their proceeding in the matter. The hon. gentleman had said that the country was satisfied with the provisions of the Treaty of Washington. He would say nothing as to that, but would refer the hon. gentleman to the despatches of his own Government as to how far the assertion was true (*cheers*). If some such action as was proposed by the motion of the hon. member for Bothwell (Mr. Mills) were not taken in the matter the country would be less satisfied with it than ever. (*Cheers.*)

Hon. Mr. TUPPER said that the position taken by the hon. gentlemen opposite did not surprise him, as it was the same position they had formerly held. He referred to his own action in the past, and contended that generally the sentiment of the Opposition was that the course he proposed was fraught with danger. This was merely a moderate attempt to protect our fisherman. The hon. gentlemen opposite, in their speeches today in regard to the headland question had ignored the facts of history. The Imperial Government was not prepared to provoke a quarrel with the United States on this question, while they were at all times prepared to stand by Canadian rights.

He referred to the message of the President of the United States in regard to the Washington Treaty in 1871, to show that the question then under contemplation was not the headland question, but the way in which Canadian fishermen were endeavouring to protect themselves and keep out the fishermen of the United States from the three-mile limit. The entire message was founded upon this complaint. This Government had been never failing in their endeavours to get the aid of the Imperial Government to have the United States fishermen excluded from these limits, and hon. gentlemen opposite had deliberately contended in past years that this policy was calculated to give rise to serious difficulties.

In a thirty years acrimonious controversy on that question, it was well known that the Government of the United States stood as firm on their sides as the governments of this country and of Great Britain; and now the Government were as far from a solution of the difference as ever, except by reference of the question to arbitration, as proposed by his hon. colleague the leader of the Government. Hon. gentlemen opposite had been compelled to ignore the

historical facts of the case in order to bring the matter up in its present form. He maintained that the motion should not be carried.

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EXAMINATION OF WITNESSES ON OATH

Hon. Mr. MACKENZIE enquired what had been done in reference to the Bill enabling the Pacific Railway Committee to administer oaths to witnesses.

Hon. Sir JOHN A. MACDONALD said he awaited the pleasure of His Excellency the Governor General in the matter. He had already communicated with him upon the subject, and might be able to give full information to the House this evening.

It being six o'clock the House adjourned for recess.

AFTER RECESS

MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate stating that they had passed, without amendment, the bill to render members of those local Legislatures which had abolished dual representation ineligible for sitting and voting in the House of Commons. Also, without amendment, the Act respecting the carriage of dangerous goods in ships.

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THIRD READINGS

The following Bills were read a third time and passed:—

An Act to amend the Acts respecting the London and Canadian Loan and Agency Company (limited),—**Hon. Mr. GIBBS (Ontario South)**.

An Act to extend the powers of the Montreal Telegraph Company, and for other purposes—**Mr. RYAN**.

An amendment made by the Senate to the Bill to incorporate the Three Rivers Bank—**Mr. McDOUGALL**.

An Act to incorporate the Canada Car and Manufacturing Company as amended by the Standing Committee on Banking and Commerce—**Mr. MORRISON**.

An Act to Incorporate the Insurance Company of Canada, as amended by the Standing Committee on Banking and Commerce—**Mr. RYAN**.

An Act for granting certain powers to the Montreal, Chambly and Sorel Railway Company, as amended by the Standing Committee on Railways, et cetera—**Mr. GEOFFRION**.

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An Act to enable the Buffalo and Lake Huron Railway Company to make arrangements respecting their bond debts, as amended by the Standing Committee on Railways, et cetera—**Mr. EDGAR**.

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THE DESJARDINS CANAL

Mr. CHISHOLM moved the House into Committee on the Bill respecting the Desjardins Canal.

The House went into Committee, **Mr. MORRISON** in the chair.

Hon. Mr. BLAKE objected to this House being able to give power to a municipal corporation to impose tolls on the bridge, as was provided for in an amendment proposed, although he quite admitted the right of this House to deal with the question of the building of the bridge.

Hon. Mr. TUPPER also thought the proposed amendment was in some points objectionable.

After some further discussion the Committee rose and reported progress, and asked leave to sit again this evening.

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MARTIN'S DIVORCE BILL

On motion that the House go into Committee of the Whole on the Bill for the relief of John Robert Martin, from the Senate,

Hon. Mr. LANGEVIN moved the six months' hoist.

The amendment was lost on division.—Yeas 71, nays 84.

YEAS

Messrs.

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|----------------------|------------------------------|
| Anglin | Archambault |
| Archibald | Baby |
| Baker | Beaubien |
| Béchar | Bellerose |
| Benoit | Bergin |
| Blanchet | Bourassa |
| Brooks | Cameron (Huron South) |
| Caron | Casgrain |
| Cauchon | Colby |
| Costigan | Delorme |
| De Saint-Georges | Dorion (Drummond—Arthabaska) |
| Dorion (Napierville) | Dugas |
| Duguay | Fiset |
| Fortin | Fournier |
| Gaudet | Geoffrion |
| Gendron | Harwood |
| Higinbotham | Holton |
| Jetté | Joly |
| Keeler | Lacerte |
| Laflamme | Landerkin |

Langevin
Lantier
McDonald (Antigonish)
Mailloux
Mathieu
Oliver
Pelletier
Pozer
Price
Robillard
Ross (Champlain)
Rymal
Stirton
Tourangeau
Tremblay
Wright (Ottawa County)—71

Langlois
Macdonald (Glengarry)
McDonald (Cape Breton)
Masson
McDougall
Pâquet
Pinsonneault
Prévost
Richard (Mégantic)
Robitaille
Ryan
Scatcherd
Taschereau
Thompson (Haldimand)
Trow

NAYS

Messrs.

| | |
|--------------------------|---------------------------|
| Almon | Bain |
| Blain | Blake |
| Bowell | Buell |
| Burpee (Saint John) | Burpee (Sunbury) |
| Cameron (Cardwell) | Campbell |
| Carling | Carter |
| Cartwright | Casey |
| Chipman | Chisholm |
| Church | Cockburn (Muskoka) |
| Coffin | Crawford |
| Cunningham | Daly |
| De Cosmos | Dewdney |
| Domville | Doull |
| Edgar | Ferris |
| Findlay | Fleming |
| Flesher | Forbes |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Gibson | Grant |
| Grover | Haggart |
| Harvey | Hincks (Sir Francis) |
| Jones | Killam |
| Le Vesconte | Lewis |
| Little | McDonald (Pictou) |
| Mackay | McAdam |
| Merritt | Metcalfe |
| Mitchell | Moffatt |
| Morrison | Nathan |
| Nelson | Palmer |
| Paterson | Pickard |
| Richards | Robinson |
| Rochester | Ross (Middlesex West) |
| Ross (Prince Edward) | Ross (Victoria) |
| Ross (Wellington Centre) | Scrivner |
| Sibley | Smith (Peel) |
| Smith (Selkirk) | Smith (Westmorland) |
| Snider | Staples |
| Thompson (Cariboo) | Tilley |
| Tupper | Wallace (Albert) |
| Wallace (Norfolk South) | White (Halton) |
| White (Hastings East) | Wilkes |
| Witton | Wood |
| Young (Montreal West) | Young (Waterloo South)—84 |

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KENT, NEW BRUNSWICK CONTROVERTED ELECTION

Mr. COSTIGAN contended that the report of the Kent controverted election case, presented yesterday, could not be final by the law of New Brunswick. The Committee should either have reported that the sitting member was elected, or that the petitioner was elected, or that the election was declared void. The question was, had the Committee made either of such reports? He maintained that they had not; but even if they had done so, the House had taken no action upon it, while the law required that the House must pass an order upon the report of the Committee before it could be decided as final.

He therefore proposed the following amendment:—*Resolved* “That it be ordered that the report of the Select committee appointed to try the Kent controverted election case be referred to the Standing Committee on Privileges and Elections, with a view to their reporting to this House whether the said report was a final adjudication of the said controverted election case in accordance with the law of New Brunswick and the law generally practicable to such cases.”

Hon. Mr. BLAKE suggested to the hon. gentleman that he should put the motion before the House at the opening of the House tomorrow, instead of now, in order to enable members to consider the question.

Hon. Mr. CAMERON (Cardwell) said the motion required a notice as it affected the report of a committee. He would also suggest that the motion should stand till tomorrow.

Mr. COSTIGAN accepted the suggestion of the hon. member for South Bruce (Hon. Mr. Blake). All he asked was that the question be considered on its merits.

The motion was therefore withdrawn.

* * *

RAILWAY SIDINGS

Mr. MERCIER moved the third reading of the bill to amend the Act 34 Vic., Cap. 43, entitled An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their railways, and to amend the Railway Act of 1868.

Mr. SCRIVER moved that the said Bill be not now read a third time, but he referred back to the Committee of the Whole, with instructions to amend the same by inserting after the words “Railway Company,” in the sixth line, “if there is a telegraph line upon any portion thereof.”

The amendment carried. The House went into Committee, and amended the bill which was afterwards read a third time and passed.

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DUAL REPRESENTATION

On the Order of the Day that the House go into Committee on the Bill to compel members of the Local Legislature, in any Province, where Dual Representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament, and to make further provision in case of the election of disqualified candidates.

Mr. MILLS moved that the Order be discharged, and that the Bill be referred to a Select Committee—Carried.

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PROTECTION OF NAVIGABLE STREAMS

On motion of **Mr. CARTWRIGHT**, the House went into Committee of the Whole to provide for the better protection of navigable streams; and in making motion from report of the Commissioners appointed to inquire into the matter, he contended that these rivers were very considerably mismanaged in this respect, especially the Ottawa river, and he asserted that the Government was much to blame.

Mr. BELLEROSE in amendment, moved that the House go into Committee this day three months.

The amendment was lost on division and the House went into Committee, **Hon. Mr. CARLING (London)** in the chair.

Mr. CARTWRIGHT said the commission had spent several months examining the course of several rivers, and the evidence collected by the commission was totally at variance with the assertions of certain scientific gentlemen. The commissioners had reported that sawdust had accumulated in certain localities in the river Ottawa to such an extent as to impede navigation. The same was the case in other rivers, though to a more serious degree. It was a serious question whether, if this went on much longer, the actual navigable channels of the rivers would not be impeded.

Hon. Mr. CAMERON (Cardwell) saw no objection to the bill passing, so far as to prevent the mill-owners from throwing slabs and edgings into the rivers. He moved that the word “rubbish” should be struck out and “slabs” inserted instead.

Hon. Mr. MACKENZIE thought the practice should be put to an end to entirely, and at once as it was a shame to see such a splendid river as the Ottawa polluted as it was, and its navigable purposes considerably impaired.

Mr. YOUNG (Waterloo South) pointed out that there was a law on the statutes book preventing the throwing of sawdust into the streams, because of the injury thereby done to the fishing interest, and he was surprised that the Minister of Marine and Fisheries (Hon. Mr. Mitchell) did not take steps to enforce the law.

Mr. CURRIER had no doubt that if slabs and edgings had not been thrown into the river with the sawdust, the injury to the river

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would not have been what it at present was. The hon. gentleman was mistaken in supposing that the fish were driven away by this practice, for the river was full of fish. There would be great difficulty in carrying out this law with regard to sawdust, but he would not oppose the passage of the bill. He thought it would be improved by striking out the fourth clause, and an additional one being inserted providing that the Governor-in-Council shall have power to order, as regards casting sawdust into a navigable stream or river, by proclamation in the official *Gazette*, that certain named streams shall be exempted, and stating the time for which the exemption is granted.

Mr. WRIGHT (Ottawa County) was convinced that injury to the navigation had resulted from the practice of throwing slabs and scantling into the river, but he did not believe any such injury resulted from throwing sawdust into the stream. He was informed that the lumberers would not be able to remove this vast amount of sawdust without an almost complete cessation of their operations. He supported the amendment of the member for Cardwell (Hon. Mr. Cameron).

Mr. FORBES stated that his experience was that the rivers in his district had suffered extremely from the throwing of slabs and sawdust into them. He maintained that lumberers should not be permitted to throw sawdust and rubbish into the rivers. He believed, however, that the bill should not come into force immediately, as time was required to enable the mill-owners to meet the exigencies of the case.

Hon. Mr. MITCHELL said the Department of Marine and Fisheries could not in accordance with the law interfere with the throwing of slabs and sawdust into the Ottawa River. He had considered the question fully, and although his anxious desire was to protect the fish in the Ottawa River he found he could not enforce the law, and at the same time he felt even if he could have enforced the law, he would be taking a very bold step in interfering with the great lumber business of the Ottawa, which gave employment to so many thousands of hands. He was in favour of the principle of the bill, but thought the amendments of the hon. member for Cardwell (Hon. Mr. Cameron) or the hon. member for Ottawa (Mr. Currier) should be added in the interest of the vast lumber trade. He maintained that there was never any salmon in the Ottawa, but there were other kinds of smaller and inferior fish.

Mr. MACDONALD (Glengarry) doubted whether the fish of the Ottawa River could be protected without interfering with the lumber trade of the Ottawa. At the same time, he thought there was a way of preventing sawdust from being thrown into the river. He thought, however, that time should be given before the bill became law. He would, therefore, support the bill.

Hon. Mr. CAMERON (Cardwell) moved his amendment that the word "rubbish" in the second clause be struck out, that the words slabs and edgings be added and also the following proviso: "Provided always that the prohibition contained in this clause as to

sawdust in the Ottawa river and its tributaries shall have no operation until a proclamation is issued by the Governor General giving it force, and then only to such places as are mentioned in the proclamation."

Hon. Mr. MITCHELL thought the word "rubbish" should be included in the amendment. There was a portion of the sawdust which fell from the saw which could not be prevented from going into the rivers, but he was opposed to wholesale throwing of dust and rubbish into the river.

Hon. Mr. ANGLIN and **Mr. TROW** supported the original motion.

Mr. WILKES supported the Bill in its entirety and was not in favour of any amendments whatever.

Mr. BODWELL also supported the original motion.

Mr. LEWIS said it was impossible for the mill-owners of the Chaudière to prevent throwing sawdust into the river on account of the want of ground. Therefore it would not be fair to these men, after they had spent so much money in building their mills, to compel them to stop throwing the sawdust into the river. The amendment adopted the suggestion made in the report now before the House. He maintained that it was not the throwing of the sawdust into the rivers which destroyed their navigation.

Mr. ROCHESTER said the question was a very serious one to the Ottawa lumbermen. He maintained that the amendment should be added. He was perfectly satisfied that the spring freshet had always carried away the sawdust that was thrown into the River Ottawa from the mills. It would be a serious question to interfere with the lumbering business of the Ottawa by the passage of this bill. Some remarks had been made about the destroying of the fish in the Ottawa. He was thoroughly convinced that there were no important fish in that river.

Hon. Mr. POPE (Compton) maintained that the sawdust would not remain in the river if the slabs were not thrown in also. The spring freshet was sufficient to carry all the sawdust out of the river. It would not be fair to the mill-owners of the Chaudière if this bill was passed.

Mr. FORTIN spoke in favour of the amendments.

Mr. CARTWRIGHT would accept the amendment if the time was restricted to twelve or eighteen months.

The Committee rose and reported the bill as amended.

The first, second, and third clauses were adopted, as also the amendment of **Mr. CURRIER** to the fourth clause.

The Bill as amended was read a third time and passed.

GOVERNMENT BUSINESS

In reply to Hon. Mr. Mackenzie,

Hon. Mr. TILLEY said the first order of business tomorrow would be Government Bills, and afterwards Committee of Supply.

EXAMINATION OF WITNESSES ON OATH

Hon. Mr. MACKENZIE said the leader of the Government said at six o'clock that he would probably inform the House tonight about the Administration of Oaths Bill.

Hon. Mr. TILLEY: Tonight or tomorrow.

Hon. Mr. MACKENZIE: Then the Government is not in a position to give the information?

Hon. Mr. TILLEY: No.

The House then adjourned at 11.30 p.m.

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HOUSE OF COMMONS

Thursday, May 1, 1873

The **SPEAKER** took the chair at 3.25 p.m.

Prayers

REPORTS

Hon. Mr. CAMPBELL presented the report of the General Committee of Elections, reporting that they had caused to be added to the chairman's panel Messrs. Dormer and Richard.

Hon. Mr. GIBBS (Ontario South) presented the second report of the Committee on Public Accounts, submitting the evidence taken in respect to section No. 5 of the Intercolonial Railway.

* * *

ELECTION PETITIONS

Hon. Mr. CAMPBELL moved that the order of the House referring election petitions on which the recognizance were objectionable to the General Committee of Elections be discharged.—Carried.

* * *

LARCENY

Mr. CHIPMAN introduced a bill to amend chapter 21 of the Acts of 1869, 32 and 33 Victoria, respecting larceny.

* * *

MEMBERS' QUALIFICATIONS

Mr. JETTÉ introduced a bill to abolish property qualifications for members of the House of Commons.

* * *

REGISTRATION OF INLAND VESSELS

Hon. Mr. MITCHELL moved the House into Committee of the Whole to consider the following resolution:—"That it is expedient to repeal chap. 41 of the Consolidated Statutes of the Province of Canada, respecting the registration of inland vessels, and to make provisions common to the whole Dominion on that subject, as well

as with respect to the necessity of advances on ships in course of construction."

The House went into Committee **Hon. Mr. CAMPBELL** in the Chair.

Hon. Mr. MITCHELL explained that the object of the bill was to assimilate the system of registration of vessels which prevails throughout the Dominion. At present there were two systems. In the Maritime Provinces, Quebec and British Columbia vessels were registered under the British Merchants Shipping Act, while ships on the inland waters of Ontario were registered under the old registration law of Canada. The systems were entirely different; the measurements were different, and when it was attempted to make up the amount of tonnage possessed by Canada, it was impossible to do so correctly, as a ton in one place did not represent a ton in New Brunswick. The object of the bill was, therefore, to assimilate the laws of the Dominion. Another intention of the bill, and one of considerable importance to us as a shipping people, was one which would facilitate the obtaining of advances on shipping property, and to give greater security to those making advances.

Hon. Mr. MACKENZIE asked if it was proposed to enable ship-builders to give a preferential lien on a ship in course of construction to parties advancing money to aid in its construction.

Hon. Mr. MITCHELL said the object was to enable persons building vessels to borrow money for that purpose on the security of the vessels, which security would, of course, be a first lien. In answer to **Hon. Mr. Dorion (Napierville)** he said the provisions of the Act he would introduce would combine such provisions of the old Canadian Act and the British Merchants' Shipping Act as were adapted to the other requirements, but that the system of measurement would be that laid down in the British Shipping Act.

He (**Hon. Mr. Mitchell**) said that the resolution would provide that advances made on vessels in course of construction, should be a first lien thereon.

Mr. KIRPATRICK said chapter 42 ought also to be repealed.

* * *

ELECTION CASES

The **SPEAKER** took the chair, and ordered the members to be called in.

The following members were then sworn to try the Brockville election petition:—Messrs. Currier, Gibbs (Ontario North), Bodwell, Gillies and Scatcherd.

The following members were sworn to try the Durham East election petition:—Messrs. Pozer, Wallace (Norfolk South), Bergin, Gillies, Nathan and Galbraith.

The following members were sworn to try the Stormont election petition:—Messrs. Wright (Ottawa County), Thompson (Cariboo), Burpee (Sunbury), Jetté and Oliver.

The following members were sworn to try the Quebec Centre election petition:—Messrs. Ross (Champlain), Pâquet, White (Halton), Kirkpatrick and Masson.

The following members were sworn to try the Addington election petition:—Messrs. Brown, Grover, Haggart, Nelson and Carter.

The Committees were severally ordered to meet tomorrow.

* * *

REGISTRATION OF INLAND VESSELS

The House again went into Committee.

Mr. CASGRAIN agreed in the principle of the resolution, but thought this House had no right to legislate except for ships registered in our own ports. Many of the ships in the Province of Quebec were registered in Liverpool.

Hon. Mr. MITCHELL understood that the House had no power to legislate in regard to ships built and registered abroad. It would be better to discuss the details of the bill when it was brought down, and the members could examine its provisions.

The resolution was then adopted, and the Committee rose and reported.

The resolution was then read a first and second time, and a bill founded thereon was introduced and read a first time.

* * *

PETERBOROUGH WEST CONTROVERTED ELECTION

Mr. PALMER presented the second report of the Peterborough West Election Committee, recommending the extension of the time for receiving objections till the 7th of May.

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THE KENT CONTROVERTED ELECTION

Mr. COSTIGAN resumed the discussion of his motion to refer the report of the Kent Election Committee to the Committee on Privileges and Election. He would ask that it be referred to the Standing Committee on Privileges and Elections, for them to report whether it was a final adjudication according to the law of New Brunswick and the law generally on the subject.

Hon. Mr. CAMERON (Cardwell) said Mr. Costigan had overlooked an important precedent in New Brunswick, where the circumstances were nearly the same as is the present case and where the Committee took the common sense view of the case, that the dismissal of a petition *ipso facia* declared the election to be sustained. In every case, without exception, it had been the practice for the House to accept the finding of the Committee as absolutely final. He read several New Brunswick precedents, bearing out this view of the case, and he suggested that all that was necessary was for the Chairman of the Committee to move that report be received by the House.

Hon. Mr. DORION (Napierville) said there were two New Brunswick cases of a similar nature, and in which similar decisions had been arrived at. He did not find that it was necessary to move that the report of the Committee be adopted by the House, and he quoted from New Brunswick sessional records in proof of the position. He took for granted that the reception of the report was taken as a matter of course, as in one case, at least, no order for acceptance of the report was to be found in the record. He moved that the Clerk of the Crown in Chancery amend the return according to the finding of the Committee. There was no need for referring the matter to the Committee on Privileges and Elections, nor even, for that matter, of moving that the report be received, although custom in New Brunswick was in favour of that procedure.

Mr. MACKAY contended that the law of New Brunswick had been acted up to.

Hon. Mr. BLAKE thought there was substantially a final dismissal of the matter by the report of the Committee. He was of opinion that under the statute no motion for its reception was necessary and, as this was not done, he did not think that it should be done, because the statute pointed out the proper course. He advised the hon. gentleman to withdraw his motion, as it was a dangerous procedure to refer reports of election Committees to any other tribunal.

Hon. Mr. McDONALD (Pictou) quite agreed as to the desirability of the decision of the Committee being final, but the question was whether that Committee reported according to the statute under which they acted. If they had not, then he thought they were amenable to this House the same as any other committee of the House. He contended they had not the right to discuss the petition, because the statute gave them no power to do so. The statute stated what they were to try, and the only thing the Committee had to found their action upon was one New Brunswick precedent.

Hon. Mr. DORION (Napierville) said he must deny the statement that there was only one precedent from New Brunswick, which the hon. member had repeated several times. He quoted from decisions in several cases to show that reports were made not in the terms named in the terms of the statute. Of those there were six or seven. In only one case had he found the terms of the statute strictly

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adhered to. Every one must admit that dismissing the petition was equal to saying that the sitting member was entitled to his seat.

Hon. Sir JOHN A. MACDONALD said that according to the reports quoted of the motion of the Committee in New Brunswick, he could not agree with the hon. member for Pictou (Hon. Mr. McDonald). If the question had to be decided according to the law of Old Canada or Great Britain he could agree with him. He advised the mover to withdraw his motion, as it was apparent from what had been said by the members of the Committee, that they intended to have reported in the terms of the Statute in favour of the sitting member; and as a new mode of deciding controverted elections would hereafter be in force, no dangerous precedent could be established on account of the mere wording of the report.

Mr. COSTIGAN did not wish to press the motion upon the House when it did not appear to receive reasonable support from the House. He would only say that he felt satisfied with the course he had taken, and considered the motion necessary. He would, however, withdraw his motion.

* * *

EXAMINATION OF WITNESSES ON OATH

Hon. Mr. MACKENZIE reminded the Minister of Justice that he intimated to the House the other day that he would yesterday or today inform the House as to whether or not the consent of His Excellency was to be given to the Oaths' Bill, and when. He would ask the hon. gentleman if he had such information now, as he had not been in the House last night when he (Hon. Mr. Mackenzie) put a question to the Government on the matter.

Hon. Sir JOHN A. MACDONALD said in reply that he had permission from His Excellency to say that his advisers had advised him to give consent to the Bill, and that he had now that advice.

* * *

MAIL SERVICE: ALLAN STEAMERS

Hon. Mr. TUPPER wished to call the attention of the House to the correction of a statement made by him in regard to the time taken by the Allan and Inman line. The statement made by him, and reported in the newspapers, was as follows: "Hon. Mr. Tupper, in reply to a question, said no subsidy was granted to the Allan Company by the Imperial Government. He read a statement to show that during the summer months mails were delivered in Montreal at the same time, whether coming by the St. Lawrence or by New York, and instanced the case of the *Scandinavian*, which left Liverpool on the 22nd of August, the mail being delivered in Montreal on the 2nd of September, whilst the mail by the *City of Paris*, which left Liverpool on the 23 August, was delivered in Montreal on the 3rd of September thus occupying the same time." He had this morning received the following letter from Mr. Andrew Allan, with respect to the matter:—

"Montreal, 30 April, 1873".

"Sir,—In the proceedings of the House of Commons, published in the newspapers this morning, you are reported to have said what is contained in the slip attached. You have somehow been led into error. What I am going to state, you can depend on as being true, and I ask you to correct your mistake in your place in the House of Commons as publicly as you made the statement I complain of. The *Scandinavian* sailed from Liverpool at 10.45 p.m. on the 22nd of August, and arrived at Quebec at 4 p.m. on the 1st of September, making the net passage in nine days, three hours and fifteen minutes. Her mails were delivered in Montreal at 5.50 a.m. on the 2nd of September. I have looked up the London *Shipping Gazette*, and find that the *City of Paris* sailed on the 22nd of August instead of the 23rd, as stated by you, and I have ascertained from the Post Office authorities here that her mails reached Montreal at 1.45 p.m. on the 3rd of September, thus, although both steamers sailed from Liverpool the same day, the mails by the *Scandinavian* were delivered here in one day, seven hours and forty-five minutes less time that were those of the *City of Paris*, instead of having been delivered in the same time, as you are represented to have said. I may mention that the *Scandinavian* was detained at Moville five hours waiting for the mails, and nine hours by fog in the Gulf of St. Lawrence.

"I am, Sir"

"Your obedient servant",

(Signed)

"Andrew Allan."

Hon. Mr. TUPPER resuming, said he had immediately sent the letter over to Mr. Griffin asking an explanation, who had replied by the following note:—

"Sir,—Referring to the statement recently published of the time occupied by the *Scandinavian*, of the Allan Line, and by the *City of Paris*, of Inman Line, in the delivery of their respective mails from England at Montreal in August and September last. I regret to find that the Montreal post office returns from which the information was taken were so far incorrect that they gave, as respects the Inman steamers, under the head of departure from Liverpool, not the date of sailing from Liverpool for New York, but the date the mail for Montreal was put on board the steamer at Cork on the day after leaving Liverpool. This mail was made upon the 23rd of August on the Dublin and Cork Railway. As a matter of fact the *Scandinavian* for Quebec, and the *City of Paris* for New York, left Liverpool on the same day, Thursday, the 22nd August, and the mails brought by the *Scandinavian* reached Montreal early on the morning of the 2nd of September, whilst the mails brought by the *City of Paris* arrived in Montreal from New York in the afternoon of the 3rd September, that is on the following day.

“I have the honour to be”,

“Your obedient servant”,

“W.H. Griffin”.

“To the Hon. C. Tupper, C.B.”

He felt that it was only justice to the House and the steamship lines that he should make these statements.

Hon. Mr. YOUNG (Montreal West) said there was no wonder that the *Scandinavian* should arrive before the *City of Paris*. She had such a much shorter distance to run. He maintained that the Allan Line should deliver their mails twenty-four hours earlier than the New York line.

* * *

MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate stating that they had passed without amendment the two following bills:

An Act to amend the Act respecting the Montreal and Champlain Railway Company.

An Act to amend the charter of the Dolphin Manufacturing Company.

* * *

INFLUENCING OFFICIALS

Hon. Mr. MACKENZIE said the Hon. Minister of the Government promised to say today what communication the Government had to make concerning the matter of the letter of Mr. Gilbert Griffin to a postmaster during the late election.

Hon. Mr. TUPPER said he had referred to his hon. colleague the Minister of Justice to give this information and he did not therefore acquaint himself with the particulars of the matter. He had therefore to crave the indulgences of his hon. friend, and would give an answer tomorrow.

* * *

ALLOWANCES TO JUDGES

Hon. Sir JOHN A. MACDONALD moved that the House go into Committee tomorrow to consider the resolution on the subject of the allowance to judges for duties, under the proposed Act, to make better provisions respecting election petitions and matters relating to controverted elections of members of the House of Commons, the expenses of witnesses, and the duties and remuneration of the clerk of the election court created by virtue of the said Act.—Carried.

Hon. Sir JOHN A. MACDONALD moved that when the House adjourns on Friday, it will stand adjourned till Saturday at three o'clock p.m. and that the order of proceeding to the same as on Friday. He hoped the House would not object to sitting from three on Saturday, till such hour as they might adjourn, in order to get through the business as members were anxious to get home.

The motion was carried.

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BEE T ROOT SUGAR

Mr. JOLY enquired of the Minister of Finance when the resolutions with respect to Beet Root Sugar would be considered.

Hon. Mr. TILLEY replied that in a day or two they would be considered.

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THE NORTHERN RAILWAY

Hon. Mr. MACKENZIE said he considered the next order, with regard to the Northern Railway, as extraordinary. He (Hon. Mr. Mackenzie) had a notice on the paper for a statement of the affairs of the Company, which it had been impossible to reach as yet. He hoped therefore, this resolution would not be pressed till that statement was moved for and brought down.

Hon. Mr. TILLEY promised not to press the motion until the statement desired was brought down.

* * *

UNOPPOSED MEASURES

Hon. Mr. BLAKE suggested that some arrangement should be made for the passing of some of the unopposed measures which were on the paper, and made it very bulky.

Hon. Sir JOHN A. MACDONALD agreed with the hon. member and proposed that when the House was tired the Government measures should be dropped, and that the orders on the paper should be called over and the unopposed measures proceeded with.

* * *

THE INTERCOLONIAL RAILWAY

Hon. Mr. MACKENZIE said there was another matter to which he wished to refer. With regard to the evidence taken before the Committee of Public Accounts in respect to the Intercolonial Railway, he thought it should be printed. He would therefore move that the said evidence be referred to the Printing Committee.

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Hon. Mr. GIBBS (Ontario South) had enquired of the printer about this matter, and had found that it could not be printed at present. There were, however, seventy-five copies already printed, which might perhaps be all that would be required.

Hon. Mr. MACKENZIE thought the seventy-five copies would be sufficient, and therefore withdrew his motion.

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SAVINGS BANKS

Hon. Mr. TILLEY moved the third reading of the bill to amend the Act respecting savings banks.—Carried, and the bill passed.

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IMPROVEMENT OF NAVIGATION

On motion of **Hon. Mr. TILLEY**, an Act to authorize the loan of one and a half million dollars, to be expended in the improvement of the navigation of Lake St. Peter and the River St. Lawrence, and to authorize the imposition of tolls, should it be necessary to meet the interest thereon, was read a third time and passed.

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WEIGHTS AND MEASURES

On motion of **Hon. Mr. TUPPER**, the House went into committee on the bill respecting weights and measures.

Hon. Mr. TUPPER explained that in reference to the question of the bushel, which this bill undertook to define, the number of pounds that there should be to the bushel of a variety of articles, such as grain, salt, dried fruits, et cetera, that the Committee of Banking and commerce had amended the bill by providing that after the 1st of January 1874, all these articles should be sold by the centigrade.

Mr. KILLAM thought some provision should be made for a uniform system of gauging. It should be stated in the bill whether the contents of a cask should be determined by caliper or by rod. It was suggested that the bill should be printed with the amendments, before being finally passed by the Committee.

Hon. Mr. TUPPER said he would be very glad to do this were it not that the very great difficulty in getting printing done just now would very greatly delay the measure. He explained that the only changes made in the bill were two, the first providing that after the 1st of January, 1874, all the various articles enumerated, such as grain, salt, dried fruit, etc., should be sold by centigrade, and the second that the provision of the bill by which the minot was to be retained, should be struck out.

Mr. KIRKPATRICK was sorry that no provision was to be made for the establishment of a uniform system of gauging throughout the Dominion. He was the more sorry for this, because he knew that the trade throughout the country were desirous of it having a uniform system of gauging, and so unanimous were they on the subject, that the Dominion Board of Trade at its last session had passed the resolution urging a change in the system.

Hon. Mr. TUPPER said that certain provisions that he had suggested in this respect had been discussed in the Committee of Banking and Commerce, when it was found that they were not quite prepared to adopt the resolutions. The subject would, however, receive the careful attention of the government, and he was in hopes that next session they would be prepared to introduce such a measure as would prove satisfactory. The Committee then rose and reported the bill as amended, and the amendments were read a first and second time.

The third reading was put upon the order of the day for tomorrow.

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

AFTER RECESSS

DECK LOADS

Hon. Mr. MITCHELL moved the third reading of the bill respecting deck loads.

Hon. Mr. YOUNG (Montreal West) moved in amendment that the bill be not now read a third time, but that it be referred back to a Committee of the Whole, with instructions to amend the same by inserting the words "first of September," instead of "1st of October" for ships carrying deck loads from the St. Lawrence to Europe. He pointed out the great danger of allowing ships with deck loads going to sea during the stormy season. He did not expect the amendment to carry, but wished it placed on the journals of the House.

Hon. Mr. CAUCHON thought as the Bill, as it then stood, had been approved of by the Committee to which it was referred, it should be allowed to pass as it stood.

After a few remarks from **Mr. KILLAM**, the amendment was lost on a division and the bill was read a third time and passed.

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SUPPLY

On motion of **Hon. Mr. TILLEY** the House then went into Committee of Supply.

Hon. Mr. MACKENZIE asked when the hon. gentleman intended to submit his supplementary estimates?

Hon. Mr. TILLEY: They will be laid on the table tomorrow at 3 o'clock.

The first item was \$2,027,204 subsidies to Provinces, which was passed after some discussion upon the non-separation of the same granted to Ontario and Quebec in the estimates.

The next item was \$157,700 for salaries of officers and inspectors of excise.

Hon Mr. MACKENZIE asked for an explanation of the increase of some ten or eleven per cent in the salaries of excise officers; also, he desired to know how the \$75,000 which the government had given notice that they would ask for to increase salaries was to be divided. He reminded the Minister of Inland Revenue (Hon. Mr. O'Connor) that in the Public Accounts Committee it had been generally agreed that it was undesirable that the inspectors of Inland Revenue should get any portion of the seizures, and on that ground their salaries had been increased. Now he understood that the inspectors continued to share the seizures.

He had heard it stated by junior officers that frequently when seizures took place the inspector obtained the share of the seizure, while the local officer, by whom the fraud had been discovered, received no share of it. While he admitted that it was desirable that the lower grade of officers should receive a share of the seizures as an incentive to them more zealously to perform their work, he thought it was equally desirable that the inspectors should not share in the seizure. Of course in that case it would be necessary to increase the salaries of these latter.

Hon. Mr. TUPPER entirely concurred with the hon. gentleman that this was a proper time to give the explanations desired. He could, however, hardly be expected to go into any general statement in reference to a subject that would come under the consideration of the House in a few days, when the House was to be asked to vote a sum of \$75,000 to defray the cost of the increase in salaries.

He might say that there seemed to be a common accord on both sides of the House that salaries that were adequate a few years ago were not adequate now; that in consequence of the increase in the price of all necessities of life, if they desired to give to their officers the means of living comfortably, it was indispensable to make proportionate increase in their salaries. There was no class of the public officers whose salaries it was so necessary should be adequate in order to secure a due performance of their duties, as the officers of Inland Revenue. There was no class of officials who were so subject to temptation as the officials of this Department. It was well known that the slightest relaxation of official vigilance might be worth an enormous amount of money to the persons who those officers were appointed to supervise, therefore it was a matter of importance in the public interest that they should have a

sufficient salary to remunerate them, and to secure a due performance of their duties.

He was glad to hear the principle laid down by the hon. member for Lambton (Hon. Mr. Mackenzie). This principle had been adopted by the Government, and for a year past no inspectors had been allowed to participate in seizures. The right to participate in seizures having been taken away from these officers it had been found necessary to increase their salaries, and it had also been found necessary to increase the salaries of the gentlemen charged with the collection of Inland Revenue. An increase was also occasioned by the establishment of branches of the Department in British Columbia and Manitoba. He then proceeded to state in detail the increases that had been made.

Mr. PATERSON thought it was a question, now that the salaries of these officers had been increased, whether any of those officers should participate in the proceeds of seizures. The machinery of the law of Inland Revenue was so intricate that it was not desirable to give officers any inducement to seize the goods of manufacturers beyond what they derived from a desire to do their duty for a sufficient salary. He hoped the Minister would take the matter into his consideration.

Hon. Mr. TUPPER said this was a very important question, and had received the attention of the Government. They had not thought it desirable to take more than a step in the direction indicated, for, as the hon. gentleman had shown, a great incentive would be given to manufacturers by the adoption of that system. He asked the hon. gentleman if he thought a salary of \$700 a year, with any participation in the profits of seizure, would be sufficient to protect an officer from the inducements which might be offered to him by wealthy manufacturers to be lax in the exercise of his duties.

The item then passed.

The following items also passed:—Travelling Expenses, Rent, Fuel, Stationery, Postage, Furniture, et cetera. \$37,500 Preventive Service 4,000.

On the item of \$6,400 to provide for additions to the Outside Service of the Excise Department as may be found necessary,

Mr. WILKES referred to the excise duty of five cents per gallon charged on petroleum, and expressed an opinion that it would be better to charge a round sum per barrel on the inspection of oil. The five cent tax had been imposed at the request of some oil corners (*hear, hear*), and the Government had left the duty in force, after the corners had ceased.

Hon. Mr. MACKENZIE said the article consumed in Canada was subjected to the tax, while the oil sent out of Canada was not subjected to it.

The Minister of Justice (Hon. Sir John A. Macdonald) had been pleased on the hustings to connect his (Hon. Mr. Mackenzie's)

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name with some oil transactions. He had defied him to prove any such connection on his part. Neither himself, nor any one connected with him, had had any connection, good, bad, or indifferent, with any agitation for the imposition of duties. Neither did any one connected with him derive any advantage from it.

He made this statement publicly, because hon. gentlemen had cheered when the member for Toronto Centre (Mr. Wilkes) referred to some corners having had the duty imposed. When his (Hon. Mr. Mackenzie's) opponent at the election in Lambton had, not by himself, but by infamous placards printed without the name of any individual or printing officer being attached, circulated these statements, he (Hon. Mr. Mackenzie) had taken the most effectual means not only to make it impossible for any one to prove them, but to enable himself to prove them false.

As to the imposition of this duty he did not think the manner of levying it was the wisest that could be adopted, or one that could well be defended, while it had been almost unanimously denounced by the trade. It was not wise to place exceptional burdens on this kind of any one article, unless there was a complete system of inland taxation upon production of all kinds. The oil manufactured in Canada, so far as safety was concerned was far superior to any manufactured in the United States oils.

Hon. Mr. TUPPER had learned with a good deal of surprise that such an ardent, extreme, almost ultra, free trader as the hon. member for Toronto, should have in another place very ably sustained a principle which appeared to him to strike at the very foundation of anything in the shape of free trade. We must have a revenue, and if we did not secure it by the imposition of customs duties, we must obtain it by means of direct taxation. The hon. gentleman must not object to custom duties on the one hand and to excise on the other, at all events not until he had developed further some more tangible scheme of direct taxation by taxing the land of the country. There was a body to which the hon. gentleman belonged to whose opinions he (Hon. Mr. Tupper) deferred a good deal, namely, the Dominion Board of Trade. Their opinions were entitled to considerable respect, though not to be implicitly followed by the House. This subject was very ably considered by this body recently, and the motion to remove this excise duty from petroleum was defeated by an amendment which declared that no change in the duties would be recommended during the present year. This amendment was carried by 33 to 18, and the course taken by the Government was, therefore, in consonance with the opinions of the Dominion Board of Trade on the question.

Mr. WILKES though regarding petroleum oil as one of our mining industries, thought it was not the class of article to be seized to make up the revenue. He only wished to say that the point he raised was not the abolition of the duty but the mode of raising it should be altered, and ameliorated.

Hon. Mr. TUPPER said the remarks of the hon. member for Toronto Centre (Mr. Wilkes) had been replied to a great part by the hon. member for Lambton (Hon. Mr. Mackenzie) and he urged that

it is required in the interest of free trade, of which the hon. member for Toronto Centre (Mr. Wilkes) was an advocate, that the revenue be raised from such source.

The item was then passed.

The following items were then passed:—

To pay Collectors of Customs in New Brunswick and Nova Scotia, allowances on duties collected by them, estimated at \$2,700

To pay expenses in connection with Weights and Measures \$10,000

The item under the head of Culling Timber, for salaries and contingent expenses of Culler's officer, of \$78,000 also passed:—

Salaries and contingencies of canal officers \$28,970, Collection of slide and boom dues \$13,875, Ontario and Quebec \$435,000

On item of \$1,559,000, on the Intercolonial and other Government railways in Nova Scotia and New Brunswick,

Hon. Mr. HOLTON asked the Minister of Public Works if he could give any idea of the gross traffic returns on the road; by whom the traffic was arranged, and whether the dead-head system had been abolished on the railway.

Hon. Mr. LANGEVIN said he could only speak approximately as to the gross traffic returns. In 1870 the Government railways in Nova Scotia yielded \$275,000, and those in New Brunswick \$195,000. In 1871, \$314,000 in Nova Scotia and \$251,000 in New Brunswick, and in 1872, \$328,000 in Nova Scotia and \$294,000 in New Brunswick. They had the returns from the amalgamated lines from November to March. In November, 1872, the return was \$64,000; in December, \$18,000; in January, 1873, \$50,000; in February, \$42,000 and in March, \$46,000. By that return they might safely expect about \$700,000 or \$750,000 from the Government railways in New Brunswick and Nova Scotia, including the Intercolonial Railway there. He had no means of giving the return from Rivière du Loup to the Matepediac roads.

In answer to the second question of the hon. gentleman, he would state that the tariffs were prepared by the Superintendent of the railways in Nova Scotia and New Brunswick. They were then discussed by the Department, and submitted to the Council, and an Order in Council having been passed, they were published, and could not be changed without the sanction of the Government. As to the dead-head system, he would say that he had reduced it as much as possible. There was a list of persons having free passes upon these railways, and the persons receiving the privilege were the same as on other railways.

Hon. Mr. HOLTON discussed the subject of that vast excess of the cost of running the Government railways over the receipts therefrom. He thought the Department of Public Works should not be charged with the labour of managing these railways. He also

declaimed against the system of free passes. He believed public servants should have no passes on any railways whatever, and hoped the system would be abolished by the Government during this year.

Mr. ALMON thought in some cases passes could not be abolished.

Mr. YOUNG (Waterloo South) said they were abolished on other lines.

Hon. Mr. LANGEVIN said they were probably not so much abolished as the hon. gentleman believed. (*Hear, hear.*) At any rate he did not think that it amounted to actual prohibition. He pointed out that telegraph officials, and others of a similar kind, must of necessity have free passes.

Hon. Mr. HOLTON expressed himself satisfied with all the answers except the last, from which he was sorry to learn that the free pass system—a most vicious system, he would take the opportunity to say—had not been entirely abrogated.

Hon. Mr. MACKENZIE said it would be better to let the officials referred to as being granted free passes pay their fares in the usual way, and let the public exchequer reimburse them to that extent. There might be some excuse for continuing this system on railways owned by private companies, but none of those owned and worked by the Government.

He gave the Minister of Public Works notice that on concurrence he would call the attention of the House to certain matters connected with the construction of the Intercolonial Railway, especially with reference to the investigation before the Public Accounts Committee.

Hon. Mr. MACKENZIE gave the Government notice that when the House again went into Committee of Supply he intended to call attention to certain expenditures on the Intercolonial, which had been investigated in the Public Accounts Committee.

Hon. Mr. YOUNG (Montreal West) considered the location of the Intercolonial as a great mistake, and believed there was no chance of the Intercolonial being used in winter, and during summer the steamboats would take its place. He urged upon the Ministry to give up the whole scheme, which, as a commercial enterprise, he contended, had no basis whatever.

Mr. BURPEE (St. John City and County) believed the revenue to be derived from the New Brunswick part of the railway would be very considerable, if there was sufficient rolling stock.

Hon. Mr. MITCHELL said the location of the Intercolonial had been decided after months of calm deliberation. Not only had the question of trade to be considered, but the question of the interests of the vast land population had also to be considered. He would like to ask the hon. member for Montreal (Hon. Mr. Young) how their

interests were to be considered by the steamboat lines. He maintained that the cost of the railway was not going to be twenty-one million, as had been said by Mr. Young of Montreal.

Hon. Mr. YOUNG (Montreal West) contended that there were lines being built which would bring Halifax two hundred miles nearer Montreal than the Intercolonial.

In reply to Mr. Oliver,

Hon. Mr. LANGEVIN said that in fixing the tolls on the Intercolonial, no discrimination was made between large and small shippers. The vote then passed.

The item of \$33,000 for telegraph lines in British Columbia passed.

The following items, under the head of Post Office, were then taken up:—

| | |
|--|-----------|
| Ontario and Quebec Mail Services:— | |
| Grand Trunk Railway | \$167,000 |
| Great Western Railway | 45,000 |
| Other Railways | 90,000 |
| Steamboat Service | 40,000 |
| Ocean Mail Service | 10,000 |
| Stage and other ordinary conveyance | 270,000 |
| Salaries of Outside Services— | |
| Inspectors, Post-masters, Clerks, City Post Officer, Railway Clerks, et cetera | 280,000 |
| Miscellaneous including City Post Offices | 72,000 |
| Nova Scotia Mail Services:— | |
| Railways | 20,000 |
| Steamboat Service | 2,000 |
| Stage and other ordinary conveyance | 80,000 |
| Salaries of Outside Services | 30,000 |
| Miscellaneous | 12,000 |
| New Brunswick Mail Service:— | |
| Railways | 20,000 |
| Steamboat Service | 6,000 |
| Stage and other ordinary conveyance | 44,000 |
| Salaries of Outside Services | 30,000 |
| Miscellaneous | 12,000 |
| Manitoba Mail Services:— | |
| Stage and other ordinary conveyance | 14,000 |

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| | |
|-------------------------------------|-------------|
| Salaries of Outside Services | 4,000 |
| Miscellaneous | 2,000 |
| British Columbia Mail Services:— | |
| Steamboat Service | 18,000 |
| Stage and other ordinary conveyance | 37,000 |
| Salaries and Outside Services | 9,000 |
| Miscellaneous | 2,000 |
| | ————— |
| | \$1,316,000 |

On the items for mail services on railways,

Mr. YOUNG (Waterloo South) called attention to the great increase in the expenses of the Post office Department. There was an increase in the estimates over last year of \$112,000 and the increase in the six years since Confederation was \$424,000. He also noticed the deficiency of revenue as compared with the expenditure. A few years ago there was a surplus, while now the deficiency amounted to \$237,000. He admitted that the expanse of our territory necessarily demanded increased expenditure in the Post office Department but he could see no reason for so large an increase. He was afraid there was a tendency to extravagance in this Department, and there was room for the exercise of a little wholesome economy.

Hon. Mr. TUPPER said the increase was fairly accounted for by the additional expenses of Manitoba and British Columbia and the opening up of new settlements in other parts of the Dominion. Then, it was to be remembered that the postage rates were recently very considerably reduced.

Hon. Mr. MACKENZIE said he had received several letters complaining of the management of the Post-office Department. He referred especially to some letters he had received from British Columbia, making certain complaints, to which he would call the attention of the Government, and also to another complaint received from Cape Breton. He referred to several items in the estimates for mail service, respecting which some explanation was needed.

Hon. Mr. TUPPER asked the hon. gentleman either for the letters or for extracts, in order that he might convey them to the Postmaster General.

Hon. Mr. MACKENZIE would give extracts. He then asked explanations with respect to several items.

Mr. THOMPSON (Cariboo) had received no complaint about the mail service in British Columbia. As regards the stage and other ordinary conveyance, he could tell hon. gentlemen that several new routes and new post offices had been opened.

Mr. FARROW desired to call the attention of the Government to the excellent suggestion thrown out the other day by the member

for Oxford South (Mr. Bodwell), which, if adopted, he was satisfied would greatly increase the revenue of the Post office Department and at the same time would be a great convenience to parties living at a distance from banks.

He referred to the suggestion to reduce the rates for sending money orders in places at a distance from the banks. People were obliged to send money either by registered letter or by money order. It was some risk to send by registered letter, and therefore if the rate for money orders was reduced from a half cent to a quarter per cent, there would be a large increase in money orders, and that much of the Post office revenue would be proportionately increased. He thought this letter should receive the attention of the Government, and this was the proper time for calling attention to it.

Mr. THOMPSON (Cariboo) urged the Government to extend the money order system to British Columbia.

Hon. Mr. TILLEY said the increase in the post-office Department expenditure was nearly met by the increased revenue, where an increase had taken place it was counted for by a greater convenience in areas which did not bring sufficient revenue to meet their own costs.

Hon. Mr. TUPPER said he was not in a position just now to explain the item for mail service in Ontario, but he had no doubt it could be done satisfactorily. The item for ocean mail service he supposed to be for mail clerks on the Allan steamers to the St. Lawrence.

Mr. MILLS suggested that a reduction on the postage of newspapers should be effected. With regard to those from the office of publication, but forwarded from news office, they should, he thought, be placed on the same footing as newspapers mailed from the office of publication, and he had no doubt the increase in the number posted would take up any deficiency in the revenue.

Hon. Mr. TUPPER said he would call the attention of the Postmaster General to this question. With regard to Post-office orders the Postmaster had considered the subject, and concluded that any further reduction would cause a deficit in the revenue.

Mr. BODWELL pointed out that very little money order business was done in places distant from the banks, because of the high rates imposed. If the rates were reduced he felt certain the revenue would be considerably increased, and he hoped the Government would consent to a reduction.

Mr. YOUNG (Waterloo South) referred to public documents to show that the figures he had previously quoted respecting the revenue and expenditure of the Post-office Department were correct.

Hon. Mr. MACKENZIE enquired on what terms the new railways were paid for mail conveyance.

Hon. Mr. TUPPER presumed the arrangements were the same. He would, however, enquire. The items then passed, as also the item of \$10,000 for minor revenues.

The item was then passed, and the Committee rose and reported progress.

UNOPPOSED NOTICES OF MOTION

The House then took into consideration such notices of motion as would be passed without discussion.

Mr. MATHIEU moved for copies of letters, petitions, et cetera, respecting the improvement of the Richelieu River and the Chambly Canal.—Carried.

Hon. Mr. CAMPBELL moved for correspondence relating to the wreck of the *Atlantic* on the coast of Nova Scotia.—Carried.

Mr. EDGAR moved an address for an account of the Naval Reserve lands in Ontario, handed over to the Dominion government by the Commissioners of the Admiralty.—Carried.

Mr. WILKES moved for a return of public buildings insured against fire since Confederation.—Carried.

Hon. Mr. MACKENZIE in the absence of the Hon. Mr. Richards (Leeds South) moved for the return of patents issued for islands, or parts of islands, in the St. Lawrence, in front of, or forming part of the County of Leeds.—Carried.

Mr. OLIVER in the absence of Mr. Cook (Simcoe North) moved for a copy of the memorial purporting to be from the town of Collingwood, asking to have the port made an independent port of entry.—Carried.

Mr. FOURNIER moved for the correspondence in relation to the right of fishing granted for rivers running through the Seigniorship of Mingan.—Carried. Also for statement of rivers in the Province of Quebec for which the Government has granted the exclusive right of line fishing for salmon.—Carried.

The House then adjourned at 12.30 a.m.

* * *

NOTICES OF MOTION

Hon. Sir JOHN A. MACDONALD—On Saturday next—

Bill respecting the administration of justice and the establishment of a police force for the North-west territories.

Mr. TOBIN—Address to His Excellency the Governor General for copies of all correspondence between the Dominion Government, or any member thereof, and the Admiralty authorities in England and at Halifax, relating to the extension of the railway from Richmond depot to Halifax: also, copies of all plans, surveys, and reports connected with any proposed plans for railway extension for the city of Halifax.

Hon. Mr. TILLEY—On Saturday next—That the House do then go into Committee of the Whole on the following resolutions:—

That it is expedient to authorize the Governor in Council to direct the issue of five per cent Dominion debentures to the amount of \$1,200,000 for relief of the Quebec Harbour Trust, and to be applied as follows: First, \$700,000 to be applied to the purchase of the outstanding securities issued by the trustees, the amount to be paid for the same to the present holders to be that paid to each of these respectively not exceeding par, such amount to be proved to the satisfaction of the Treasury Board, and the payments to be made on the order of the said Board.

Second, the remaining \$500,000 to be issued from time to time to meet payments to be made on account of improvements in the said harbour, such improvements having been previously sanctioned by the Governor in Council on the joint report of the Minister of Marine and Fisheries and the Minister of Public Works. That upon the issue of any such debentures by the Government for any such purpose as aforesaid, on the payment of any sum upon which debenture to a like amount might be issued, the trustees of the said harbour shall deposit with the Receiver General their own bonds, bearing four per cent interest, and one per cent, for a sinking fund, for the same amount, the sinking fund so established being kept by the Receiver General as a special account; and interest at the rate of four per cent per annum is allowed on all accounts received from it, or investments of such amounts being made from time to time on securities approved of by the Minister of Finance. Third, that it is expedient to provide that, if at any time the income of the trustee of the said harbour is insufficient, after the payment of their current expenses of maintenance and repairs, to pay the interest aforesaid and sinking fund to the Government, the Governor in Council may increase the harbour dues then payable to such rates as will enable the trustees to pay such interest and sinking fund.

May 2, 1873

HOUSE OF COMMONS

Friday, May 2, 1873

The **SPEAKER** took the chair at 3.25 p.m.

Prayers

RETURN PRESENTED

Hon. Mr. LANGEVIN presented a return of the address for copies of all accounts and receipts for all moneys paid to C. Boivin A. Roy, collectors of Inland Revenue for the districts of Saint-Hyacinthe and Richelieu, and all their accounts for contingencies from the date of their appointment.

* * *

PRIVATE BILLS

Mr. GEOFFRION presented the report of the Committee on Private Bills.

* * *

ELECTION PETITIONS DISCHARGED

Hon. Mr. CAMPBELL moved that the order referring certain election petitions to the General Committee of elections on which the recognisance have been declared objectionable be discharged.—Carried.

* * *

SUPPLEMENTARY ESTIMATES

The **SPEAKER** announced a Message from His Excellency, transmitting the Supplementary Estimates for the year ending the 30th June, 1874.

* * *

OATHS BILL

Before the Orders of the Day were taken up,

Hon. Mr. MACKENZIE said he had been informed that a statement was made in another place today, that His Excellency had

stated his intention of assenting to the Oaths Bill. He regretted that this delay had taken place, and he wished to know if it was the intention of His Excellency to give the royal assent to that Bill.

Hon. Sir JOHN A. MACDONALD: It is the intention of His Excellency to give the royal consent to the Bill tomorrow at three o'clock.

Hon. Mr. HOLTON said the hon. gentleman had stated yesterday that His Excellency had been advised at an earlier day than tomorrow. The session was drawing to a close and the object of this Bill was to enable the Committees constituted for a very important purpose to take evidence under oath. The Bill was introduced just a fortnight ago today. It had met with extraordinary and unusual delays, under the circumstances in the Senate, and it had passed the Senate as long ago as Tuesday. He thought the hon. gentleman should make some explanation to the House of the causes that led to this very extraordinary delay in getting the assent of the Crown to this measure after it had at length passed its first stage in the other branch of the Legislature.

Hon. Sir JOHN A. MACDONALD: I can only give the answer I gave yesterday. I gave then all the answers I was authorized by his Excellency to give, and until I get further authority I cannot give any other.

Hon. Mr. HOLTON: The hon. gentleman stated yesterday that his Excellency had agreed to assent to the Bill.

Hon. Sir JOHN A. MACDONALD: The hon. gentleman states today that his Excellency has agreed to assent to the Bill.

Hon. Mr. HOLTON: He states yesterday that his Excellency had been advised by the Privy Council to give the royal assent. Now, if he is in a position to say that his Excellency has agreed to give the assent, he must be in a position to say why that assent was not given today, because, his Excellency having agreed to give his assent, would unquestionably have given it today had he been so advised, and the delay, therefore, lies at the door of the hon. gentleman.

This Committee, whose proceedings have been suspended for so long a time, waiting the final completion of this Bill, has been, as I am informed, obliged to adjourn till Monday. Had the assent been given today, which it was in the power of the hon. gentleman to have caused to have been given (*oh! oh!*), this Committee would, at all events, have commenced its proceedings tomorrow.

Hon. Sir JOHN A. MACDONALD: I am not going to be lectured or taught by the hon. gentleman as to what my duty or the

duty of the Government is. The Government knows what their duty is just as well as the hon. gentleman.

Hon. Mr. HOLTON: Probably they do now, but they did not.

Hon. Sir JOHN A. MACDONALD: The hon. gentleman shall not interrupt me. The Government are responsible to the House and the country for the advice they give to His Excellency. The hon. gentleman knows what the oath of the Privy Councillor is. He is bound not to disclose any advice he gives to his Excellency until he has his Excellency's consent. I have not that consent and I will not break my oath!

Hon. Mr. MACKENZIE rose to speak.

The SPEAKER said there was no question before the House.

Hon. Mr. MACKENZIE said he only intended to say a word or two. The hon. gentleman told the House that he had His Excellency's consent to make any communication to the House regarding the advice the Government tendered.

Hon. Sir JOHN A. MACDONALD: Nothing of the kind.

Hon. Mr. MACKENZIE said he understood the hon. gentleman to have stated that he had his Excellency's consent to state that his Excellency had been advised to assent to the bill (*hear, hear*), and that involved the remainder of the question of the member for Châteauguay (Hon. Mr. Holton) which was met in so discourteous a manner by the hon. gentleman.

Hon. Sir JOHN A. MACDONALD: Discourteous, indeed! The tone which the hon. gentleman adopted was such that he was not entitled to an answer at all. I gave the answer out of respect to myself and out of regard for the hon. gentleman. I repeat what I said yesterday, that I had permission from his Excellency to state that he had been advised by his Ministers to assent to the Bill, and that that advice was under the consideration of his Excellency. (*Hear, hear.*)

The matter then dropped.

* * *

TROUBLES IN NORTHWEST

Mr. RYMAL asked when he might expect the papers he had moved for respecting troubles in the North-West and the murder of Thomas Scott.

Hon. Sir JOHN A. MACDONALD said a search had been instituted in his own office for all papers bearing on the subject, and he had no doubt something was being done in the other Departments. When they were all collected, they would be laid before the House.

PILOTAGE BILL

Hon. Mr. MITCHELL moved the second reading of the Bill respecting pilotage.

Hon. Mr. HOLTON asked whether the hon. gentleman would consent to the reference of this Bill to the Standing Committee on Banking and Commerce, in accordance with his suggestion the other day. The bill was one of very great importance, and he learned from telegrams he had received, within an hour, from Quebec, from very influential parties, who believe some of its causes are very objectionable indeed to the trade, that they desired to have an opportunity of making their views known. A petition was on its way from Quebec against certain portions of the Bill, and he understood a deputation was also about to leave that city. If the hon. gentleman would not consent to his suggestion, he would have to ask for it to be allowed to stand over until copies of the bill were printed in French and distributed.

Hon. Mr. MITCHELL complained of the course which had been taken by the hon. member for Châteauguay (Hon. Mr. Holton), which was occasioned, he thought, not because the hon. gentleman fancied that the French gentlemen of the House did not fully understand the English language, but by the fact that he desired to block the further progress of this bill. In so doing the hon. gentleman had taken a step which was inconsistent with his position.

His reason for objecting to the reference of the bill to the Committee of Banking and Commerce was that doing so at this late date of the session would prevent its passage altogether. The legislation upon this subject had been asked for by the Boards of Trade of Quebec and Montreal, as well as by the Dominion Board of Trade at its last session, and deputations of both the former Boards of Trade, and from the corporation of the Pilots, had visited Ottawa since the bill had been introduced and had it under consideration.

Moreover, although the bill had been before the House for five weeks, no petitions had been presented against it. These gentlemen had certainly had ample time to present their views had they chosen to do. He regretted that the hon. gentleman had chosen to take the course that he had done, and if legislation were to be prevented this session in the matter, legislation which was so much desired, the responsibility must rest with him.

Hon. Mr. YOUNG (Montreal West) said that the great objection to the bill was that it provided for a continuance of the share and share-alike principle amongst the pilots; a system which prevented all competition and placed good and bad men upon an equal footing. There was a very great interest felt in this measure by the mercantile community of Montreal and Quebec. He had that day received a telegram from Mr. Gilmour of Messrs. Allan, Gilmour & Co., stating that the bill was worse than before, and asking that it might be delayed. He also urged a reference to the bill to the Committee on Banking and Commerce.

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Hon. Mr. TILLEY denied that the commercial community did condemn the Bill.

Hon. Mr. MACKENZIE: What evidence have you of it?

Hon. Mr. MITCHELL pointed out the importance of the pilot interest which must be considered with other interest. The only provision in the measure which was objected to by the commercial communities of Quebec and Montreal, was that of continuing the share and share-alike principle. With this exception the bill was generally approved. He was free to admit that a system of competition would have been better than that which had been engrafted into the bill, and he would have been prepared to adopt this provision had he not found that it would have been very difficult to have carried it out.

He had been convinced by the arguments used by pilots and others, that it would be almost impossible to work out a system of competition in view of the financial position of the pilots' corporation. Seeing this he had advised the gentlemen composing of deputation from Quebec, of whom Mr. John Gilmour, the gentlemen whose telegram had been read, was one to be content with a reasonable modification, and these gentlemen had accepted as a condition that he should make whatever modifications in the existing law that he could obtain, and he had obtained very great modifications. The pilots below Quebec were to be placed under the control of the Trinity Board of Quebec, and he had also provided that vessels of 250 tons might come up to Quebec without pilots.

Hon. Mr. CAUCHON speaking at considerable length said he would be able to prove that the parties referred to by the member for Montreal West were personally interested in the Bill.

Hon. Mr. YOUNG (Montreal West): I will prove to the contrary.

Hon. Mr. CAUCHON said he did not think the hon. gentleman could. He had also evidence to show that the whole commercial system of Quebec was rotten from the foundation upwards, and did not think any objection should be given to proceeding with the Bill.

Mr. JOLY deprecated the attack of the member for Quebec Centre on Mr. Fry, President of the Dominion Board of Trade. The hon. gentleman had said that the commercial system of Quebec was unsound from the foundation to the summit. One thing was certain, the commercial community of Quebec were very poorly represented in this House so far as they were represented by that hon. gentleman.

Mr. LANGLOIS then rose to address the House, but was interrupted by—

Hon. Mr. HOLTON who rose to a point of order. He objected to the bill being proceeded with on the ground that it was not printed in French and distributed.

Hon. Mr. MITCHELL was about to make some observations respecting the course taken by the hon. gentleman, when,

Hon. Mr. HOLTON again rose to order. He said he had allowed the hon. gentlemen to proceed with his abusive speech, but he could not allow any further debate to take place.

Hon. Mr. MITCHELL: My abusive speech! (*Cries of "Order" from the Opposition benches.*) Order, order, on your own side of the House.

The subject then dropped, the order being allowed to stand.

* * *

PRIVILEGE

Mr. MILLS rose to a question of privilege. Certain members of this House had been engaged in practising before Election Committees, which was clearly contrary to the order of this House, as he understood it. The hon. member for Renfrew South (Mr. O'Reilly) was engaged today as counsel for one of the parties in the Addington case, and he took this opportunity of bringing this matter before the attention of the House. When he had formerly brought it up in a general form hon. gentlemen had insisted it should be sent for consideration to the committee on Privileges and Elections, but the Committee had never been called together for that purpose. He did not think there could be any manner of doubt as to the propriety of having the practice put an end to.

Hon. Sir JOHN A. MACDONALD said that the last time his hon. friend from Bothwell (Mr. Mills) had brought this matter under the attention of the House he had spoken to his friend from Cardwell, who was Chairman of the Committee of Privileges and Elections, who expressed a readiness to bring the matter before the Committee, and to call a meeting for that purpose, if called upon to do so by the hon. member for Bothwell. So far as his hon. friend from Renfrew South was concerned, he was authorized to say for him that he did not appear as counsel for the sitting member for Addington (Mr. Shibley) today. The hon. member for Renfrew was a personal friend of that gentleman, who not being able to be present before the Election Committee, the hon. member had simply requested that the Committee be adjourned until counsel be procured.

Mr. Shibley had in fact retained Mr. Hodgins to act for him. (*Hear, hear and laughter.*)

* * *

SUPPLY

Hon. Mr. TILLEY then moved the House into Committee of Supply.

Hon. Mr. HOLTON said there were no items for the consideration of the Committee.

Hon. Mr. TILLEY said there were the Supplementary Estimates for the present year.

INTERCOLONIAL RAILWAY

Hon. Mr. MACKENZIE said before the House went into Committee he had a motion to submit for the consideration of the House. He had mentioned to the House yesterday that it was his intention to call attention to some matters connected with the construction of the Intercolonial Railway upon the next occasion of going into Committee of Supply. He would take the opportunity today to bring before the House a very serious matter concerning the management of that road, and the means taken to procure its construction.

It would be remembered that early in the history of that Parliament an Act was passed by that House to provide for the appointment of commissioners who undertook the construction of this road under the direction of the Government. It would be remembered that the Act provided specially for the mode in which contracts were to be given out by the Commissioners.

At the time he was strongly opposed to the course the government had taken in reference to the road. In the first place he had been opposed to the original action of the Government in proceeding to let the contracts before the necessary instrumental surveys had been sufficiently completed and he would be able to show, before he sat down, the disastrous results consequent upon that hurried action on the part of the Government and the Commissioners. He was opposed, in the second place, to the route chosen for the road. He believed all the time, as he believed now, and as time had demonstrated, that the Government had yielded, not to its own impulses or convictions as to what was right, but to the political exigencies of the hour in choosing that route.

The hon. gentleman who leads the Government, and who led it then, was strongly opposed to this particular vote, strongly, indeed, as he (Hon. Mr. Mackenzie), but he had to yield his own convictions to those of more than one other member of Cabinet who were likewise strongly opposed to it, in deference to another and consequential member of the Government, notwithstanding their own convictions that the belief to which that member had shown a deference was not the proper one, and that meant in the interest of the country. Finding that their more influential colleague, who was not now present in the House would press the matter, they yielded and had constructed the line upon which neither the leader of the Government nor the country believed in. This was a serious error, and one which would be more and more manifest as time progressed.

It is now a known fact that parties travelling from the western to the eastern portion of the Dominion, say Halifax or St. John, would reach their destination sooner by travelling another line, which partly led them through the neighbouring republic than taking that adopted by the Government of this country for the International Railway. This was a matter which he entered into at [...] only, incidentally and did not exactly refer to the matter which he intended to bring before the House today.

He merely introduced the matter because he wished to show that it would have been well before proceeding with the construction that an exhaustive instrumental survey should have been made, before the letting of the contracts, but the Government, more he believed from political necessity than any desire to carry out their pledges to the country made under the terms of Confederation, proceeded with that undue haste which called from the Chief Engineer repeated remonstrances. There was another serious matter involved in this. The Chief Engineer, (Mr. Sandford Fleming) had from the first believed, as he (Hon. Mr. Mackenzie), also believed, that the only proper way for the order to be let was in estimates of quantities, not that the contractors would be paid only for the quantities of the respective materials that might be used in the course of construction of the contract, and the Engineer had made some estimates in that connection which experience had shown were very correct and to the point.

As to entering into the contracts for construction of public works on undefined or imperfect data, he filed in his report of the 27th of January, 1869, "In view of the difficulties which all experience has shown to result from entering the contracts for public works on undetermined and imperfect data, and wishing to guard against these difficulties, it appeared to me that the fairest way alike to the Government and the contractor was to adopt the principle that the contractors should be paid for the work they perform at fixed remunerative prices, and that no work should be done or paid for except what the Government requires."

Farther on the Engineer claimed "that the system adopted by the Government and Commissioners would result in endless disputes, which, beginning with the Engineer, will find their way to the Commissioners and then to the government, and which, with the persistency that distinguishes claims made in the interest of individuals, as contrasted by the modified resistance that public functionaries feel it their duty in the interest of the people to offer, will be very apt to end, as they had done under similar circumstances and elsewhere, in the success of the contractors and the sacrifice of the public funds."

It is impossible to calculate the number and variety of claims for compensation which will arise out of contracts of this character, running over hundreds of miles—claims made by parties who will have established a large local interest in these Provinces and will be able to unite in favour of their claims, influences, and considerations, wholly irrespective of merits or character.

All this might be avoided by the simple expedient of paying for the work actually done. The engineer would be at full liberty to make any alterations in the alignment, grading, character of structures and et cetera, which he might deem advisable, as increased information pours in upon him after the contracts are let. He likewise proceeds to show, in several other sections of his voluminous report, that the system which he proposed to adopt was one which would be free from the difficulties inevitable from the system adopted by the commissioners. He says it was "a system which, in every step from the beginning to the end of the

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construction, involves the presence of disputes, a system unjust to the engineer, inasmuch as it will inevitably add intensely to his toll and responsibilities, if loss or attempts to do his duty in the interest of the Government and the public consequences will be a perpetual struggle between him and the contractors. He will be deeply involved in difficulties into which the system will lead, and powerless to effect escape. All experience goes to show that under this system the contractor will triumph in the end over both Engineer and commissioners, and the public will have to pay it."

Mr. Fleming had evidenced a wonderful prescience of coming events in these statements, so much so that he had himself been a victim to the system that that gentleman then denounced in language very foul.

He says in a subsequent report that experience goes to prove that no contract, however strictly worded, can debar a contractor from obtaining compensation for work in excess of what is shown on the plans, or otherwise defined. In the case in question, much of the work cannot be defined, because what is actually required is not yet known. He would not read any more of his report but would proceed to show that the result had been as predicted.

He called the attention of the House to the fact that sufficient time was not given for having a proper instrumental survey made; and before a Committee of the House, which examined into the working of the system he (Hon. Mr. Mackenzie) expected a particular section, as it was quite impossible to extend the examination over a whole distance of 500 miles. He also chose that section because he believed it represented as fair a field for the illustration of a plan adopted as any that could be found. What were the facts developed regarding the extent of a proper survey? He might say that the Committee to which he referred was the Committee on Public Accounts, to which he could be supposed to refer in the rest of his speech, as there was an objection to reference to what had taken place in that Committee. In the first place they are informed that Messrs. Haycock & Co. were the first contractors on the section, that they had taken the contract for \$361,000, and we also found that during the year they said that contract changes were made in locations of these few miles which involved a savings to the country of \$90,000 to \$100,000, according to the evidence of Mr. Sandford Fleming.

Subsequent to this, when the contract was let to A. McDonnell & Co., the same witness stated that changes were again made upon alignment that produced a further saving of \$79,485, thus showing a blunder in the engineering upon those twenty miles to no less than an extent of \$170,000. In other words, had time been given to have a full and complete location of the line by careful engineering explorations and instrumental surveys, the estimate of the Chief Engineer would have been reduced in the first instance by \$170,000. The Chief Engineer's minimum estimate was \$542,000 for this section, whereas had he located the line in the first place as he subsequently did, his estimate would have been reduced to \$372,000.

It might be said that the Engineer located the line where the grades were most favourable and where more permanent work could be constructed; but instead of that being the case he had the evidence of Mr. Brydges to the effect that not only was the road as good where it was ultimately located, but it was an absolute improvement both with regard to the grade and the length. The grades were easier, and yet there was a saving of \$170,000 in simple engineering. Now if we applied that principle to the entire length of the line—499 and 1/2 miles—it would be difficult to estimate the amount that might have been saved to the country had the Government and the Commissioners exercised that wisdom which might fairly be expected at their hands, or taken the advice that had been tendered to them by many experienced gentlemen in Parliament. He recollected that the late member for Grenville (Mr. Shanly) too had the same view, and stated in the House that acting upon hasty surveys invariably led to very great additional expenses, both in regard to subsequent survey and the cost of construction.

He would now proceed to show the result of this system as exemplified in the contract in section 5. Gentlemen would see from Mr. Brydges' speech, as he already stated, that the grades upon this section were really better after the changes were made, and having effected of at least \$170,000. There were several other provisions of the Intercolonial Railway Act, which had been deliberately and systematically violated, in order to secure the cheap construction of the road and Parliamentary control over it. It was provided that the Commissioners should report to the Government that these reports were to be submitted to Parliament. It was further provided that the Commissioners should build the railway by tender or contract, after plans and specifications therefore had been duly advertised, and they should accept tenders of such contractors as should appear to them to be possessed of sufficient skill, experience and resources, to carry on the work; provided that no contract under this section involving an expense of \$10,000 or upwards shall be concluded by the Commissioners till sanctioned by the Governor-in-Council.

Now, in this particular instance the contract was let in the first place to Messrs. Haycock & Co. for \$361,574. Early in May, 1870, the work was re-let, the contract having been taken from the original contractors after they had received payment upon it amounting to \$48,752, and after a change had been made in the alignment of the road that effected a saving to the contractors of \$90,000. It would be observed from what had been stated that, taking Mr. Fleming's minimum estimate of \$542,000 as the actual cost of the contract as originally let—

Hon. Mr. TILLEY said Mr. Fleming stated the estimate was \$442,000, when the second contract was let.

Hon. Mr. MACKENZIE said he was speaking of the original estimate. The minimum estimate was \$542,000 and the maximum estimate \$738,000. It was well known, as Mr. Fleming frankly admitted, that in making his estimates he was obliged to take time into consideration; in other words, if the contractors were bound to execute the work within a very short time, it would require a much

larger amount of money than, if they had all the time they required; and Mr. Fleming stated in Committee that the contractors actually had more than the maximum time that he had counted for the execution of the work. Under these circumstances, after the \$48,752 had been paid and the quantities reduced by a value of \$90,000, at last the section was relet to A. McDonnell & Co., theirs being the lowest tender except four, one of them being about \$80,000 under. Then it was re-let to them for \$533,000, so that adding the amount received by these contractors to the amount of McDonnell & Co.'s tender and the \$90,000 saved, and the \$25,517 that it was now proposed to pay the original contractor, would make the total cost of the section not \$583,000 but \$697,267. That would be the actual cost of the section, assuming that all the work originally contemplated had been executed.

He would not proceed to examine the estimates of the Engineer, who had been examined in another place, to show how it stood. At this moment, the second contracts, as we knew from the accounts, submitted to Parliament, had received altogether \$526,000. Mr. Fleming estimated that they had done work outside the contract altogether to the amount of about \$29,000 on the 1st April last. Of the \$526,000 paid contractor, \$10,000, it appeared, had been paid on account of this additional work. Now they had executed, according to the schedules, upon the line proper, within the terms of the contract, additional work to the extent, according to Mr. Fleming's estimate, of \$39,329, while there was an amount of work less than the original contract, not executed because of the change in the location and for other reasons, of \$165,281, leaving the actual saving to the contractors upon the quantities of work executed by them upon the section at \$137,929. That was deducting the work originally intended to be done, and embraced in the original contract, and which was not executed by them, and adding the work that was done by them, but not contemplated in the original estimates left a net saving to the contractors of \$137,929 according to Chandler's estimate, who was also an engineer for some years upon that section, and intimately acquainted with the character of the soil and rock, and with the nature of the works and change made in the alignment.

According to his estimate at Mr. Fleming's own rates, the entire amount of saving to the contractors was \$141,656. He also added for work executed in excess of contract, \$28,825. This showed the state of the accounts as presented by these engineers in their examination before the Committee on Public Accounts.

There was another view to be taken of this, it was stated that the terms of the contract were such that the contractor would be entitled to pay benefits that might be obtained by reducing the amount of work, so long as this was not done by a change of location or grade. If the line was taken by another route which involved very much less expense it was admitted on all hands that a saving in that case would be a saving to the country and not to the contractors. Mr. Fleming was asked to state what saving in this case was the result of the change of location apart from the saving resulting from other causes. He stated that on that principle, the amount saved to the contractors was \$79,485, and this he might say was exclusive of

a sum that Mr. Fleming said was deducted from the original contract by written agreement with the contractors. This was a sum of \$21,200 for wooden bridges not erected, it being decided to substitute iron from the wooden bridges. The contractors were relieved from that work, and therefore \$21,100 was to be deducted from the original contract, reducing it to \$511,800. Deducting from this the saving caused by the change of alignment, according to Mr. Fleming, \$79,485, there was left \$432,325. Then there was paid to the contractor on contract \$516,000; from which was deducted the amount of the contract, less the saving, left \$83,675 as the amount actually overpaid according to this mode of calculation.

Then there was \$29,000 for work done outside the contract, upon which \$10,000 had been paid, leaving \$19,000 still in the hands of the Government. Assuming that the Government had the right to charge this sum as paid upon the contract, it would still follow that the Government have overpaid the contractors to the amount of \$64,675, according to the admission of the Chief Engineer, and the statement made by member of the Government in their defence of this extraordinary transaction. He had been thus particularly in these figures because he wished the House distinctly to understand the ground which the Government and the Commissioners seemed to have taken in relation to this contract.

He hoped the House would pardon him if he offered a few observations upon the subject. When the works were given out by contract, the Government in the first place reserved to themselves, very properly, the right to reject any tender that they might consider insufficient either in amount or in the capacity and ability of the parties tendering. Before deciding, an investigation was made into the ability of the parties tendering to fulfil the contract. The Commissioners having made this careful examination, reported to the Government that, for instance A. McDonnell & Co., contractors on Section No. 5, were quite capable of executing the contract for the amount they had tendered. The contract was therefore entered into and the work proceeded with under contract. These contracts were all submitted to Parliament and they were all supposed to be public.

The Government were simply in the position of guardians of the public exchequer, they were parties to the contract, not in their own name, but as trustees of the public; and, as trustees of the public, when they found that the first contractors were not able to execute the work for the amount for which they tendered, ought at once to have brought the contract to a termination, as they had the right to do under its terms; but the Commissioners and the Government subsequently adopted other plans.

The contract provided that the contractors should only be paid 85 per cent of the amount that was earned by them, the 15 per cent being held as a partial security for the performance of the contract; but without any reference to Parliament, without any intimation, the contract was changed. The Government in the first place determined to retain nothing, but to pay 100 per cent of the earnings to the contractors; looking, if they looked to any security whatever, merely to the sureties for the due execution of the contract. Now, if

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there was one thing more dangerous than another to public morality, as related to the execution of contracts duly entered into, it was the course of the Government in having deliberately set the contract at defiance, and, without any authority from Parliament, setting aside the trust that they were expected to execute.

They not only gave up all claims against the contractors for the percentage that was supposed to be reclaimed as security, but they allowed them the benefit of the saving effected by the change of location, although according to their own admission the contract specifically provided that all such savings should belong to the Government.

Hon. Mr. TILLEY: We did not admit anything of the kind.

Hon. Mr. MACKENZIE: I am amazed at that statement. Not only does the contract provide for it, but it was distinctly stated by the members of the Government in Committee.

Hon. Mr. TILLEY: Do I understand the hon. gentleman to say that we stated that the Government were not to get the benefit of any saving effected by the change of alignment?

Hon. Mr. MACKENZIE: Not at all. I said the very reverse.

Hon. Mr. TILLEY: I beg the hon. gentleman's pardon. I understood him to say that the Government admitted that the country would not get the benefit of any reduction caused by the change of alignment.

Hon. Mr. MACKENZIE: No, you said the country was to have the benefit of it.

Hon. Mr. TILLEY: Yes.

Hon. Mr. MACKENZIE went on to say that in this section the Government must have known, for it was notorious that the change in alignment of the road had produced a saving, according to Mr. Brydges, of about \$80,000; and according to Mr. Fleming, of \$79,485; and yet, in the face of that knowledge, they went on paying money to the contractors till they actually overpaid them, even allowing them this saving of \$4,200 (*hear, hear*). They had kept nothing for the saving, and the percentage had been given up previously. They had then \$80,000 for the reduction, and besides that, \$4,200 over and above the contract.

This was the charge that was made against the Government, and it was a charge from which they could not escape. They might say that the contractors were not able to finish this work. In that case it became the duty of the Government to find out whether they would be able to finish it or not. The true course for the Government to pursue under such circumstances was to allow the contractors every benefit that could fairly be given them, and he was not at all sure if they had applied to Parliament, and stated that they proposed to allow them to retain the percentage that the contract provided should be kept in the hands of the Government, but Parliament might have assented to that proposition; but instead of doing that they assumed, without any revision whatever, that the contractors

would not be able to finish their contract instead of closing the contract and paying the contractors for what they had done, they deliberately, without any authority from Parliament, advanced these contractors \$84,000 over and above what they had themselves acknowledged to have been the proper sum due to them under the contract.

Where could this end? If we were to deliberately change contracts upon the Intercolonial Railway, with what face could we refuse to do it in every contract? In that case, what did a contract amount to? What security did a contract give us that the work would be executed for the amount for which it was contracted, when we are about constructing a railroad at a cost of one hundred million, when we are about spending twenty million upon canals, and were proposing to erect large buildings in various parts of this country? At this time were we to proclaim to intending contractors that they might take contracts as low as they pleased, because if they did not have enough for them they would be warranted by the past action of the Government that they would receive whatever sum they might think necessary to carry out their contracts? (*Hear, hear.*)

The Government claimed to be sole judges as to whether the contractors were able to fulfil their contracts. He took some pains in the Committee to find out if the Commissioners had any information to lead them to suppose these contractors could not carry out their contract, but he could get no information. On the contrary, Mr. Fleming stated that he had no doubt that they would be able to meet their engagements. He asked Mr. Fleming if he knew what their resources were, and he told him frankly that he did not know. He asked him why the contract was not taken from them if they were likely to fail in their engagements and there was no answer to that.

Why was the contract in the first place taken from Haycock & Co. when they failed to execute their contract; or why was not the second contractor treated in a similar way? The contractors for section No. 12 had had work taken out of his hands, and the Commissioners were now carrying on the work by day labour. He was informed that the work on that section was carried on in that way during the last election, and that on the polling day the men were taken to the polls to vote for the hon. gentlemen; their contractor charging for the wages of the men on that day, and the country was charged no doubt with the cost of conveying them.

The contractors on section No. 12 were held, he had been informed, responsible to the Government for the fulfilment of their contract; and their sureties were expected to furnish the amount they might lose to the country, in consequence of their failure to execute their contract; but other contractors were, we found, dealt with in the most lenient matter.

Were we to understand that hereafter there was to be no system of carrying out contracts? If the contractors now at work on the Parliament buildings were to say to the Government that they did not have enough money to finish their contract, were the

Government without any reference to Parliament, without having the money voted, to assume the right to pay them ten or twenty, or one hundred thousand dollars!

There was no security to the public under this extraordinary system, and he was surprised beyond measure to find the hon. gentleman charged with the administration of the affairs of the country—gentleman who had sworn to observe the Constitution faithfully and to carry out in rigid honesty the duties that devolved upon them—he was surprised to find them following the course that had been pursued in these extraordinary transactions. If this system was to be adopted, we would have every contractor coming down upon the Government; and why should they not? If there was to be a general working of the system any person had a right to come as well as another. He saw, by the report of the Printing Committee, that they recommended that the contractor receive a larger sum of money solely upon the ground that he had not enough under his contract, and this notion was no doubt stimulated by the extraordinary course that the Government had pursued. It was true that they had not exact evidence that this system had been pursued in other sections of the Intercolonial, because, for reasons he had mentioned, they were obliged to limit the investigation to one section; but he thought it was stated by the Commissioners or the Government that the same system that prevailed here, as to allowing the contractors the benefit of such reductions, had been carried out everywhere. Whether it was carried out everywhere or not, he did not know, but it was certainly stated it was carried out in some instances, and he thought it was stated all over the line.

He thought this was a matter that required the action of Parliament, and that it was his duty to bring it fairly before Parliament and the country in this manner; but if he had taken a wrong view of the course, the Government and the Commissioners ought to have taken the vote of this House would determine who had taken the right course in this matter.

He was asked in Committee if he was disposed to carry out a rigid system with the contractors of the country, so as to prevent any possible accommodation. Although that question did not come up at all, and he might confine himself simply to the legal and equitable construction of the contract, still he had no hesitation in saying, as he had said in the Committee, that he would be prepared to consider any recommendation that the Government might make to Parliament in relation to this or any other contract. He would be prepared to listen to such evidence as the Government and Commissioners might produce, and to give the contractors such consideration as he believed them entitled to, but they had not an opportunity of doing this.

They had no opportunity of knowing the reasons that actuated the Government until this examination was instituted; and he was speaking fairly when he said that he did not think that the member of the Administration present at the Committee had shown any desire to consult the views and wishes of the member of the Committee or of Parliament. They simply devoted themselves to a very vigorous defence of the ground they had taken, without

apparently considering that members were entitled to any information, such as the Government must have had, to justify them in the course they had taken. It was quite evident that if we were deliberately to violate contracts, they would be of little use; if we were to deliberately set aside the terms and condition of contract, who was to define the exact line at which we were to stop? In this case he had shown that the contract of \$533,000 had been reduced in the first place by the omission of the bridging, amounting to \$22,000 and afterwards the contractors were allowed \$60,000 more, to which they had no claim whatever, even under the fair construction of the contract, and if this could be done the Government might advance \$100,000.

There was really no limit; there was no legitimate stopping place, and no principle to guard the Government in such matters, except what they might think to be expedient, either in the interests of contractors or in their own interest. As a Government man, he was far from imputing any wrong motives to the Government in this transaction, because he did not know that any such motives actuated them. All he knew was that there had been gross violation of duty and a departure from the ordinary rules of commercial transactions. It was difficult to understand what could have actuated them in such extraordinary proceedings. Whether they had been ruled by their subordinates or whether they had ordered their subordinates was a matter which every one who read the evidence would judge for himself.

At the last meeting of the Committee, when the Chief Engineer was asked how he came to certify the payments in the manner he had done, he told the Committee frankly that he certified as he was instructed. He asked Mr. Fleming for these instructions, but he had not yet seen the instructions, and whether they would ever be brought down he did not know. There was one circumstance he thought he might fairly allude to, and it was this. It was known that one gentleman at least who was a member of the late Parliament had an interest in one of these contracts. He alluded to the late member for Middlesex West (Mr. McDonald). During every recess since the work commenced that gentleman was down there attending to business on the Intercolonial, where he was now attending to his duties as one of the contractors. There was great reason to doubt whether the Government might not be influenced, when their political friends were so interested in contracts, in looking with very great leniency on such transactions as these. He did not say that this had been done, but as they were examining into this matter, he thought it right to mention what was in every person's mouth.

Under all the circumstances, he felt bound to propose a motion that would test the opinion of the House as to the righteousness of the course that had been pursued by the Government in this matter. He had not specifically named any parties or subject to blame. He had left the blame to rest wherever the authority of Parliament declared it should rest, but he would say frankly that under the statute he conceived that the blame must ultimately rest with the Government, because the Commissioners had no right to exceed the terms of the contract without reference to the Government, and the

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Government had no right to set aside the terms of the contract and make illegal and improper payments, or to make payments beyond the contract, without reference to Parliament and the Commissioners had no right to let contracts for any amount over \$10,000 except by public tender or with the sanction of the Government.

The motion he had to move was the same he had moved in Committee with a necessary addition. He moved—"That it appears from the evidence submitted to the Standing Committee on Public Accounts, that the contract for Section No. 5 on the Intercolonial Railway was originally let to Messrs. Haycock & Co. for a lump sum of \$361,574."

"That while Messrs. Haycock & Co. had the contract, changes were made in the works to be constructed, reducing the value of the work to be done to the extent of about \$90,000.

"That the sum of \$48,752 was paid to these contractors on progress estimates.

"That the contract was taken from them subsequent to such reduction of cost and payment of money.

"That the Commissioners, in a communication to the Government, under the date of June 10, 1872, recommended a further payment of \$25,517, which recommendation was adopted by an Order in Council, on June 19, 1872; the contract for the residue of the work undone being re-let in May, 1870 to Messrs. A. McDonnell & Co., for a lump sum of \$533,000.

"That in June, 1870, changes in the location of line in section No. 5 were contemplated, which would effect a very great reduction in the amount of work to be done.

"That the new contractors commenced work on the 18th day of July, 1870, and that the changes referred to were finally ordered on the 26th day of August, 1870.

"That the quantities of the several materials on the section, with the prices attached to each class, to carry out the entire contract, were estimated as follows by the Chief Engineer, Mr. Sandford Fleming, at the respective periods of July 19, 1870, October 24, 1870, and March 25, 1872 (marked schedule A).

"That the contract sum was reduced or increased in amount by the application of these rates to the actual quantities of materials in the works as executed, (as shown in statements made by Mr. Sandford Fleming, Chief Engineer, and Mr. L. Chandler, for some time assistant engineer on this section, and marked schedule B in Mr. Fleming's estimate). Showing the reductions to be \$137,630, after adding the value of the additional work done on certain items, and in Mr. Chandler's estimate showing the reductions to be \$141,656.43 after adding the value of additional work done.

"That it appears from the evidence that a sum of \$516,000 has been paid on account of the contract to the contractors, leaving in the hands of the government \$17,000, and the sum of \$10,000 was

paid on account of the work done outside of the contract, the total value of which amounted to about \$29,000 at the 1st day of April.

"That such work being entirely outside of the contract was given to Messrs. A. McDonnell & Co., without tenders being called for, or rates for payment being agreed to.

"That Mr. Fleming states in his evidence that the sum of \$21,200, being the estimated value of bridge superstructure, should be deducted from the said contracts, viz, the sum of \$533,000 to reach the real contract sum, thus making it really \$511,800.

"That the sum of \$516,000 having been paid on the contract, shows that an overpayment of \$4,200 has been made on the contract paper, even if the contractor should be allowed the whole amount of reductions as estimated in the statement in schedule B.

"That after deducting the sum of \$10,000 paid on account of the work done outside the contract from the estimated value of such work, viz, \$29,000, there remains a sum of \$19,000 in the hands of the Government.

"That when the over-payment on the contract of the sum of \$4,200 is deducted from this balance, there remains only \$14,800 in the hands of the Government.

"That Mr. Sandford Fleming, Chief Engineer, estimates the value of the reductions in the amount of the contract consequent on the change of the location of the line, exclusive of bridge superstructure to be \$79,480.

"That assuming that the Government was only entitled to the benefit of the deductions caused by the change made in the location of the line, the account would stand thus:—Deductions, as above, \$79,485; in the hands of the Government, as above \$14,800; showing an over-payment of \$64,685 upon this assumption.

"That the payment of money to the contractors in excess of the contract sum, is a gross violation of public duty, and that the system of ignoring the terms of the contracts entered into with the Government, and reported to Parliament without Parliamentary authority, is inexpedient and unjustifiable."

Hon. Mr. TUPPER had to express his satisfaction that the hon. member for Lambton had brought this matter under the consideration of the House, and he must say at the outset that they did not at all complain of the mode in which he had introduced it. The hon. member had at last taken the fair, open, manly and straightforward course of proposing a vote of want of confidence in the Government (*cheers from the ministerial benches*) and the Government accepted it as such, notwithstanding the wild disclaimer which the hon. gentlemen attached at the end of his remarks.

Hon. Mr. MACKENZIE: I disclaimed nothing.

Hon. Mr. TUPPER could only say that he had put that construction upon the latter portion of the hon. gentleman's speech.

He thought the hon. member would hardly claim that the Government of the country could continue to discharge the important duties that were imposed upon them by the high and responsible position which they held for one moment after the House had arrived at the conclusion that they had been guilty, in their administration of a great public work, of a dereliction of duty.

He had no hesitation in saying that the Government were prepared to accept this motion as a vote of want of confidence motion; and also he had no hesitation in saying that the Government were prepared to show that in relation to this work instead of being guilty of a dereliction of duty they had been pursuing the only course that, in the public interest, they could have pursued. (*Hear, hear.*) He could show by the reasoning of the hon. gentleman himself that the Government had discharged this duty fairly and faithfully towards the country, and that had the course recommended by the hon. gentleman been adopted it would have resulted in a sacrifice of the best interests of the country, and would have entailed an enormous expenditure of the people's money. (*Cheers.*)

The hon. gentleman in introducing his remarks, had thought fit to criticize the route chosen for the Intercolonial Railway. Why did he do this? Did he do this in order to fortify himself on the present occasion? Did he in order to strengthen his position in reference to the question now before the House, think it necessary to travel out of the record and bring in a question which had nothing to do with the subject? He (Hon. Mr. Tupper) was not surprised that the hon. gentleman had done so, because he felt that he (Hon. Mr. Mackenzie) would require to take a much wider range than the subject under his hand could afford in order to make out a case for his motion. But he (Hon. Mr. Tupper) could not permit the hon. gentleman to state his view of the question, and to mislead the public mind without meeting some of the mis-statements made by him in regard to that point.

He (Hon. Mr. Mackenzie) had stated that because the longer route had been adopted the interests of the country had been sacrificed. Now, what were the facts, and what was the course which had been pursued by the hon. gentleman himself? It would be found that when there was no Government to oppose his hon. friend from Lambton was one of the most ardent advocates of the very route that had been adopted, and that it was not until the question had assumed a different position and until the hon. gentleman found himself sitting opposite to gentlemen whose places he desired to take from them, that he found it necessary to go back and adopt a new opinion in reference to the route. (*Hear, hear.*)

As long ago as 1858 the Governments of old Canada, Nova Scotia and New Brunswick sent a delegation to England to endeavour to make arrangements for the construction of an Intercolonial Railway, and as there was naturally a difference of opinion as to the proper route among the delegates, it was arranged that the route should be left to the Imperial Government, who were to be asked to assist in the work. Not only was this done, but the friends of the hon. gentleman when in power in 1862, followed up and adopted the policy of all those Governments by a survey, not of

the route by the Valley of St. John, of which the hon. gentleman was now so warm an advocate, but they spent large sums of the people's money surveying two routes, one the Northern route, and the other what was called the Central route through the Province of New Brunswick.

This was done because it had been agreed that in order to secure the assistance of the Imperial Government the route adopted should be the route selected by it, and it had been over and over again stated that Her Majesty's Government would not grant their assistance to any route running along the United States frontier. These gentlemen authorized this survey, and by their act the people of this country were committed to the northern route.

Here now came to the adoption of Confederation itself; and what was done? It was well known that in addition to the Confederation Act a bill was passed by which the Imperial guarantee was to be obtained, and which was part and parcel of the Union Act, and a contract that the Intercolonial Railway should be built; that the Imperial Government should assist us and besides that the Imperial Government should choose the route. It was also provided that the Imperial Government should give a guarantee of three millions sterling, and the condition was that this Parliament should supplement that amount by the amount required to complete the Intercolonial Railway.

Did not every one see that it was unnecessary to ask for five millions in addition to this, if the route by the valley of the St. John were to be adopted. But true to the principle that had always been recognized that route was to be the northern route. This Parliament passed an Act supplementing the Imperial Act by five million dollars. Now he had no hesitation in saying there was no man of any Party in his native province that did not understand that the Northern route was to be adopted, and who would not have felt that great injustice towards that Province was being perpetrated if after it had been brought into the union the plan universally agreed upon had not been carried out. It would have been most unjust and unfair to Nova Scotia had any other line been adopted.

The hon. gentleman said further that the business qualities of the line had been sacrificed in selecting the northern route. Did not the hon. gentleman know that the line by the valley of St. John for which he so eagerly contended would have compelled every man, woman and child from the Provinces of Ontario and Quebec that went to Halifax, and to the seaboard to travel a much longer distance that they would have to travel by the Intercolonial? To say that a route through the neighbouring country was shorter than the Intercolonial was travelling out of the record. The hon. gentleman knew it was going behind the ground on which the Intercolonial was built, but it was not true. The Intercolonial was the shortest route to the seaboard.

Coming to the subject of the resolution, the hon. gentleman knew right well that the question of the mode of constructing the Intercolonial Railway was settled by Parliament. He knew that when in obedience to the Union Act the Government of the country were obliged to grapple with this subject, the policy of how the

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Intercolonial was to be built was submitted to Parliament. He would ask the hon. member if he, or any other hon. gentleman took the ground that the work should not be done by an independent body of Commissioners. What was the policy of the Government? It was a policy of providing for the construction of this railway under the Act of Parliament by means of a Board of Independent Commissioners.

He then went on to speak of the gentlemen who had been appointed in flattering terms. He was bound to say those gentlemen had manifested the deepest anxiety, without favour or affection, to carry on the work entrusted to them, in such a way as would challenge the confidence of the House and secure the approval of the country. By the report of the Commissioners, which he held in his hand, and which had been brought down to the House and laid on the table by the Government, they showed that, instead of feeling that they had anything to conceal in this matter, instead of feeling there had been any dereliction of duty, they felt that they had faithfully performed the duty entrusted to them, and by a plain and impartial narrative of facts they left nothing to be discovered by any hon. member.

On this question he was free to admit that, owing to the anxiety which was felt in some parts of the Dominion that the railway should be at once begun, this work had been unduly hurried, and that the half dozen first contracts were let too soon. It was contended that the terms of the Union Act had been violated, because this work had not been taken up with greater promptitude; and one of the strongest arguments that was used by the anti-Union party in Nova Scotia was that a breach of faith was being perpetrated because the Government did not proceed more rapidly with the work. The first few contracts, of which this was one, were let without that correct knowledge which could have enabled the parties to make an exact tender. He was not going to allude to the controversy between the Commissioners and the Chief Engineer, to which his hon. friend had referred. Perhaps on this point he would not disagree with his hon. friend, but the Government felt bound to adopt the mode of proceeding which this Board appointed by Parliament, regarded as most sound and as likely to be most successful. Let this be as it might, it was decided that the contracts should be let for a lump sum.

Now his hon. friend had contended that there had been a failure of duty in not holding parties rigidly to the terms of their contracts. The whole question could not have been more fairly put before the House than it had been placed by the Commissioners in the book which he held in his hand. What had happened, everyone knew. That of the earlier contracts there was not one but had resulted in disaster, either to the contractor or to the country, and that two alone were carried to completion by the original contractors, and that was because the Messrs. Worthington were men, not only of great skill, but because they had enormous private resources beyond the sums paid to them by the Government, on which they could fall back. This question, he thought, gave to the House an apt illustration of the result of breaking down contracts and

endeavouring to adhere to the original figures of contract by re-letting them.

Now, after all that had been done on Sec. No. 5, after the section had been carefully surveyed, and the ground cross sectioned, this contract was put up to competition, and with what result. It was this—that the lowest contract that the Government could accept was at \$533,000. This was pregnant with instruction to the House on the policy of taking a broken down contract, and putting it up to tender again. He would ask the hon. gentleman then whether with a view to save the money of the people a little latitude should not be taken in the construction of a contract rather than that the terms of the contracts should be rigidly adhered to, and the contractors all broken down. As he had said before, the Commissioners had put the whole case in a few lines.

He would read from page five of their report as follows:—“The contractors upon the whole with the exception of section twelve, have in view of the difficulties to be overcome, carried on their work in a satisfactory manner during the past year. The heavy increase which has taken place in the price of all labour and materials since the most of these contracts were let has added largely to the cost of executing the work. If any of the contractors had failed, and the works had been re-let, it could only have been done at considerably higher rates. The Commissioners, under the circumstances, believed they were acting in the interest of the country, and securing the economical completion of the line by affording the contractors every reasonable assistance that was possible within their contracts, when they were satisfied that every effort was being made to fulfil the terms of each contract.

“The Chief Engineer was instructed when it could be done without affecting the general character of the work to make any changes that he might consider feasible, tending to diminish the total quantity of the work to be executed. A careful study of the location has enabled this to be done in several instances, and in some cases with a positive improvement in the whole work. Where possible, also tunnels in solid rock have been substituted for culverts, this being both a decided improvement and an economical arrangement. To assist the contractors the Commissioners, after a full investigation into each case, made advances to some of them to help in the prosecution of the work.”

Now, as he had stated before, the Government came down and submitted the whole facts of the case as they lay upon the surface in this matter, because they believed the Government would receive not only the support of Parliament, but the hearty approval of the whole country for following the only course that they could pursue without sacrificing the interest of the country. It must be remembered that since the contracts were first let the cost of living had very largely increased, and as a consequence the cost of labour. Let him say in relation to this contract, let in the first place for \$300,000, that after \$80,000 had been paid thereon, and after \$90,000 of a reduction in the work had been made, the lowest available contract was for \$533,000.

Hon. Mr. MACKENZIE: Not the lowest tender. They were all available.

Hon. Mr. TUPPER: The hon. member said all tenders were available. He would ask the hon. gentleman whether he would have the Commissioners adhere to the principle with which they had begun, of accepting the lowest tender. Let him give the House an illustration of what men were eager for public works. Let him remind the House that after all the money that had been paid, after all the reductions that had been made before re-letting of contract, that Mr. Fleming, Chief Engineer, gave as his highest estimate for the work \$700,000, and his lowest \$542,000; and let him draw the attention of the House to the ablest and best men in the country who valued the work. Mr. Burpee of St. John, tendered at \$741,000.

It being six o'clock, the House rose to recess.

AFTER RECESS

MESSAGE FROM THE SENATE

The **SPEAKER** announced a message from the Senate informing the House that they had passed without amendment the following bills:—

An Act to incorporate La Banque Saint-Jean.

An Act to incorporate La Banque Hochelaga.

An Act to incorporate the Huron and Ontario Transportation Company.

An Act to incorporate the Empire Fire and Marine Insurance Company of Canada.

An Act to amend the capital stock of the Union Forwarding and Railway Company.

An Act to add to the number of members of the Trinity House of Quebec.

An Act to extend the time for the inspection of steamboats in British Columbia.

Also a message from the Senate informing this House that they had passed with amendments the following bills and asking concurrence in the said amendments.

An Act to incorporate the Dominion Board of Trade.

An Act further to amend the Act relating to banks and banking.

An Act to incorporate the Victoria Bank of Canada.

An Act to incorporate the Western Bank of Canada.

An Act to incorporate the Banque de St. Hyacinthe.

An Act to incorporate the Stadacona Bank.

An Act respecting the Trinity House and Harbour Commissioners of Montreal.

* * *

THE MARTIN DIVORCE BILL

Mr. LEWIS moved the third reading of the bill for the relief of John Robert Martin.

Hon. Mr. LANGEVIN moved in amendment that the bill be not now read a third time, but that it be read a third time this day three months.

Mr. BELLEROSE referred to a mistake in the journals of the House in which he was reported, on the 24th March, 1870, on the motion being made for the second reading of bill relating to the divorce court of New Brunswick, to have showed himself in favour of that proposition. He on the contrary maintained that Catholics could not support that proposition. He then read his speech on the subject, showing he had not supported it. He thought it his duty to have the public reports corrected.

The vote was then taken on the amendment which was lost; yeas 62, nays, 76. The bill was then carried on the same divisions.

* * *

NORTHERN COLONIZATION RAILWAY

Mr. BEAUBIEN moved the second reading of the bill to empower the Montreal Northern Colonization Railway Company to extend its line from Deep River to a point of intersection with the proposed Canadian Pacific Railway, and also to extend its line to Sault Ste. Marie, the Georgian Bay and Lake Superior, or to unite its line with any line of railway extending to the points above mentioned.—Carried.

The bill was slightly amended in Committee and read a second time.

* * *

THE BEAVER AND MUTUAL FIRE INSURANCE COMPANIES

On order for the second reading of the bill to amend Act 32 and 33 Vic., Cap. 70, to unite the Beaver and the Toronto Mutual Fire Insurance Companies,

Hon. Mr. CAMERON (Cardwell) explained that the order for the second reading was a mistake. He had moved its reference to the Standing Committee on Banking and Commerce. He therefore moved that that order be discharged, and that the bill be referred to the said Standing Committee.—Carried.

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CANADA METAL IMPORTATION COMPANY

Mr. JETTÉ moved the second reading of the bill to incorporate the Canada Metal Importation Company.—Carried.

The bill passed through Committee, was read a third time and passed.

* * *

DOMINION DOCK AND WAREHOUSING COMPANY

Mr. CURRIER moved the second reading of the bill to incorporate the Dominion Dock and Warehousing Company.—Carried.

The bill passed through Committee, and was read a third time and passed.

* * *

CENTRAL BANK OF CANADA

Hon. Mr. YOUNG (Montreal West) moved the second reading of the bill to incorporate the Central Bank of Canada.—Carried.

The bill passed through Committee and was read a third time and passed.

* * *

BOOMS

Mr. MATHIEU moved the second reading of the bill to enable James R. Ward and others to place booms in the channel between Isle St. Ignace and Isle du Pads, in the parish of Isle du Pads, in the district of Richelieu.—Carried.

The bill was amended in Committee, and was read a third time and passed.

* * *

THE INTERCOLONIAL RAILWAY

Hon. Mr. TUPPER then resumed his speech on the motion of Hon. Mr. Mackenzie. He read from the report of Commissioners, the tenders for this section showing that Messrs. Worthington, who from having had experience were best able to judge at what amount this work could be done, had tendered for a little over \$726,000. Coming back to the fact set forth in the report of the Commissioners, it was seen that they found the increase in the price of labour was such as to make it impossible for the contractors who had taken the contracts at the existing state of labour to carry on the work; that the increase in the price of labour was from 80 cents to \$1.25 and \$1.30 or 50 per cent. It was perfectly clear that several of the contractors could not perform the work, and he would ask the House whether the Commissioners were not acting in the interests

of the country when they decided that it was not wise, if it could be possibly avoided to re-let these contracts.

He would ask the House whether it was not wise and prudent to come to the conclusion to assist the contractors by giving them the benefit of the percentage, and by giving them advances, rather than take the contracts out of their hands and re-let them at the increased cost of labour. He believed the Commissioners had acted in the same manner as any private gentleman or any railway company would have acted had they been placed in the same predicament. They had stated frankly that they had adopted this course, and the circumstances that had led to it.

The hon. member for Lambton (Hon. Mr. Mackenzie) had not stated that although the new route of this section had proved to be a decidedly better one it had not cost more than the amount of money at first calculated.

The hon. member for Lambton (Hon. Mr. Mackenzie) had brought the charge against the Chief Engineer that greater care should have been taken in the first survey. It was impossible in the rugged, barren and inhospitable state of the country to have a more complete survey without an enormous cost to the country. The result was, as he had shown, that by the course pursued the object aimed at was accomplished. When the Commissioners found it impossible for the contractors to carry on the work, they ordered the chief engineer to reduce the amount of the work where he could do so without injury to the character of the road, and in the meantime they decided to give the contractors the benefit of the change, rather than break them down and thus involve the country in the cost of the 50 per cent.

Hon. Mr. MACKENZIE: No, no. The hon. gentleman will allow me to correct that, I said that Chief Engineer Shanly stated the line was better than the one original intended. I gave no opinion of my own because I could not do it.

Hon. Mr. TUPPER said he would draw the hon. gentleman's attention to the fact directly. When he brought the charge against the Chief Engineer that greater care had not been taken in the original surveys, he had said that with the improvement to the line it was found possible to make these reductions.

Hon. Mr. MACKENZIE: Assuming the statement of the Chief Engineer to be correct.

Hon. Mr. TUPPER: What had happened under this system? It had been possible to carry on these works in a manner the most economical that could be observed. A system that any private gentleman or any railway company in the world would have adopted if placed in the same position. He would not go into the figures of the hon. member for Lambton, for this reason that while the Commissioners and the Government adopted this sound policy, while they believed it would cost the country an enormous sum of money if they had re-let the contract, neither the Commissioners nor the Government thought, in the final settlement, of giving the contractors a single dollar of relaxation.

The hon. member for Lambton had not been correct in using the word "paid". The money was not paid, but advanced. He had no hesitation in saying that, if the resolution of the hon. member passed, it would break down a number of contracts, and would involve the re-letting of them at an enormous additional cost. It would be done with a view to prejudge the decision of the Government, which had never been given in favour of relaxation to the contractor.

He believed that the opinion of the gentleman of the Committee was that the course of the Government was wise and just, and would refer to the opinion of a gentleman who was not a friend of the Administration, he meant the member for Durham West (Hon. Mr. Wood). After sitting in the Committee and hearing the evidence, he in his place in the House denounced the government for not having built the Pacific Railway in the same way as they had the Intercolonial, and said that on this continent there never was a better or cheaper work than the latter. After such evidence being given by an opponent, he felt it was not necessary for him to occupy the time of the House any longer at this late hour.

He would propose a resolution which would not involve the Government in the mischievous resolution of the hon. member for Lambton, but would show to the country that in relation to this work the Government had done what was most judicious. He then moved, in amendment to the resolution of Hon. Mr. Mackenzie, "that this House is of the opinion that in the final settlement with the contractor for Section 5, the Commissioners should, as in the contract, provided, make such deduction for diminution of work, and should make such an allowance for charges made, as they may deem reasonable."

Hon. Mr. HOLTON said the amendment was inadmissible, as the motion was in amendment to the motion to go into Committee of Supply.

Hon. Mr. MACKENZIE: It was a specimen of the Parliamentary knowledge of the hon. gentleman who moved it. (*Hear, hear.*)

Hon. Mr. ANGLIN said he was sorry that the route had been mixed up with the question. He denied that the hon. member had ever expressed his preference for the Robinson or any other route. He declared that upon this section of a route there were at the time no parties in the Ministry itself, and he denied that the selection of the present one was by any means a foregone conclusion as the hon. Minister of Customs (Hon. Mr. Tupper) did not venture to impugn a single statement in the resolution as presented by the hon. member for Lambton; in fact the motion of the hon. Minister was of the very same effect, and were it objectionable on no other ground it was from the fact that it really was no amendment at all, but a substantive motion. As he had already said, they did not deny the truth of the statement in the motion of the hon. member for Lambton, in fact it was not even a mistake that was made with regard to payment, but done deliberately over time after time. But making no pretence that money was overpaid, the hon. gentleman

took the position, that, on account of the rise in the price of labour, the Commissioners acted in the public interest in aiding the contractors.

He did not believe the commissioners had a right to take any such course without consulting Parliament. A contract should be held solemn and binding upon both parties, else they were a mere error, although there were no doubt some areas in which it would be politic to make some endeavour to sustain a contractor, and such cases must of necessity be as few as possible. He denied that there was any reason for so doing just now. Surely the contractors of skill and ability, such as those who had this work, ought to have been able to judge sufficiently what they were going to do, not to take such a large work without counting the cost. The amount of work done by Messrs. Haycock and the reductions made in their favour, \$185,000 worth of work, had been taken off the work before the present contracts took the work.

The suggestion to make the changes which had been made were made by the contractors to the Commissioners, and that only a month after the work had been commenced, to the amount of some \$150,000, it was very strange that such an obvious change should not have been suggested before that time, and it was just as strange that it should be found out, so soon after the letting of the contract, the contractor must break down if no diminution in the quantities were made. If it had been near the end of the work that this argument had been used, there might be some ground for it, but it was not according to common sense to say that a month after he took his contract, the contractor should find out that he would not be able to complete the work.

He thought the tenders for this work were on the whole very extravagant, and it was noticeable that the Commissioners had not accepted the lowest estimate by parties whom they themselves considered such as would be able to carry the work to a conclusion. It had been argued by the hon. Minister of Customs that the increase was necessary on account of the increase in the rise of wages, but the changes had been agreed upon while the wages were at 80 cents a day, which the Chief Engineer admitted was a lower rate than he had calculated upon in his minimum estimate, so that this argument also fell to the ground; \$516,000 were paid for a work which Mr. Fleming calculated would only cost some \$400,000. Surely no stronger case could be made out than this, and the Minister of Customs did not attempt to meet it. He merely tried to put them off by saying that it would have cost the country a great deal more if anything else had been done, and what had been paid to the contractor was paid to save the country from loss. If this was so, how much would it cost the Treasury to save the country in this way before the Pacific Railway business was finished?

He referred to the attempt to lecture the Committee of Public Accounts which had been made by Mr. Brydges, one of the Commissioners, in his evidence before that Committee. One of the sections of the contract provided that reductions should be made, and the contractors had received relief on this score to about \$38,000 or \$40,000, and this was as much relief as the rest of the

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extras that had been paid him. We were told today about rock cutting for which a claim, the most extraordinary he ever heard of, was being made. He contended that this was taken into calculation, and that \$112,000 was the entire amount of reductions calculated upon. It had been argued that this rock was very hard, but the evidence of Mr. Chandler was very clear and distinct upon this point, and the amount paid was 10 cents or 12 cents a yard above what this gentleman calculated it was worth. He saw no reason for making these reductions, as the wages were only 80 cents per day at the time the changes were agreed upon.

It was admitted money had been improperly paid, yet the hon. Minister of Customs asked this House to say that these payments were quite correct. He thought it was unfair for the Minister of Finance to say that this was a vote of want of confidence, and thus bring his supporters to vote upon the question, not upon its merits but as a party question.

Hon. Mr. TILLEY replied to the Hon. Mr. Anglin's statements. He explained that the reason why the Government objected to sending for the witnesses on the first day of the sitting of the Committee was that they believed the returns to be laid before the Committee on the following day would supply all the information required by the hon. gentleman. The construction of a large public work of this kind was one of the most troublesome and delicate things that the Government could have to deal with, but when it was resolved to build the road as a Government work they had to undertake the responsibility.

The first contracts were let under very peculiar circumstances, which had already been alluded to. For a long time the Government held the contractors strictly to the letter of the contract, and refused to advance the fifteen per cent, which it was decided, under the contract, to hold back. The cost of labour connected with these works increased at such a rate that the Engineer came before the Government and said the contracts had been taken exceedingly low, in his judgment, lower than the contractors could construct the work, without loss to themselves. He represented that now that such a great increase in the price of labour had taken place, unless the most liberal construction were given to the contract, and advances could be made of the percentage, the contractors would break down and they would have to re-let the contracts at an increased cost to the country.

The first impulse of the Government was to stand by the contract because then, no matter what the consequence, the Government would be safe, but after viewing the matter in all its bearings they made a relaxation of five per cent in the first instance. After that wages went on increasing. Everyone knew the nature and extent of the increase in the price of labour since 1869. The Engineer after some time again said that if a liberal construction were given to these contracts, if these men could have all the money they were entitled to, the remaining ten per cent, the probabilities were that they would be able to complete the work, but if the works were to be put up to contractor again they would be involving the country in a very largely increased expenditure.

If it had been a question of the existence of the Government, they would have said stand by the contract and don't allow yourselves to be liable to censure; but the Government took the responsibility of deciding in the interest of the country whatever might be the result to themselves. They accordingly agreed with the assent of the sureties, that the contractors should have the benefit of the fifteen per cent, which the contract said should be retained. Another year passed and labour increased from 80 cents to \$1.00 and to \$1.25 a day, and many of the contractors were in such a position that unless the Engineer, in making up his estimates was permitted to take into account the reduction of work, in the shape, for instance of culverts, which it was not found necessary to construct, there was still a probability that the contractors might fail.

After the Engineer had presented this matter in the most forcible and lucid manner, and advised that the contractors should have the benefit of the reductions in the amount of work not covering the changes of gradients or alignments, but changes which did not effect the character of the work, the Government consented that the certificates should be made in such a way as, while not exceeding the lump sum of the contract, would benefit the contractor. The Government felt they were assuming an additional responsibility, but they did it in the interest of the country, because if the contracts had been taken out of the hands of these individuals and re-let it would have been at an advance of 25 and perhaps 50 per cent, on the original sum. No doubt the member for Lambton knew that in no other section of the road could he find a case even so strong as this.

If it were meant that the reduction in alignment and grades was to be solely and entirely for the benefit of the contractor, what was the meaning of the following letter of February 17th, 1873, from Mr. Fleming to the Commissioners:—

“Dear Sir,—The district engineer reports Section No. 5 complete; all except those works agreed by the Commissioners to be taken off the contractors' hands. This section may be considered to have been completed by the 31 December 1872. It was contracted to be finished by the 1st July, 1871. Since the work was placed under contract, changes have been made in the original location and plans which, without in any way lowering the engineering character of the section have rendered its completion easier.

“As under the contract, it is the duty of the Commissioners to fix a value on all such alterations, with the view of adding the same to, or deducting from, the contract sum, I herewith furnish a statement of the quantities as finally measured up, showing what had been executed on the section, compared with the original quantities as certified to me in the work at the time the tenders were received and the section let to the contractor.

“From this statement it appears that the contractor has done work in excess of the original quantities as follows:—Rock excavation, 21,500 cubic yards; common earth excavation, 42,000 cubic yards; also iron pipes, 11,304 tons. The statement also shows that the work has been reduced in the following items:—Fencing, 2,049 lineal feet; Bic embankment, being rock borrowing on the long haul,

321,000 cubic yards; Rip-rap, 974 cubic yards; concrete, 413 cubic yards; first-class masonry, 1,473 yards; 2nd do., 2,240 yards, paving \$601. I shall be prepared to make out a final certificate for this section as soon as the Commissioners place a value on the altered quantities above referred to, and furnish me with authority to add or subtract the same.

“I should observe that the contractor for this section has done some work outside of his contract, in grading the station grounds at St. Fabien and Bic, but this work had not yet been measured up.”

(Signed)

“Sandford Fleming”,

“Chief Engineer.”

The Commissioners asked Mr. Fleming to make up a statement as between the reductions and increases on the Bic embankment, which was a new alignment, and the sums which were saved under the contract itself. There was a vast difference between the two. These reductions were still matters for consideration, and had not been finally settled by the Government, but he was prepared to admit that the Government had left the impression upon the Engineer’s mind, that where a reduction could be made in the work without a change of alignment or grade, and without injuring the character of the work, it should be made and that in the meantime the payment should be made so that the contractor might have the benefit of it. Every other change was provided for under the contract.

The Government had never committed themselves finally to the principles upon which these payments were made. The evidence given before the Committee was so voluminous that he doubted if any member of the Committee could rise and say whether the statement of the hon. member for Lambton was strictly correct or not—(*hear, hear*)—because he knew that Mr. Fleming held a different opinion on the subject. The question was not closed, but was still open for adjustment, and the Government could still deal with it as equity and justice demanded. (*Cheers.*)

Hon. Mr. HOLTON: It must have struck every hon. gentlemen who had followed this debate that so far neither of the hon. gentlemen on the Treasury benches who had spoken upon this question had ventured to impugn any one of the allegations of his hon. friend, the member for Lambton, or any of the deductions he had made from the evidence given before the Public Accounts Committee. Sixty-four thousand dollars had been paid out in excess of the contract to the contractors upon this section 5. A much larger sum might be claimed to have been paid, but this was the statement of the amounts shown by the evidence the Commissioners’ own officer.

What hon. gentlemen had endeavoured to do was to throw dust in the eyes of their audience, and to avoid the real question at issue. I would remind the hon. gentlemen that this was not the original contract either upon which this large overpayment had been made. It was a re-let, and by that time the Commissioners ought to have

been in possession of such accurate information through their Chief Engineer, as would have been able for them to calculate pretty exactly the real value of the work. Therefore the argument utterly failed in its application to this contract.

The hon. Minister of Finance had told that his hon. friend had incorrectly reported him (Hon. Mr. Tilley) to have said in the committee that the Government were not to reap the benefit of reductions. His hon. friend had not made that statement, if he (Hon. Mr. Holton) would now do it for him, at least he would assert that if the statement was not made in fact it was in substance.

Hon. Mr. TILLEY said he had not meant to say it at any rate.

Hon. Mr. HOLTON said the Government had eventually proceeded upon that understanding. The burden of the complaint that was made against the hon. gentlemen from this side of the House was that they had taken upon themselves to make large appropriations of the public money on their own mere notion without the sanction of Parliament. It was in consideration of this mode of procedures that the hon. gentleman who moved this motion had asked the House to pronounce its verdict.

The Minister of Customs, the veteran Parliamentarian, who should have known better, had tried to interpose a motion, which, while it did not contain any denial of the substance of the original motion, drew the attention of the House away from the point at issue. He repeated that the statement of the Chief Engineer showed that \$64,000 had been paid upon this single section of the road in excess of the contract given, and in violation of the agreement entered into by the Government and the Commissioners. He did not believe that this House would be induced to give its sanction to any action so unprecedented and so extremely and clearly unconstitutional.

Mr. BURPEE (St. John City and County) thought the Commissioners had made a mistake in not letting the contracts to the best men and that a certain percentage should have been kept as security for the completion of the contract. If it was found that the contractor lost by the contract, then the matter should be submitted to Parliament, where the contractors would receive that consideration they were entitled to.

This, he believed, was not an exceptional case; and if the principle acted upon in this case was established, it would have to be applied to every public work.

He thought the Commissioners had failed in their duty, and he did not see how the Government had sustained them. He reluctantly expressed this view, but he felt it his duty to state what he thought about the matter. He considered it would be a violation of his duty to vote that it was right for the Government to pay away money that was not authorized by Parliament. The resolution before the House fairly expressed the facts of the case, and the figures quoted had not been refuted. Whatever he might be in politics, he claimed to have some knowledge of figures; and holding the views he did on this

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subject, he felt it his duty to the House and his constituents to vote for the resolution.

Mr. YOUNG (Waterloo South) said the more this extraordinary transaction was examined the blacker it looked, and the course pursued by the Government had been of a very tortuous character. There had been a general disclaimer of the facts stated in the resolution, but no one had been able to point out specifically, a single statement as incorrect. He glanced at the salient facts of the case, and showed that a large sum had been absolutely paid to contractors over and above their contracts, and that, too, without the authority of Parliament. The fact was established, and could not be denied, that the contractors had been overpaid \$83,000 while all the Government held in their hands as against that sum was \$19,000.

In view of the fact, it was idle to talk about the Government recovering the money back from the contractors. The very fact that it was paid showed that the Government intended the contractors to get it. From the first he foresaw the danger involved in dealing with the contractors in this way, and in ignoring the authority of Parliament in the payment of public money.

Mr. PALMER said, as he understood the resolution, it was not contended that the Government had let the contract to an improper person, or at an improper price, therefore there could be no case for dereliction of duty. What he understood was that the Government should be compelled to hold strictly to the terms of a contract whether the country suffered or not. Such a principle as this he could not support. He would vote against any Government that refused to take upon themselves the responsibility of making such arrangements as would save the country from loss, such an arrangement as any sensible business man would make. (*Hear, hear.*)

The gentleman opposite said the Government should come down to Parliament for power. Now if the Government were to follow this course, to refuse to take upon themselves of a necessary arrangement, to let the interests of the country go to the dogs, then he would vote to send them to the dogs. (*Hear, hear and cheers.*) When he was asked to assume a responsibility of turning the Government into mere clerks he would vote against the Government having any power to make contracts at all. If it could be shown that the Commissioners had acted dishonestly or unwisely, then he would be as ready as any other member to condemn them, but in this case he could see no ground for condemnation.

Mr. WILKES controverted the doctrine laid down by the last speaker, that the Government had power to alter contracts or make payments over and above the contract sum, with the motion of Parliament. That doctrine was contrary to the well established constitutional doctrine that Parliament should control every item of expenditure. There might be exceptional cases where it would be the duty of the Government to spend a sum of money and obtain afterwards the sanction of Parliament, but this case did not come under that classification. This alteration of route was made in 1870,

and there was plenty of time for receiving the sanctions of Parliament to the payment of the money beyond the contract, if that payment was necessary.

Referring to the facts of this case, he observed that the lowest calculation of saving effected by the change of location was \$65,000 and admitting that the \$19,000 held by the Government for extra work could be held against the contract, there would still be an advance on the contract of 12 per cent. Under the Act the Government should have retained 15 per cent, as security, till the contract was finished, which would make 27 per cent in advance of what was authorized by Parliament. This was a most extraordinary way of dealing with the contractors, and if the same rule had been applied to the whole Intercolonial Railway, the advance would amount to \$2,000,000. He contended that no Ministry should be in a position which would subject them to the pressure of the contractors for an increase in their contracts.

Under the constitutional principle the Government could always resist such pressure by saying that Parliament alone had the power to increase the contracts, but let it once be understood that that power was in the hands of the Government, and the door would be open to control competition and improper expenditure.

Mr. WALLACE (Norfolk South) explained the nature of the work and asked if it had been done. He said it had, and for less than the original contract sum. It was yet to be decided what was to be paid to the contractors on account of extra work. It had been said the Government had paid away money without the sanction of Parliament, but he apprehended that the sanction of Parliament was obtained for this expenditure, and that no irregularity was committed in this respect. He showed that if the contract had been re-let the additional cost would have been enormous. He referred to Mr. Brydges speech before the Committee to support this argument. None of the Opposition had attempted to show that too much had been paid for the work, but they said there had been a large reduction, and that the country had not got the benefit of that reduction, but the Government might yet get the benefit of it.

Mr. FLESHER wanted merely to justify himself for the vote he was about to give. He regretted that no amendment could be moved to this motion in the terms moved by the Minister of Customs, as there would thus be a choice of the members giving a modified expression of opinion. He thought the very facts presented in the motion were quite correct, but he thought the Government should have the power to exercise their judgment.

Hon. Mr. WOOD said it was admitted by Mr. Brydges himself that there had been \$53,000 overpaid, and upon calculation it was found it could be no less than \$64,000. He replied to the arguments of the hon. member for St. John (Mr. Burpee). He contended that if the principle of tendering for a contract at less than it could be executed for and relying on the Government to supplement the contract if he thought he could not proceed, where would be the use of making contracts at all? He hoped the Government would

confess themselves in mistake and allow the motion to pass, and thereby they would inspire confidence in the country.

On the close of the Hon. Mr. Wood's speech at 12.20 a.m. the members were called in and the House divided, when the motion was lost—Yes 70, Nays 95.

The result was received with cheers from the Government benches.

The House then went into Committee of Supply and passed one item without division. The Committee rose and reported progress.

MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate, informing the House that they had passed without amendment the Act to provide for the appointment of Harbour Masters for certain ports in the Province of Nova Scotia.

The House adjourned at 1.30 o'clock.

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HOUSE OF COMMONS

Saturday, May 3, 1873

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

Prayers

THE ROYAL ASSENT

The Sergeant-at-Arms announced that a messenger from His Excellency the Governor General was in attendance.

The Speaker gave instructions to admit the messenger.

The Gentleman Usher of the Black Rod was then admitted, and said:—"Mr. Speaker, His Excellency the Governor General desires the immediate attendance of this Honourable House in the Senate Chamber."

The Commons, headed by their Speaker, then proceeded to the bar of the Senate, when His Excellency the Governor General being seated on the Throne, gave the Royal Assent to the following bills:—

An Act to amend the Act to provide for the appointment of a Harbour Master for the port of Halifax.

An Act to amend the Act respecting procedure in criminal cases.

An Act to provide for the establishment of the Department of the Interior.

An Act respecting claims to lands in Manitoba for which no patents have issued.

An Act to amend the Act entitled an Act to make further provisions for the Government of the North West Territories.

An Act to incorporate the Maritime Improvement Company of the Dominion of Canada.

An Act to provide for the examination of witnesses on oath by Committees of the Senate and of the House of Commons in certain cases.

An Act to extend to the provisions of the Grand Trunk Arrangements Act of 1862 so far as relates to certain preferential bonds for a further period, to settle the rates of interest in future on the preferential bonds and stock, and for other purposes.

An Act to render members of the Legislative Councils and Legislative Assemblies of the Provinces now included or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada.

An Act with respect to the carriage of dangerous goods in ships.

An Act to amend the Acts relating to Port Wardens at Montreal and Quebec.

An Act to amend the Act incorporating the Isolated Risk Fire Insurance Company of Canada, and to change the name of the said Company to the Isolated Risk and Farmers' Fire Insurance Company of Canada.

An Act to incorporate La Banque de Saint-Jean.

An Act to enable James McNabb, of the township Bosanquet to obtain an extension of his patent for a horizontal car coupler.

An Act to amend the charter of the Dolphin Manufacturing Company.

An Act to increase the capital stock of the Union Forwarding and Railway Company.

An Act to suspend for a limited time the operation of the Acts relating to the inspection of steamboats in British Columbia.

An Act to incorporate La Banque d'Hochelega.

An Act respecting the Montreal and Champlain Railroad Company.

An Act to incorporate the Huron and Ontario Transportation Company.

An Act to amend the fourteenth and fifteenth Vic., Cap. thirty-six, incorporating the Canada Guarantee Company.

An Act to incorporate the Empire Fire and Marine Insurance Company of Canada.

An Act to add to the number of members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof.

An Act to incorporate the Three Rivers Bank.

An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick.

The Commons then returned to their own chamber and The Speaker resumed the chair.

* * *

STORMONT ELECTION

Mr. JETTÉ presented the final report of the Select Committee on the Stormont election. The Committee reported that Mr. Cyril Archibald was duly elected a member to serve in the present Parliament for the electoral district of the County of Stormont, that the petition was frivolous and vexatious, and that the defence of the sitting member was not frivolous or vexatious.

* * *

BROCKVILLE ELECTION

Mr. SCATCERD reported from the Brockville election Committee that on the petition of both parties the Committee asked leave to adjourn till the 21st January, 1874. (*Laughter.*) He moved that the Committee have leave to adjourn till that day.

Hon. Sir JOHN A. MACDONALD suggested that the Committee adjourn for a month. The House might meet before the 21st of January.

Mr. SCATCERD then moved that the Committee adjourn till the 15 June.—Carried.

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QUEBEC CENTRE ELECTION

Mr. KIRKPATRICK reported from the Quebec Centre Election Committee that they had extended the time for receiving objection from voters to the 5th of May.

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REPORTS OF COMMITTEES

Mr. STIRTON in the absence of Mr. Rymal (Wentworth South) presented the 14th report of the Committee on Standing Orders.

Hon. Sir FRANCIS HINCKS presented the report of the Committee on Banking and Commerce.

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THE CANADIAN ATLANTIC CABLE

Mr. THOMSON (Welland) obtained leave to bring in a bill to incorporate the Canada Atlantic Cable Company.

PACIFIC RAILWAY COMMITTEE

Hon. Mr. CAMERON (Cardwell) moved in accordance with the provisions of the Administration of Oaths Bill that it be an instruction to the Select Committee appointed to enquire into the matters alleged in the statement of the Hon. Mr. Huntington (Shefford) in relation to the Pacific Railway Charter, that the said committee should examine witnesses brought before it upon oath.—Carried.

* * *

RETURNS

Hon. Mr. O'CONNOR brought down the report of the special agents to the Inland Revenue Department respecting British Columbia.

Hon. Mr. LANGEVIN brought down a report of the judgment, and all the proceedings of the Division Court of Enquiry held at Lévis during June and July 1872, and other papers.

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SUPPLEMENTARY ESTIMATES

Hon. Mr. TILLEY moved that His Excellency's message, with the Supplementary Estimates, be referred to Committee of Supply on Tuesday next.

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SHORTEST ROUTE TO EUROPE

Mr. CARTWRIGHT moved that the Select Committee on the shortest route between Europe and America have leave to report from time to time.

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GOVERNMENT BUSINESS

Hon. Sir JOHN A. MACDONALD gave notice that on Tuesday next he would move that the order of proceedings on Wednesdays for the remainder of the session be the same as on Tuesdays.

* * *

MOUNTED POLICE IN THE NORTH WEST

Hon. Sir JOHN A. MACDONALD moved for leave to introduce a bill respecting the administration of justice and for the establishment of a police force in the North-west Territories. The bill proposed to authorize the Governor General to appoint one or more stipendiary magistrates in the Northwest, each of whom would hold office during pleasure, and would exercise any magisterial functions appertaining to one or two Justices of the Peace. They would have power to decide in a summary way, without the intervention of a jury, such offences as were provided for in the Criminal Act. The Judges of the Court of Queen's Bench of the Province of Manitoba, or any two of them, would have power to hear summarily without a jury any charge alleged to have been

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committed in these territories that could be tried by a Court of Quarter Sessions in the Province of Canada. Criminals might be sent from the North-west Territories into Manitoba for trial according to the laws of the North-west but under the laws of criminal procedure of the Province of Manitoba.

Then with reference to the proposed mounted police, the Act provided that the Governor might appoint a Police Commissioner and one or more superintendents, a paymaster, sergeants and veterinary surgeon, and the Commissioner would have power to appoint such a number of constables and sub-constables as he might think proper, not exceeding three hundred men, who should be mounted as the Governor might from time to time direct. The Commissioner and superintendents would be *ex officio* justices of the peace. A free grant of land not exceeding one hundred and sixty acres might be made to any constable or sub-constable who should have conducted himself satisfactorily during the three years of his service. The other clauses referred to details only.

He moved the first reading of the bill.—Carried.

Hon. Mr. BLAKE asked if the hon. gentleman would state the estimated annual charge which would be occasioned by the passing of the measure.

Hon. Sir JOHN A. MACDONALD said he had no memorandum of the cost. He would give full particulars when he moved the House into Committee to consider the resolution on the notice paper. The force was to consist of 300 men, the organizing of which, he thought, would cost about \$50,000. The whole of the force could not be immediately made up, and, therefore, the cost of their equipment would not all be required at once. The men would have to be of a very superior class, and there would be a difficulty in getting men fit in every particular for the service.

Hon. Mr. MACKENZIE said he understood from an observation made on a former day that, after the establishment of the force there would be no necessity for the force at present in the North-west.

Hon. Sir JOHN A. MACDONALD said that they would soon be able to reduce the military force; and after the mounted police were in service, it was the intention of the Government to reduce it as soon as possible.

Hon. Mr. MACKENZIE hoped the Bill would be printed and distributed to-night. What with the time they had to spend in Committee, and the House sitting late, it was impossible to read all the Bills that were thrust upon their notice at the close of the session.

Hon. Sir JOHN A. MACDONALD: I hope to have the Bill down before twelve o'clock tonight. Of course, if it was not brought down before that hour, it would be of no use to the hon. gentlemen till Monday.

Hon. Mr. MACKENZIE: I took it for granted the hon. gentleman would judge us by himself. (*Laughter.*)

Hon. Sir JOHN A. MACDONALD moved that the House go into Committee of the Whole on Tuesday next, to consider the resolutions of which he had given notice providing for the administration of justice, and establishing a mounted police force in the North West. —Carried.

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CONTROVERTED ELECTIONS

Hon. Sir JOHN A. MACDONALD would move *pro forma* the resolutions connected with the Controverted Elections Act, so that they might be referred to the Committee on the bill, and there discussed as a portion of the bill.

The House then went into Committee of the Whole, **Hon. Mr. CAMPBELL** in the chair, passed the resolutions which were then reported to the House, read a first and second time and referred to the Committee of the Whole to which was referred the Controverted Elections bill.

* * *

INSOLVENCY LAW

Hon. Mr. HOLTON gave notice that it was his intention on the next motion to go into Committee of Supply, to offer a resolution designed to elicit the sense of the House on the expediency of continuing for another year the Insolvency Act. (*Hear, hear.*) Of course it would not be understood that he offered this resolution as a vote of want of confidence. The Government had not chosen to deal with this question as a Government measure, and he thought the House would be failing in its duty to the country if it allowed the session to close without taking some action upon the question. There was a Bill on the subject in the hands of a private member, but with the division of their time it was practically impossible that a public Bill in the hands of a private member at this stage of the session could be acted on by the House.

Hon. Sir JOHN A. MACDONALD said of course the Government would be ready to receive the motion in the spirit in which it had been offered. He would go further, and state that if the opinion of the House was in favour of a continuation of the Insolvency Act for another year, the Government would take such charge of it as to insure its passage.

Hon. Mr. BLAKE regretted that the hon. gentleman had not gone a little further, and said the Government would charge itself with the responsibility of carrying this measure. He believed if the Government would undertake the charge of it it would carry.

Hon. Sir JOHN A. MACDONALD said he would state frankly that the Government were not sufficiently in accord on the question to introduce a Bill as a Government measure, but if the House expressed a desire to continue the Act another year, the Government would, if they remained in power, take up the whole question of insolvency during recess, and be prepared with a measure next session.

Hon. Mr. MACKENZIE thought the Government should have considered the matter before the session opened, as they knew the Act would expire, and some legislation was necessary to prevent a return to the chaos in relation to this subject. Although he was opposed to the present law, he thought some legislation was needed, and would therefore vote to continue the Act till the close of next session.

Hon. Mr. DORION (Napierville) thought he would be obliged to oppose the motion, as it was a direct attack upon the Government. (*Laughter.*) He went on to say that this was an important matter, which should be dealt with by the Government, and there was no hope of the measure being carried, unless it was taken up as a Government measure.

Hon. Mr. YOUNG (Montreal West) rose to speak, but was called to order by

Mr. COLBY and as there was no motion before the House the matter was dropped.

* * *

ALLEGED INTERFERENCE WITH ELECTIONS

Hon. Mr. MACKENZIE asked what course the Government intended to take in the case of Mr. Griffin, in reference to whom he had read a letter some days ago, charging him with interference in elections.

Hon. Sir JOHN A. MACDONALD said that after carefully considering the contents of that letter, the Government did not feel called upon to take any action respecting it.

The Government would give the hon. gentleman an opportunity to make his motion on Tuesday.

The SPEAKER ruled the motion out of order.

Hon. Mr. MACKENZIE then moved that the letter be read. He handed the letter to the Clerk and told him to read it omitting a part of it. There were loud cries of "read the whole" from all parts of the House, and Hon. Mr. Mackenzie then snatched the letter out of the hand of the Clerk and said, "Very well, then, the Clerk may find the letter." (*Laughter.*)

Hon. Mr. DORION (Napierville) gave notice that he would renew his motion, with reference to the interference of Ministers in elections, next week.

Hon. Mr. MACKENZIE said he would then submit a motion to the House to consider what the Government declined to consider. He thought this was a matter of privilege.

Hon. Sir JOHN A. MACDONALD: No, no.

Hon. Mr. MACKENZIE: It is a case in which the officers of the Government interfered directly in the election of members to this House, and therefore it is a matter affecting the dignity and independence of the House.

Hon. Sir JOHN A. MACDONALD said, whether it was a question of privilege or not, notice should be given.

Hon. Mr. HOLTON said the member for Lambton, in bringing up the matter some ten days ago, intimated his intentions of taking further action if the statement of the Government was not satisfactory.

Hon. Mr. TUPPER said he had no recollection of any such intimation being given.

Hon. Mr. MACKENZIE said that, after reading the letter, he had stated he would give the Government time to communicate with Mr. Griffin and make whatever explanation they had to make. He could not say whether he had stated that he would move the motion, but that was implied.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman at any rate had given no notice what the nature of his motion would be.

Hon. Mr. MACKENZIE then gave notice that he would offer a motion on Tuesday to vindicate the privileges of this House against the interference by Ministers or their servants in matters affecting the election of representatives to this House.

Hon. Mr. DORION (Napierville) said he brought a matter under the attention of the House the other day relating to interference of Ministers at elections, and at the request of the Minister of Finance he had postponed it, or rather withdrawn it until sufficient time had been given to the Ministers to prepare their statements regarding the case. He supposed sufficient time had now elapsed, and he gave notice that he would make the motion early next week probably on Tuesday.

Hon. Sir JOHN A. MACDONALD said he supposed this was the Charlevoix case to which the hon. gentleman referred.

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Hon. Mr. DORION (Napierville) said it was.

WEIGHTS AND MEASURES

Hon. Mr. TUPPER moved the third reading of the bill respecting weights and measures.

Mr. JOLY moved that the bill be recommitted in order to make certain amendments in the bill.—Carried.

The House then went into Committee, made several amendments, and reported them to the House.

The amendments were then read first and second times, after which the bill was read a third time and passed.

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MONTREAL TRINITY HOUSE

Hon. Mr. MITCHELL moved the second reading of the amendments made by the Senate to the bill respecting the Trinity House and Harbour Commissioners of Montreal.—Carried.

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BANKS AND BANKING

Hon. Mr. TILLEY moved the second reading of the amendments made by the Senate to the bill further to amend the Acts relating to Banks and Banking.—Carried.

* * *

RAILWAY ACT

Hon. Mr. LANGEVIN moved the second reading of the bill to amend the General Railway Act.—Carried.

On motion of **Hon. Mr. LANGEVIN** the bill of Mr. Gibbs (Ontario North) to amend the Act respecting railways was read a second time and referred to the Committee on Railways.

Hon. Mr. HOLTON suggested that this bill and that of the hon. member for Ontario North—both of the same title and to amend the same Act—should be referred to the Committee on Railways, so that they might be considered.

After some discussion Hon. Mr. Langevin's bill was read a second time. The third reading was fixed for Tuesday. Mr. W.H. Gibbs' bill on the same subject was read a second time, and referred to the Railway Committee to be incorporated with the bill of the Minister of Public Works on the third reading.

THE INSOLVENCY LAW

Hon. Mr. TILLEY moved that the House go into Committee of Supply.

Hon. Mr. HOLTON said he would take the opportunity of moving a motion of which he had given notice regarding the Insolvency Act. What he would move did not commit the House to any opinion in the matter, as none was expressed on the subject in the motion. He merely wished to have the law continued as at present. The whole matter should engage the attention of Parliament next session.

He thought the House would be derelict in the duty to the country if they were to allow this important Act to expire, as it would do so on the 1st of September next. Unless some action were taken to prevent it. He was strongly in favour of the continuance of the Act, and he regretted the matter had not been brought up earlier in the session, so that the House could have considered what amendments were required, and have had the opportunity of dealing with the whole question.

He, therefore, moved, seconded by Hon. Mr. Mackenzie, in amendment to a motion that the House go into Committee of Supply, "*Resolved* that in the opinion of this House provisions should be made before Parliament rises to continue the Insolvency Act in force until the next session of Parliament."

Mr. COLBY suggested that the hon. gentleman should let his motion stand for a day or two, in order to allow the members to think the matter over.

Hon. Mr. HOLTON: The hon. gentleman knew that he (Hon. Mr. Holton) had reason to complain, because he had not proceeded with the subject after having a notice upon paper for a considerable time. The hon. member for St. John (Mr. Palmer) now had a motion upon the paper to deal with the subject, and members could not complain of want of notice upon the subject on which he proposed to move. He could not see any good reason for postponing the consideration of this subject. On the contrary, he saw every reason for taking the course he had taken today. The session was drawing to a close, and something ought to be done now if anything was going to be done. He could not consent to withdraw his motion.

Mr. CURRIER hoped that both the Government and the Opposition would be beaten if this matter were pressed to a vote now. He hoped it would be allowed to stand over.

Mr. COLBY again urged the unfairness of pressing the question in the absence of so many members. The Insolvency Act, when it passed, was intended only as a temporary measure; it had nearly lived out its life, but its working had been a failure.

He had introduced a bill for the repeal of this Act, which had passed by a large majority, but was thrown out on a point of order.

He then gave notice that at the last session he would re-introduce a bill to the same effect, and it stood first on the notice paper of that session. It was exhaustively discussed, and a large majority in this House decided in favour of its repeal, but it met its untimely fate in the Senate. A clear majority of the members of Ontario and Quebec who were conversant with the working of the Act had then voted in favour of his bill.

There were some features of the Act of which he approved, but this Act having fulfilled its mission as a temporary measure, should now be permitted to lapse, and if next session it was considered desirable to try an Insolvency Act, we should start with a clean sheet. He could not disguise the fact that many of the leading merchants and importers were favourable to the Act, but while admitting that, he was of opinion that the sentiment of the entire retail trade of the Dominion was in favour of the repeal of the Act, and this should counterbalance the feeling of the wholesale trade.

We were not here to legislate only for one class of the community, but for all. We were not here merely to carry out the edicts of Boards of Trade, however respectable such boards might be. The tendency of the present law only aggravated the tendency to speculation and recklessness. If we were to have a great crisis in the country it would be found we had felt the adverse working of the Act—and the stimulation which this Act had given to overtrading would then be most seriously felt. He said it advisedly that if gentlemen here wished to carry out the wishes of their constituents, he believed they could only do so by pronouncing an emphatic condemnation of the law. The sentiment of the House was thwarted two years on a technical objection and last year it was killed at the other end of the building. The present Act should be permitted to expire and should begin *de novo*. (*Cheers.*)

Hon. Mr. BLAKE held the question was one that should be dealt with by the Government. Whatever defects there were in the law, he thought it would be better to allow it to continue till next session when a revised Act should be introduced by the Government. He would ask the hon. gentleman to consider the difficulty which would be experienced in Ontario if this law was allowed to expire. He showed what the result would be, and said the Insolvency Law worked well at first in consequence of the ineptitude of the commercial community. If creditors chose to permit frauds to go unpunished by accepting a composition; if they would not accept the means provided for the punishment of the frauds, the law might be made to work well.

He maintained that it was the creditors who were asking for a continuance of the law, and he had received a communication from a large trader who thought that it would prove fatal to commercial interest if this law were allowed to lapse. He went on suggesting several minor improvements which might be made. It was in the interest of the whole commercial community that he argued in favour of the continuance of this law, and he hoped the House would vote in favour of the principle and accede to his hon. friend's motion.

Hon. Mr. WOOD was of the opinion that the present Act afforded all the security required by creditors that the estate of an insolvent debtor would be equitably distributed.

It being six o'clock the House rose.

AFTER RECESS

THE LABRADOR COMPANY

The House went into Committee on the Act to incorporate the Labrador Company—**Mr. MATHIEU** in the chair.

Hon. Mr. DORION (Napierville) objected to the bill on the ground that it allowed the Company to mortgage their property without effecting a registration.

Hon. Mr. LANGEVIN agreed with the member for Napierville, and said that the bill should not be allowed to pass in its present shape.

Mr. PALMER expressed a similar opinion.

Mr. GEOFFRION stated that several of the clauses to which exception had been taken were framed after another bill which had come before the House, and that he did not approve of them either.

On motion of **Hon. Mr. LANGEVIN**, the Committee rose, reported progress, and asked leave to sit again next Monday.

* * *

THE INSOLVENCY LAW

Mr. OLIVER moved the adjournment of the House. He said that owing to the small number of members present a vote taken on so important a measure as the Insolvency Law would not be a fair indication of the opinion of the representatives of its people. The matter had come up somewhat unexpectedly, and by deferring the discussion upon it for a few days an opportunity would be given for the people in the country to express their wishes in the matter.

Hon. Mr. CARLING said there was no occasion for delay, for the subject had been fully considered by the mercantile community of the country. He called attention to the number of petitions from the various Boards of Trade in the Dominion in favour of the continuance of the Act.

Mr. PALMER also spoke in favour of an adjournment.

Mr. CAMERON (Huron South) spoke very forcibly in favour of the adjournment of this debate.

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Hon. Mr. DORION (Napierville) also spoke in favour of an adjournment.

Hon. Mr. HOLTON said that he could not reasonably urge upon the Government the adjournment of the House. He thought that the members had their minds pretty well made up in the matter, and he had no doubt that although the attendance at the House was small, arrangements had been made by pairing, so that an expression of opinion could be given in a tolerably correct manner.

Hon. Sir JOHN A. MACDONALD said he could not agree to postponing the discussion.

Mr. LANGLOIS spoke against the Act, also against Boards of Trade.

Mr. BODWELL said that although he had voted last year in favour of the repeal of the Act, he was nevertheless in favour of the principle. The objections, he had were to some of the provisions contained in it.

Mr. MATHIEU spoke in favour of the repeal.

Mr. WITTON supported the renewal of the law.

Mr. DALY was understood to say that he was in favour of the Act.

After loud cries of "Question" for some time,

Mr. OLIVER withdrew his amendment for adjournment, and a division was taken on **Hon. Mr. HOLTON'S** motion in relation to the Insolvency Law, which was carried. Yeas—74, Nays 52.

Yeas

Messrs.

| | |
|-----------------------|-----------------------|
| Almon | Anglin |
| Archibald | Beaubien |
| Benoit | Bergin |
| Blain | Blanchet |
| Bodwell | Bourassa |
| Brouse | Burpee (Sunbury) |
| Cameron (Cardwell) | Campbell |
| Carling | Cartwright |
| Casey | Charlton |
| Chisholm | Cockburn (Muskoka) |
| Costigan | Cutler |
| Daly | De Cosmos |
| De Saint-Georges | Dewdney |
| Doull | Dugas |
| Farrow | Findlay |
| Fleming | Flesher |
| Forbes | Geoffrion |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Gibson | Grant |
| Haggart | Higinbotham |
| Holton | Horton |
| Jones | Kirkpatrick |

Lacerte
Macdonald (Sir John A.)
McDonald (Cape Breton)
Mackenzie
Merritt
Moffatt
Paterson
Pozer
Ross (Champlain)
Ryan
Smith (Westmorland)
Tobin
Tremblay
Wilkes
Wood

Langevin
McDonald (Antigonish)
Mackay
Masson
Metcalf
Palmer
Pickard
Robitaille
Ross (Wellington Centre)
Smith (Peel)
Tilley
Tourangeau
Wallace (Norfolk South)
Witton
Young (Waterloo South)—74

NAYS

Messrs.

| | |
|----------------------|--------------------------|
| Archambault | Baby |
| Bain | Baker |
| Beaty | Bellerose |
| Brown | Cameron (Huron South) |
| Carter | Casgrain |
| Cauchon | Colby |
| Currier | Delorme |
| Dorion (Napierville) | Dormer |
| Edgar | Fiset |
| Fortin | Fournier |
| Galbraith | Gaudet |
| Gendron | Glass |
| Grover | Joly |
| Keefer | Landerkin |
| Langlois | Lewis |
| Mailloux | Mathieu |
| McAdam | Mitchell |
| Morrison | Oliver |
| Pâquet | Pelletier |
| Pinsonneault | Pope |
| Rochester | Rymal |
| Scatcherd | Shibley |
| Staples | Taschereau |
| Thompson (Haldimand) | Trow |
| Wallace (Albert) | Webb |
| White (Halton) | White (Hastings East)—52 |

The House then went into Committee of Supply on the supplementary estimates for 1872 to 1873.

Several items were passed and the Committee rose, and asked leave to sit again.

The House adjourned at eleven o'clock.

* * *

NOTICES OF MOTION

Hon. Sir JOHN A. MACDONALD—On Tuesday next—That the order or proceedings on Wednesday, for the remainder of the session be the same as on Tuesday.

Mr. BERGIN—On Wednesday next—Address to His Excellency the Governor General for a return showing the number of officers and employees in the Militia Department, their names,

and the amount paid to each; also showing the number of officers and employees in the Adjutant-General's Department, including the staff, caretakers, store-keepers, and others in the several Military districts, their names, and the amount paid to each, distinguishing those employees permanently from those temporarily employed.

May 5, 1873

HOUSE OF COMMONS

Monday, May 5, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

REPORTS PRESENTED

Hon. Mr. CAMPBELL presented the report of the General Committee of Elections, reporting that the names of Hon. Mr. Huntington (Shefford) and Mr. Colquhoun had been added to the chairman's panel, and also that the report of the panel had been amended.

Mr. KIRKPATRICK presented the report of the Quebec Centre Election Committee, reporting that the time for objecting to voters' lists had by the mutual consent of the parties interested been adjourned until the 7th inst.

* * *

NEW BRUNSWICK SCHOOL LAW

Hon. Sir JOHN A. MACDONALD presented a message from His Excellency, transmitting a copy of a despatch, dated the 10th April, 1873, from the Secretary of State for the Colonies, enclosing the report of the law officers of the Crown on the New Brunswick School Law.

* * *

GANANOQUE WATER POWER

Hon. Mr. LANGEVIN presented a return to an address for copies of the petition of Ford Jones, and other documents in reference to the Gananoque Water Power, as effected by the Rideau Canal.

* * *

RETURNS PRESENTED

Hon. Sir JOHN A. MACDONALD presented a return concerning the meritorious services of the Rev. W. Ancient and others at the wreck of the steamship *Atlantic*.

Also, a return of all moneys paid from 1st of January, 1868, up to the present date, to J.A. Chicoine, at Saint-Hyacinthe.

Also, a return of all Acts passed by the Legislature of New Brunswick, at its last session.

* * *

HON. MR. HUNTINGTON'S CHARGES

Hon. Mr. CAMERON (Cardwell) presented a report of the Select Committee appointed to examine and report upon the statement contained in a motion of Hon. Mr. Huntington respecting the Canadian Pacific Railway. The Committee begged leave to report the following resolutions for the consideration of the House of Commons:—

Resolved—That in view of the absence of Sir George-É. Cartier and the Hon. Mr. Abbott, members of the House of Commons, and the impossibility of proceeding with the investigation with which the Committee is charged without their being present, it is advisable the Committee should adjourn until the second day of July, 1873, if this Parliament should then be in session.

Resolved—That the proceedings of this Committee should be secret.

Resolved—That the Committee should be empowered to sit in such place or places as may be found expedient.

Resolved—That the proceedings of the Committee be reported to the House.

The reading of the report by the hon. gentleman was frequently interrupted by ironical cries of "hear, hear," from the Opposition.

The report was then read from the Clerk's table.

In addition to the resolutions already reported, the report contained the following letter addressed to the Committee by Mr. L.S. Huntington:—

"House of Commons",

Ottawa, 22nd April, 1873.

"Dear Sir—I am unexpectedly obliged to leave town for a few days. I do not know whether the Pacific Railway Committee will meet before my return, or whether on meeting, it will request me to name any witnesses whom I should desire to have examined, but in case this should happen, and to avoid any delay, I beg to submit, for the information of the Committee, a list of some of the witnesses whom I should desire to have first summoned, and I beg that if the

Committee determines to ask me to name witnesses you will lay before it this letter and the subjoined lists”.

“Faithfully yours”,

“L.S. Huntington”.

“List—Hon. Sir Francis Hincks, George W. McMullen, Hon. D.L. Macpherson, Hon. Mr. H. Cochrane, Hon. A.B. Foster, Hon. J.C. Chapais, Norman W. Bethune, Andrew Allan, Louis Beaubien, Victor Hudon, E.L. Bellefeuille, Hon. J.O. Beaubien, Hon. J.L. Beaudry, P.S. Murphy, C.A. Leblanc, Jackson Rae, James Daker, R.N. Hall, Joseph Hamel, W.M. Blumhart, Hon. Sir John A. Macdonald, Hon. H.L. Langevin, Daniel McMullen, Charles J. Coursol, J. Bte. Beaudry, F.W. Cumberland, E.R. Burpee, Sandford Fleming, H.N. Nathan, Jr., D.W. N. Smith, D. McInnes, Hon. A. Campbell and the Hon. Peter Mitchell.”

The report also contained a summary of the proceedings at each meeting of the Committee.

* * *

COMMUNICATION WITH THE WEST INDIES

Hon. Mr. YOUNG (Montreal West) presented a memorial from certain merchants and others of Montreal, praying for the establishment of mail communication with the West Indies in summer and *via* St. John and Halifax, during the winter.

The memorial was read and received.

* * *

THE PACIFIC RAILWAY COMMITTEE REPORT

Hon. Sir JOHN A. MACDONALD suggested that while the hon. member for Cardwell (Hon. Mr. Cameron) was preparing his resolution on the Pacific Railway question private bills might be taken up.

Hon. Mr. MACKENZIE said the report of the Committee was of so extraordinary a nature and was so unexpected by the House and the country, and involved considerations of such vast importance, that it seemed to him that to proceed tomorrow was the best course to pursue. The hon. member for Cardwell came to the House at a moment's notice to propose certain resolutions which seemed to have been premeditated. He thought that those resolutions required some consideration by hon. members, and he suggested that they should be proposed tomorrow, and should be made the first order of the day.

Hon. Mr. CAMERON (Cardwell) said the statement of the hon. gentleman was an entire mistake. He had not come with the intention of asking the House to concur in those resolutions today, but had distinctly stated that it was his desire to place them on the notice paper, and that they should be taken up tomorrow and made the first order. He had not even prepared them for today, and was

only writing them in accordance with what he understood to be the wish of the House. He begged, therefore, that his hon. friend from Lambton, would not put in his mouth any statement to the effect that he wished the matter to go on now.

Hon. Mr. MACKENZIE had no wish to misrepresent his hon. friend, but merely to point out that it was desirable that a few hours should be given for the consideration of the extraordinary proposition involved and what depended upon the course which the Committee had resolved by a majority to adopt. The earliest possible moment should be given for discussing this matter.

Hon. Sir JOHN A. MACDONALD: Hear, hear.

Hon. Mr. MACKENZIE said they had already lost more than a month since the matter was first brought up, and he thought they would all be prepared to discuss it at the first order tomorrow.

Hon. Mr. CAMERON (Cardwell) then gave notice of his motion.

Hon. Mr. BLAKE said the hon. gentleman's notice was given as a whole. He had understood him to say he would move the resolutions separately.

Hon. Mr. CAMERON (Cardwell) said that was what he intended to do.

Hon. Mr. HOLTON suggested that the hon. gentleman should move now that the resolutions be taken into consideration as the first order tomorrow.

After some further conversation,

Hon. Mr. CAMERON (Cardwell) moved that the resolutions reported from the Select Committee on the statement of the Hon. Mr. Huntington in relation to the Pacific Railway charter be taken into consideration tomorrow, and be then the first order of the day.—Carried.

* * *

WESTERN BANK OF CANADA

Mr. BEATY moved concurrence in the amendments made by the Senate to the bill to incorporate the Western Bank of Canada.—Carried.

* * *

THE GLASGOW CANADIAN LAND AND TRUST COMPANY

Mr. CARTER moved the second reading of the bill to vest in the Glasgow Canadian Land and Trust Company (limited), all powers contained in the articles of the Association of the said Company throughout the Dominion of Canada, and for that purpose to incorporate the said Company throughout the Dominion of

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Canada, and for that purpose to incorporate the said Company within the said dominion.—Carried.

The House went into Committee, **Mr. KIRKPATRICK** in the chair.

The bill was passed without amendment and was read a third time and passed.

* * *

MARINE INSURANCE COMPANY

Mr. DOMVILLE moved the second reading of the bill to incorporate the Marine Insurance Company.—Carried.

The bill passed through Committee and was read a third time and passed and entitled “The Canada Mutual Marine Insurance Company.”

* * *

CANADA PAPER COMPANY

Mr. RYAN moved the second reading of the bill to incorporate the Canada Paper Company.—Carried.

The bill passed through Committee and was read a third time and passed.

* * *

MERCHANTS' WAREHOUSING COMPANY

Mr. BEAUBIEN moved the second reading of the bill to incorporate the Merchants' Warehousing Company.—Carried.

The bill passed, through Committee and was read a third time and passed.

* * *

WILLIAMSBURG CANAL

Mr. GIBSON asked whether it is the intention of the Government to enlarge and improve the Williamsburg Canal this season, and if so what are the improvements contemplated.

Hon. Mr. LANGEVIN replied that the Williamsburg Canal would be improved in accordance with the report of the Canal Commissioners. He could not say at what period they would be enlarged, or what were the contemplated improvements until the Canal Commissioners had reported.

* * *

HARBOUR IMPROVEMENTS

Mr. FLESHER asked whether the Government intended during the present session to recommend any appropriation to aid in the improvement of the harbours at Meaford and Thornbury.

Hon. Mr. LANGEVIN replied that there was an item in the supplementary estimates for the improvement of Meaford harbour. The reason there was that the Government could not bring down an item for both harbours and Meaford was the more important.

* * *

THE OTTAWA SHIP CANAL

Mr. EDGAR in the absence of Mr. Cockburn (Muskoka) enquired whether it is the intention of the Government to take any steps towards the construction of the projected work between the city of Montreal and Lake Huron, known as the Ottawa Ship Canal, by way of Lake Nipissing and French river, by a cheaper system of works than that proposed in the reports of Messrs. Walter Shanly and Clark, in order to extend steam navigation from Lake Huron to Lake Nipissing.

Hon. Mr. LANGEVIN replied that it was not the intention of the Government to take any steps in that direction this session.

* * *

FLOODS

Hon. Mr. ROSS (Champlain) asked whether, in view of the serious fact that certain places between Quebec and Montreal are frequently flooded by the waters of the St. Lawrence, whereby incalculable damage is done, is it the intention of the Government to enquire as to the causes of these inundations, which are identical with the causes of the late opening of the navigation, and as to the means to be adopted to remedy the evil.

Hon. Mr. LANGEVIN said it was the intention of the Government to enquire into the causes of these floods.

* * *

THE TREATY OF WASHINGTON

Hon. Mr. BLAKE rose to move that the House go into Committee to consider the following resolutions:

1.—That for many years prior to Confederation it was the undoubted right of the Province of Canada, that no powers or privileges with respect to the navigation of the St. Lawrence could be conceded to any foreign power, unless the Province should by its legislation, have signified its approbation of and concurrence in such concession.

2.—That this right was in a marked manner recognized by the Imperial Government in 1847, when Earl Grey, then Colonial Secretary, addressed to the Earl of Elgin, then Governor General of Canada, a despatch with reference to a memorial of the Montreal Board of Trade, containing the words following:—“With regard to that part of the memorial which relates especially to the navigation of the St. Lawrence by foreign vessels, I state that, although this question is also connected with the general laws of navigation, it

must perhaps be possible to deal with it separately, and to comply wholly or partially with the application of the memorialist, even although it should be decided to leave the rest of the navigation laws untouched. The very fact, however, of this being a peculiarly Canadian question, and as such admitting of a separate solution, renders it more than commonly important that the sense of the Canadian Legislature and of the inhabitants of the Province should be clearly ascertained before any attempt be made to affect a settlement of it, and how ever great may be the consideration justly due to the body from which the memorial proceeds her Majesty's Government would not feel justified in coming to any final decision upon a question so materially affecting not only the foreign relations and the commerce of the Empire at large but also the special fiscal interests of Canada, without a formal expression on the part of the Provincial Legislature of its approbation and concurrence.

An opportunity of ascertaining the views of that body will probably be afforded by the recent communication which I have made to your Lordship, respecting the proposal to allow vessels of the United States to pass through parts of the inland waters of Canada in voyages from Fort Covington to Lake Champlain. Should it appear from the discussion that may arise in this proposition that the Provincial Legislature is decidedly in favour of opening the navigation of the St. Lawrence to foreign vessels, this subject shall receive the serious consideration of Her Majesty's Government in order that such measure may be adopted as may appear best calculated to promote the common interests of this country and of Canada, in providing that any changes which it may be expedient to effect in the regulations under which the commercial intercourse between the United States and the British Dominions is now carried on may be settled on the principle of giving equal advantages to both parties. If, however, any change of this kind should ultimately be considered expedient, I need hardly point out to your Lordship that it will be of the greatest importance to avoid giving a right to any but British subjects to navigate the St. Lawrence. If citizens of the United States should be permitted to do so, the permission must be granted upon the clearest understanding that it may at any time be withdrawn at the pleasure of Her Majesty's Government. Perhaps it will be expedient further to limit the duration of any such indulgence to a period of five or ten years, unless expressly renewed."

3.—That this right was further recognized in the negotiations for the Reciprocity Treaty of 1854, and in the submission of that treaty to the Provincial Legislature for ratification.

4.—That since Confederation this right has been vested in the Dominion of Canada.

5.—That prior to the meeting of the Commissioners appointed to negotiate the Treaty at Washington, the leader of the Government, in his place in this House, informed this House that the Imperial Government had given repeated assurance that none of the rights of Canada should be surrendered without her consent.

6.—That the consent of Canada to the cession to the United States of any rights or privileges with respect to the navigation of the St. Lawrence has never been asked or given.

7.—That by the 26th article of the Treaty of Washington it is agreed as follows:—"The navigation of the river St. Lawrence ascending and descending from the 45th parallel of north latitude, where it ceases to be the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purpose of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privileges of free navigation."

"The navigation of the Rivers Yukon, Porcupine and Stikine, ascending, and descending, from, to and into the sea, shall forever remain free and open for the purposes of Commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either Country within its own Territory, not inconsistent with such privileges of free navigation."

8.—That in the opinion of this House Canada should have been consulted before the ratification of the said Article.

9.—That in the negotiations which resulted in the said Treaty, the British Commissioners maintained the view which had always heretofore been maintained by the Imperial Government that the citizens of the United States had no right to the navigation of the St. Lawrence. They added that there were certain rivers running through Alaska which should, on like grounds, be declared free and open to British subjects in case the River St. Lawrence should be declared free, but they did not set up any claim to the navigation of such rivers under the treaty of St. Petersburg and subsequent treaties, nor did they set up any claim whatever to the navigation on like grounds of the Columbia River; and the Treaty contains no provisions in respect of the navigation of the Columbia River.

10.—That, in the opinion of this House, the free navigation of the Columbia River should be claimed and obtained for British subjects, on like grounds to those on which the free navigation of the St. Lawrence had been conceded to the United States.

11.—That an humble address to Her Most Gracious Majesty, embodying the preceding paragraphs, and praying that Her Majesty will be graciously pleased to direct that Canada shall be consulted before any concession of her rights be made in the future, and to direct that such steps may be taken as shall in Her Majesty's judgment, be best calculated to procure the concession to British subjects of the free navigation of the Columbia River.

In proposing these resolutions he said he would not enter into their details, which could be dealt with in Committee, but would discuss the principle involved. The first question involved was whether it was expedient that we should declare our opinion upon the subject of the concession of the right of the full navigation of the St. Lawrence without the sanction of the Canadian Parliament, and that we should address Her Majesty to prevent a repetition of

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such a procedure. The second question was whether it was expedient that we should declare we are entitled to, or ought to have, a concession of the full navigation of Columbia River, and whether it is expedient we should address Her Majesty with a view that such steps be taken as would be best calculated to attain that object. These two questions were intimately connected with each other, having regard to the course that had been pursued.

With reference to the first proposition, the House would observe he was not proposing upon this occasion to advance any new theories with reference to the constitutional relations of the Colonies to the Empire. Those relations were not gathered from the statutes only, or from what was called constitutional Acts, but from the course of the feeling and policy which had been pursued for a great many years between the Empire and the Colonies.

With regard to the first proposition in his resolutions, he cited a despatch of the Colonial Secretary, of over 25 years ago an extract of which appeared in his resolution: that despatch indicated the right of the colony at that time on a question virtually affected Canadian interests. That right was again recognized in the negotiations that led to the Reciprocity Treaty of 1854. He supposed no one would deny that the progress of events had not been, at any rate, in the direction of yielding up any part of the Constitutional rights of the various Colonies. He supposed it would be conceded on all hands that if we ought to be consulted 25 years ago, we ought to be consulted now.

With reference to the next resolution, the leader of the Government had repeatedly informed the House before the meeting of the High Joint Commission that the Imperial Government had given repeated assurances that none of the rights of Canada would be surrendered without our consent. The members of the last Parliament would remember the circumstances under which the declaration was made to the House. Sir A.T. Galt had brought forward certain resolutions adverting in part to the concession of the St. Lawrence, and laying down the proposition that such concessions should not be made without the approbation of Parliament. In answer to that motion the hon. gentleman who had accepted the appointment of Commissioner, with the sanction and by the advice of the Government, made certain statements which were designed to be the foundation of the action which he called upon the House to take.

It was then that the hon. gentleman stated that repeated assurances had been given by the Imperial Government that none of the rights of Canada would be conceded without her consent. Had a syllable of doubt been expressed as to the navigation of the St. Lawrence being a Canadian right and that the consent of Canada would not be asked before the right was conceded,—he did not hesitate to say that by an overwhelming majority that Parliament would have to come to a conclusion upon the question as to what the interests of Canada really were in this matter.

Under these circumstances what was the surprise of this people to find that before the treaty was ratified, instructions were given to

the British Commissioners to the effect that Her Majesty's Government were prepared, and that without reference to the people of Canada to concede the principle of free navigation of the St. Lawrence to the United States and what was the added surprise of the people of Canada, when they found that there was no protest, no remonstrance from our own Government, no proposal to submit the question to our Parliament or Government, but that the Imperial Commissioners had agreed that they were prepared to concede that liberty, stipulating, indeed, in return therefore the navigation of Yukon, the Porcupine and Stikine rivers, running partly through British and partly through the United States territory. Such were the circumstances under which the treaty was negotiated which absolutely conceded, without any reservation, of the rights of the Legislature of Canada to pronounce upon it, the free navigation of the River St. Lawrence.

For many years it had been the endeavour of this country to prevent the cession of that right, for many years it had been their view that while we could, as a privilege, permit the people of the United States to enjoy that navigation, they still enjoyed the sovereignty of the river themselves, and held that in the liberty to navigate it they gave a return for the Reciprocity Treaty. It was deemed by many an authority, and by the Government themselves, that the navigation of the St. Lawrence could be used as a lever for producing a feeling in the Western States in favour of reciprocity, as the fisheries were used in the Eastern States, in State elections; and that that right should be absolutely conceded by those Commissioners upon the authority of the Imperial Government, without any reference whatever to the Government or Legislature of Canada and without any protest on the part of our Government and without the opportunity of a protest on the part of the Legislature, creates a shock of surprise in the minds of the people of this country. (*Hear, hear.*)

He therefore thought it expedient that the sense of the House should be taken on this question, whether or not this transaction should pass without some protest of the people of Canada. He declined altogether to believe that the Colonial Secretary had the right to take away from us our territory. (*Hear, hear.*) He declined altogether to believe that the navigation of the St. Lawrence or any other of our territorial rights, are to be under the control of the Colonial Secretary of England. (*Hear, hear.*) He desired to maintain the rights of the people of this country in this particular, and he did not believe they could be maintained, otherwise than by a temperate, still firm assertion of what those rights are based upon, the Acts of State—to which he had referred—in a respectful address sent to Her Majesty that no such act take place in the future.

If the Parliament of this country passed this over; if the Parliament of this country, speaking in the name of the people of this country, is disposed to determine that its rights are held by this tenure, he maintained that the greatest blow that could be struck at the continuance of their present connection will have been struck by this Parliament. We must not overlook those facts; we must not overlook the claims which at present exist; and if we choose to shut our eyes to them and assume that the powers which may be said to

be technically in ourselves should do more toward the breaking off of the Imperial connection than could possibly be done by any other course that could be taken. He did not believe that the people of this country could look with approbation upon such a transaction as this taking place without their having any voice at all in the doing of it.

The conclusion of his resolution was that it was the opinion of the House that Canada should have been consulted before the ratification of that article of the Treaty to which his motion referred, because long after the principle had been agreed to it was subject to ratification; for a long time it was competent for the Government of this country to have convoked Parliament in order that the sense of Parliament might have been taken before the deed was ratified, but Parliament was not called until after the deed was actually done. Parliament was not called until the surrender of this most important part of the rights of Canada had been irrevocably affected.

The deed being done, what was the result of the general principle. If there was a river to which that principle should have been applied it was the Columbia River. Certain restrictive rights to the navigation of that river had already been conceded to those persons who alone of British subjects were interested in its navigation, namely, the Hudson Bay Company; but at the time this Treaty was negotiated, the power of the Hudson Bay Company had terminated, and the conditions of that country were greatly changed. We expected to see it filled with British subjects, and to see British and Canadian traders in these seas, and the same principles which secured the navigation of the Columbia to the Hudson Bay Company should have been applied with reference to all British subjects.

On what principle was it that no attempt was made in the negotiation of the Washington Treaty to secure free navigation of the Columbia River? Why was it that when the general principle was being laid down, under which we were to yield up the all important navigation of the St. Lawrence forever, it was not so applied to the navigation of the Columbia River? Was it too late to ask for it now? Was the House prepared to determine that the principle on which rightly or wrongly the free navigation of the St. Lawrence had been irrevocably conceded, did not apply to the navigation of the Columbia? Was the House prepared to deny that if the principle had been conceded in one case, the United States should be called upon to apply it to the other? Were we to have a one-sided application of the principle so far as they benefited our neighbours, and shrink from the demand that they should be applied when the result was to benefit ourselves?

It appeared to him they should not shrink from the demand, out of respect to themselves, out of respect to the Empire; and it would be inconsistent with the spirit of justice and fair dealing which the great nation alongside of us must exhibit if it wished to maintain its place amongst the nations of the earth, if they refused to extend to the navigation of the Columbia the principle they had adopted in the treaty with reference to the St. Lawrence; therefore it seemed to him that while they ought respectfully to remonstrate against the concession of the free navigation of the St. Lawrence without

consulting the Canadian people, and that no such concession of the rights of Canada should take place in future, they ought also to call upon Her Most Gracious Majesty to take such steps as were best calculated to secure the application of the same principle to the Columbia River.

He implored the passage of the resolution in that spirit which the people of Canada expected from them in this matter. He implored them to act in that spirit to promote the rights which were in their hands, simply as trustees, and which were not to be given away, but to be preserved unimpaired for those who would come after them. He appealed to them to determine so far as it lay in their power to do so, to repair the moral and material blow which had been inflicted on this country by the disgraceful Treaty which they were now discussing. (*Loud cheers.*)

Hon. Mr. TUPPER thought that whatever opinions the hon. member who had just taken his seat might have, he was at liberty to express a year ago. On this subject, he (Hon. Mr. Blake) had been proscribed by subsequent events from using the language with which he had just favoured the House. The hon. gentleman, a year ago in the strongest possible terms, denounced the Washington Treaty. The question was dealt with by Parliament a year ago, and a large majority pronounced that instead of the Treaty of Washington deserving such appellations it was a treaty that the interests of this country required that Canada should adopt. The hon. gentleman had carried his appeal from Pilate to Caesar. The hon. gentleman and his friends had discussed this question far more exhaustively before the people than he had done today, and the verdict of the country was unanimously pronounced that the Treaty of Washington was a wise and judicious treaty. (*Cheers, and cries of no, no.*)

The hon. gentleman said "no, no", but if there was any feature in the Treaty that overshadowed all others it was the concession of the fishing privileges. And what said that portion of the country that had the best right to speak upon this subject. The power that Canada had to deal at all with this branch of the Treaty, was derived from the fact of the union of the Provinces which had brought the Maritime Provinces into Confederation. After the fullest and most exhaustive discussion of this question, that portion of the Dominion which was most interested had declared in a most undeniable manner that the treaty was a good treaty. He (Hon. Mr. Tupper) objected to the hon. members discussing this question over again. It was bad enough for the hon. gentleman to go so far in his arguments last year, before the Treaty was adopted, in opposition to it, as to force the Government and their friends to take a line of argument which might prejudice the interests of Canada in another place.

Hon. Mr. BLAKE: Were the hon. gentleman's arguments true arguments?

Hon. Mr. TUPPER said that it was quite possible that the arguments might be true and well founded arguments, and yet be such as might be turned against Canada at another time and in

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another place; but he had some objection to the arguments made use of by the hon. gentleman today, and on another question which arose a few days ago. What was the argument used in favour of the Treaty? It was that it was going to bury the cause of discord which had existed with our neighbours to the south of us. In order to allow the tendency which had already begun to appear in the neighbouring Republic towards reciprocal trade relations with Canada to develop these political discords should be altogether put to rest. This was one of the arguments used on the ministerial side of the House.

They had been met by a statement that it was a mere delusion, that any advantage was to be gained in this way. He would fall back on the honest testimony given by two of the more distinguished men on the other side of the House, who had spoken in the strongest terms in favour of the conclusion arrived at by the Government. He would refer to a statement given in the Dominion Board of Trade in which Mr. Wilkes is reported to have said that the Washington Treaty had settled, he hoped, all questions between these two great nations, et cetera.

Hon. Mr. BLAKE: Hear, hear.

Hon. Mr. TUPPER: Did the hon. gentleman say hear, hear, to this? Did he endorse the statement of his hon. friend for Toronto, who was not a friend of the Government, but who was an honest man, that the result of the Treaty of Washington had been to settle, he trusted for ever, all questions that were in dispute between the two countries? There was not an intelligent man in the United States or Canada who does not know that the relations of Canada in reference to the two great vital interests that are of such importance to us, are in an entirely different position that they were before the Washington Treaty was adopted, and which by the mouth of a generous opinion had been demonstrated to be an undeniable fact.

He asked if it was wise, in the face of the evidence that the Government and Parliament of Canada had accomplished this great object after having got the verdict of the country emphatically pronounced, after a full and exhaustive discussion of the question had taken place, when the fruits of the Treaty were being reaped, was it right, he asked, to stir up the feeling which had formerly existed and to destroy the beneficial effects of the Treaty upon the commercial interests of Canada by bringing up another of those sources of irritation, in order by discussion in this House to instil into the public mind of this country, as far as the hon. gentleman was able to do, a sense of dissatisfaction, and to sweep away the benefits that we should have otherwise received. (*Cheers.*)

The hon. gentleman then went on to say that the question of the navigation of the St. Lawrence had been discussed between this country and the United States fifty years ago, and the great argument was that it was a right of the United States to navigate the St. Lawrence. This ground had always been held by the United States, and had always been denied by England; but Great Britain had said that if the United States was prepared to give up the question as one of right they were prepared, seeing the strength of

the case, to give it a most favourable consideration, as a matter of concession. The United States had refused to do this. They demanded the cession of the navigation of the St. Lawrence as a matter of right. That was the position of this question, and while they and the Government of the Empire were undoubtedly right in maintaining their just claims, in regard to which the policy of England of fifty years ago had never been withdrawn, still there were great reasons why in the interest of the civilized world a strict adherence should not be given to this maintenance of the exclusive right.

He asked the hon. gentleman to tell him what had been given up. Was the right to navigate the Niagara Falls the great boon which Canada had given up? Nearly everyone who had had his attention attracted to this subject had come to the erroneous conclusion that the right to navigate the canals of Canada had been given up. The power to navigate the river had been given, not as a matter of right, but as a concession, and the United States had come down from the lofty attitude they took fifty years ago and had been willing to accept this as a concession, and to put in a corresponding concession on their side. He asked if the river which the hon. gentleman had referred to were not as navigable and as available for commerce as the St. Lawrence. (*Hear, hear.*)

They saw a newspaper that ought to be better informed, but had been misled by this declaration about the enormous sacrifice of Canadian right labouring under the impression that the right to navigate our canals had been ceded to the United States. He would call the attention of hon. gentlemen opposite, who had almost, he supposed, made themselves believe this, to a statement of his hon. friend from Montreal West (Hon. Mr. Young) who had again and again, in defiance of the commercial interests of Canada, visited the United States and had attended their boards of trade. He felt bound to pay that gentleman the tribute of saying that he had steadily laboured for the promotion of closer relations between the United States and Canada. He could not congratulate him as to his views on the political relations between the countries, but he had always shown that he was fully alive to the importance of improving the commercial relations. The expression of that hon. gentleman had been that year after year, since those unfortunate differences arose between England and the United States and Canada and the United States in connection with the war, he had come back with the melancholy impression on his mind that until that condition of circulation could be renewed, it was utterly futile and useless to talk about accomplishing better commercial intercourse between Canada and the United States.

He had, however, gone with higher hopes to the great national gathering of the commercial men of the United States at the congress of the Board of Trade of New York, and he had come back not disappointed, to tell the people of Canada that the policy which he, as an independent public man, as a citizen of the great commercial metropolis of this Dominion, had from the first stated that the interest of Canada required the adoption of the Treaty of Washington; and he had not misjudged the result when, as an

advocate of the great measure, he believed it was fraught with vital importance to the interest of Canada.

He (Hon. Mr. Tupper) told the Dominion Board of Trade that the impression left on the minds of those who were present at the meeting in the United States, was that there was a great desire on the part of the citizens of that country to meet the mercantile views of Canada on this subject of improved commercial relations.

After quoting from the report of Mr. Young's speech at the Dominion Board of Trade meeting, Hon. Mr. Tupper went on to ask what hon. gentlemen opposite proposed to accomplish by such motions as this, except to stir up ill feeling between the people of the two countries, and to bring back unhappy differences where there was no necessity for it whatever. Let them remember that in substance, though not in name, all the rights which we possessed before the Treaty we possessed today as far as the actual navigation of the St. Lawrence was concerned, and that right we would continue to hold and to exercise, if the occasion offered, as a lever to promote reciprocal trade with the United States.

The people of this country, by their course in sustaining the Government who submitted the Treaty to the House, and his right hon. friend the Minister of Justice (Hon. Sir John A. Macdonald) who was our commissioner at Washington, had given the most satisfactory evidence possible that whatever the opinion of the member for Bruce might be, and however strong the language in which he might denounce the Treaty in this House, he stood in antagonism to the clearly pronounced sentiments of Canada in relation to this question. If this was a new issue, he would understand his course, and the terms he had ventured to use in denunciation of the measure, but after the people had declared in plain and unmistakable language that they believed the hon. gentleman was mistaken, he could not understand his dealing with the question in the manner in which he had dealt with it today.

As to the Columbia River, he maintained that the Government of Canada was possessed of the territorial rights of the Hudson's Bay Company, whatever they were (*hear, hear*), and that the navigation of that river was secured to us by the acquisition of the rights of the Hudson's Bay Company. (*Cheers.*) That very question about which the hon. gentleman was so anxious was one upon which his resolution would tend to throw a doubt, where they maintained there was none, and it was just as bad in point of policy for him to raise a doubt in relation to this matter as it was in regard to any other question which had been dealt with under this treaty. (*Hear, hear.*)

It would be time enough for the hon. gentleman to move this resolution, at the risk though it might be of lighting up these fires of discord which had done so much to embitter the relations between the two countries, of wiping away all the advantages which we had obtained by the treaty, of creating exasperation and irritation between the two countries, when the United States questioned for a single instant, as he (Hon. Mr. Tupper) maintained they never would, the right of Canada to the free navigation of the Columbia.

But supposing they did deny the right, he could refer to the declaration of the United States Minister, Mr. Clay, fifty years ago, to show that they had not only admitted the principle, but stated in distinct terms, that the moment the right to navigate the St. Lawrence was given to the people of the United States, they were prepared to give the same right in relation to the Columbia River. (*Cheers.*)

He would not detain the House further. He felt that, though it might be interesting to the hon. gentleman to fight these battles over again, and to bring up questions which had been settled by Parliament, and ratified in the most emphatic manner by the country, it was desirable that the House would pause before it passed a resolution only calculated to throw doubt and raise a question on a point upon which he believed a question never could otherwise be raised, and if it was, in regard to which it was only necessary to turn to the declaration of the United States Minister, to show that the right had been conceded. He would only now express a hope that mischievous resolutions, calculated to destroy the benefit which Canada had obtained would not be offered, and he hoped the time would soon come when he, his hon. friend opposite, would learn to bow with due submission to the verdict, not of the Government, but of the people of Canada, to which every public man in this country ought to be ready to bow. (*Loud cheers.*)

He moved in amendment that all the words after "that" in the said resolution be expunged, and the following substituted: "It is not for the advantage of the Dominion to re-open at this time a discussion on the various matters settled by the Treaty of Washington." (*Renewed cheers.*)

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

AFTER RECESS

Hon. Mr. YOUNG (Montreal West) replied to the remarks of the Minister of Customs (Hon. Mr. Tupper) respecting the statements he had made before the Dominion Board of Trade, and after having read from his published speeches, challenged the hon. gentleman to show that he had ever said a word in favour of the Treaty, though he had never said anything to detract from its effect. He was fully sensible that the interests of Canada had been sacrificed to the interests of England. (*Hear, hear.*)

The hon. gentleman had alluded to his political principles. He supposed he referred to those principles in respect of which he had urged that Canada should have the treaty making power. He was confident that had Canada had that power, there would have been no such Treaty as this. (*Hear, hear.*) He ventured to say that the navigation of Lake Michigan and Columbia River would have been included in the Treaty, and that we should have the United States as to prevent any difference arising hereafter.

Under this Treaty we had only about seven years more of the navigation of Lake Michigan, through which upwards of one

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hundred and thirty millions of trade of Canada passed last year. Yet, at any moment after the expiration of seven years, the United States might shut up Lake Michigan against us, while they would have the full right to navigate the St. Lawrence.

With reference to his own remarks respecting free trade in the United States, to which the Minister of Customs had referred, he did believe, as he had said, that there was a growing feeling in favour of more unrestricted trade relations in the United States, and that they were beginning to meet us upon more liberal terms than heretofore. It was for that reason that he had stated that there was a better feeling at the New York meeting than he had ever seen before, but that the interests of this country were sacrificed by the Treaty he had no doubt whatever.

Hon. Sir FRANCIS HINCKS ridiculed the idea that Canada, with three million and a half of people, could, if she had the treaty making power, have extorted everything she wanted from the great people to the south of us. If we could not get everything with the power and influence of England at our back, we could not have obtained it without that assistance.

Mr. MILLS adverting to the statements of the Minister of Customs said he had now confessed that the arguments of the Government last session in favour of the Treaty had been damaging to the interests of the country in reference to the coming arbitration at Halifax. He proceeded to point out that the promise made by Great Britain in former years to Canada in this matter had not been kept. What was asked was that this wrong should not be repeated. That could not in any way affect the Washington Treaty. They were in no better position to discuss this last session than now. The Treaty had been ratified, the St. Lawrence had gone beyond our control; it was too late now to discuss the matter, it was too late then, and were they to be told that they had no right to discuss it all. Yet that was the argument of the hon. gentleman.

The hon. Minister of Customs had argued that the Americans had a natural right to the St. Lawrence and had referred to the case of the Rhine as an illustration of his argument; but in every case in which a similar right had been conceded, it had been conceded not as a natural right, but as a matter of treaty arrangement. He challenged the hon. gentleman to show a single instance to the contrary. He further pointed out that in all other cases where a river ran through two States, if the right was given to the upper State to navigate it to the ocean, the right was also given to the lower State to navigate it to the head of navigation, including all its tributaries. But had that principle been followed but in the case of the Washington Treaty? As the United States had conceded the right to navigate from Chicago to the sea, Canada should have been given the right to send her ships to Chicago and to any tributary of the St. Lawrence that could be reached. But what was the position of affairs? Why, that Canadian ships might go to Chicago and Milwaukee for ten years, but American ships may go for all time from Chicago to the sea. (*Hear, hear.*) That was the condition of things which they wished to protect against.

He proceeded to say that it was not very creditable to the British Commissioners that in return for the navigation of the St. Lawrence they had only secured for Canada the right to navigate certain rivers in Alaska, which right Canada already possessed by the Treaty of St. Petersburg, which was not affected by the war, inasmuch as there was a disputed question of boundary involved.

With reference to the statement of the Minister of Customs that Mr. Clay had offered to concede the right to navigate the Columbia River in return for the right to navigate the St. Lawrence, he ventured to say that the hon. gentleman was mistaken because at that time the territory through which Columbia River flowed was not in possession of the United States, as he showed by reference to historical facts.

Hon. Mr. TUPPER read an extract from Mr. Clay's letter of 1826, in which he stated that if the arrangement consummated by which the United States would gain possession of the territory, then they would concede the navigation of the Columbia in return for the St. Lawrence.

Mr. MILLS said the whole case was put there hypothetically. The American Government could not have then offered absolutely to concede the right because the territory did not then belong to them. The hon. gentleman had stated that we succeeded to the right of the Hudson's Bay Company. That was a most extraordinary statement. The Hudson's Bay Company had no recognized right of property west of the Rocky Mountains. They had license to carry on their trade there for 21 years, but that license expired in 1859. The colony which the English Government established there did not succeed to the right of the Hudson's Bay Company, but was a Crown colony with certain rights conferred by the Crown.

He read the second article of the Treaty of 1846, which was to the effect that the right to navigate the Columbia was only conferred upon the Hudson's Bay Company and the British subjects trading with them. Whenever the Hudson's Bay Company ceased to have posts on the Columbia River, the rights which were acquired under that article must have terminated. It would be simply imposing upon ourselves to attempt to set up any claim to navigate the Columbia River based on the second article of the Treaty of 1846, but he held that we might fairly ask the United States to concede us the free navigation of the Columbia upon the same principle that they had obtained the free navigation of the St. Lawrence.

There were two distinct propositions in the motion of the member for Bruce South, one was that they should seek to obtain the rights to navigate Columbia River, and the other was that they should assert the principle that Great Britain ought not to concede any rights of the people of this country without the consent of the Parliament of this country, and he could conceive of no ground upon which any hon. gentleman could fairly oppose so rational a proposition. (*Cheers.*)

Mr. THOMPSON (Cariboo) believed that when the country of the North-west was opened, we should derive great benefit from the navigation of the three rivers which had been conceded to us by the Treaty of Washington, especially from the navigation of the Yukon, which he believed would prove to be one of the great rivers of the world.

Coming to speak of the Columbia River, he said it could not be considered a navigable stream. Its north branch ran through British territory to the 49th parallel. The Hudson's Bay Company, under the treaty of 1847, had the right of navigation from thence to the sea and so had all persons trading with them. That company had a post today in the 49th parallel, but they did not use the river. Eighteen miles below the boundary line, there were dangerous rapids, and forty-five miles distant therefrom navigation became impossible, owing to a series of falls and rapids. At certain distances there were navigable reaches, on which Americans had steamers running. They connected with the portages round which railroads were built by the Americans for carrying freight, but would any one contend that Americans would permit us to build steamers on their territory, because the river ran through American territory, or would they allow us to use their railways?

The Treaty of Washington did not give Americans that right to navigate the canals of the St. Lawrence and therefore no power would give us right to use the railways round the rapids, which interfered with the navigation, but British and foreign ships now navigated the Columbia River to the ports of entry. Under all the circumstances he submitted that nothing could be gained by the present motion. On the contrary, it was but a mischievous interference with old dead issues, and an attempt to raise up feelings of antagonism which had long since been set at rest.

Mr. PATERSON said that the resolutions of the hon. member for Bruce South (Hon. Mr. Blake) were not clearly apprehended, otherwise they could scarcely be opposed by the Government, seeing that they were in accordance with the views which they had themselves committed to paper. The hon. member for Bruce South, in his motion, stated that it was desirable that the rights of Canada should not be conceded without her consent. That was a fair proposition, which instead of meeting with opposition from the Government, should have been introduced by them. (*Hear, hear.*) He would read an extract from the celebrated minute of Council of the 28th July 1871, in which the Government, speaking with reference to the Treaty of Washington, stated that the general dissatisfaction which the publication of the Treaty of Washington had produced in Canada arose chiefly from two causes; first, that the principal cause of difference between Canada and the United States has not been removed by the Treaty, but remains a subject for anxiety; second, that a concession of territorial rights of great value has been made to the United States, not only without the previous assent of Canada, but contrary to the expressed wishes of the Canadian Government. (*Hear, hear.*)

From this quotation it would be seen that the Government then stated that great dissatisfaction existed in this county, because one

of our rights had been conceded without our consent, and had laid down the doctrine that no Canadian right should be conceded to any foreign power without the consent of the Canadian people.

Now he entirely misapprehended the meaning of the resolutions of the hon. member for Bruce South (Hon. Mr. Blake) if that were not the very point that he wished to commit the House to, but yet he found the Minister of Customs (Hon. Mr. Tupper) rejecting the very doctrine which a short year ago the Ministry had declared was desirable to establish in the interests of this country.

As the discussion had become somewhat general, he might be permitted a few remarks with reference to the Treaty itself. The hon. Minister of Customs had stated that the people of the Maritime Provinces were perfectly satisfied with the Treaty. If they were so, there was some reason for it, because they had received some sort of reciprocity, in so far as their fish and fish oil, the principal products of these Provinces, were allowed free into the United States markets.

But what he said was that the interests of Ontario and Quebec had been sacrificed; that while we had not only given up the fisheries and the free navigation of the St. Lawrence the people of the Upper Provinces had received no compensation in return. Had they obtained a fair measure of reciprocity, they might have been in a somewhat similar position to the people of the Maritime Provinces, and might have been more willing to accept the Treaty. In order to show that we held a lever by which to obtain reciprocity, which had been taken away by the Treaty, he quoted from the same Minutes of Council to which he had already referred, to the effect that the opposition of the United States Government to reciprocity was just as strong for some years prior to 1854 as it had been since the abrogation of the Reciprocity Treaty, and that the Treaty of 54 was chiefly obtained by the vigorous protection of the fisheries which preceded it. That was the language of the Government at that time, but since that they had not only introduced a Bill to give away our fisheries, but had consented, without protest, to the loss of the St. Lawrence.

Now, the proposal of the hon. member for Bruce South was to prevent the recurrence of such a thing in this country, so that never again might the territories of the people of Canada be bartered away without their consent. (*Cheers.*) The Minister of Customs had been pleased to compliment himself upon leading a majority of the House, and declared that to be an evidence that the Treaty, and the whole policy of the Government had been acceptable to the people.

It was a very mistaken conclusion to suppose that the fact that the hon. gentleman secured a majority of the members in the House was evidence that he had the sanction of the majority of the Dominion. He would tell that hon. gentleman that today there stood a vast majority of the people of this Dominion that condemned the government for their action, and hoped the time would soon come when they would be obliged to give place to men who, if not more able, could at least legislate more in the interest of the country, and

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who would not consent to have such acts as the one referred to placed upon the statute book of the Dominion of Canada.

Mr. NELSON asked the hon. gentleman to explain how that could be.

Mr. PATERSON said he would be very happy to do so. He supposed the hon. gentleman could do a sum in simple addition, and if he would take the votes cast for each candidate on each side, and add them up he would find a large majority recorded against the Ministry.

The right hon. the Minister of Justice had himself found a change of total votes in Ontario figures alone.

Hon. Sir JOHN A. MACDONALD: Will the hon. gentleman state the figures?

Mr. PATERSON said he did not have the figures by him, but he had a Parliamentary Companion, which gave the total number of votes cast for each candidate, and he would risk his reputation upon the statement that when they were all counted, it would be found that his statement was quite correct. (*Cheers.*)

Hon. Mr. WOOD after some remarks upon the Treaty in general, said he considered the Government were wanting in self-respect in not coming forward and supporting this motion from first to last, if they believed it was in the interest of the country to adopt it. On the contrary, they had condemned the Treaty in most severe terms, and subsequently came down to Parliament and declared the Treaty was most advantageous to the country. How would that stand in the pages of history—first denouncing the Treaty, and then declaring that all their former statements were false statements. With respect to the motion before the House, he pointed out that as we had before the right to navigate the Yukon, Porcupine, and Stikine Rivers, we actually had received nothing in return for the navigation of the St. Lawrence. He asked why we should be prohibited from the right to the navigation of the St. Lawrence up to Chicago, when the Americans were granted the right to navigate it to the ocean. Could any one on the Government benches show that we had received anything? Could the hon. member for Vancouver?

Hon. Sir FRANCIS HINCKS: We are not in a position to order the United States to give us the navigation of Lake Michigan.

Hon. Mr. WOOD said he quite admitted that but did the hon. gentleman tell the House that the United States could say to the nation to which we belonged, the mistress of the seas, that we must give up the right to navigate the St. Lawrence for nothing? (*Cheers.*) He did not believe it. If it were so, we had no rights that we could count upon as secure. He would not now express any opinion upon the Treaty, but certainly it was a great mistake, when we were giving up the St. Lawrence that we had not obtained an equal right to Lake Michigan. This was not done, and it was now the duty of the House to express its opinion that no such concession

of national rights should again be made without the consent of the Canadian people.

Mr. GLASS discussed the condition of the Columbia River at the time of the Treaty of Washington, and cited from Chambers' *Encyclopedia* and other authorities who maintained that by the wording of the Treaty of Oregon, we had had the right to the free navigation of the Columbia River, from its mouth to its source. The wording of the treaty itself, and the prior negotiations pointed that way. There was, however, only ninety miles of the Columbia River, and if we had surrendered the St. Lawrence that was nothing to ask in exchange. But we had not surrendered the St. Lawrence. We had the right to navigate the Michigan, and we had the right to the difference between the United States fisheries and ours.

Mr. WALLACE (Norfolk South) maintained that Canada, being a dependent power, had no sovereign rights. Great Britain had a right to make treaties without asking the opinion of Canada, though the latter had been consulted in certain cases, because we were interested, but not as our right. Canada had gained a great deal in the Treaty of Washington. England had conceded certain rights to the United States in deference to Canada, which in case of a war would have been the fighting ground. This matter was only brought up by gentlemen opposite as political capital. (*Cheers.*)

Mr. BODWELL repudiated the idea thrown out by the last speaker that it was disloyal to petition Her Majesty on this subject. Very important rights had been conceded without any reference to the Canadian Legislature. Was it not fair and reasonable that the House should now express its disapprobation of that course, and endeavour to prevent a repetition of it in the future? He said the resolution of the hon. member for Bruce South (Hon. Mr. Blake) was only to ask from Her Majesty what had been promised by the Hon. Minister of Justice (Hon. Sir John A. Macdonald) before he went to Washington. He maintained it would only have required vigorous protection of the fisheries to have secured a renewal of the reciprocity treaty. He contended that we have as much interest in the fisheries as the people of Nova Scotia, and it was absurd to suppose that because people of that Province were satisfied, we should be satisfied.

Mr. NELSON maintained that the Columbia River from the 49th parallel was not navigable. The members of the Opposition, to make their argument tenable, must supplement it by saying that any canals that may be constructed by Americans within their territory, to pass the falls that exist on the Columbia River, were to be placed at the disposal of Canada on the same terms as were granted to the United States.

Since the Columbia River is not navigable north of the 49th parallel, the matter was not a practical question demanding the attention of the House.

Mr. BROUSE said that the Treaty had been discussed during the elections in the river counties; and so opposed were the people to it, that they elected members to oppose the government that had

assented to this Treaty. He held that, in conceding the right to the free navigation of the St. Lawrence we had conceded the right also to the Americans to use our shores. That doctrine was laid down by the best authorities on international law. He repudiated the statement of Hon. Sir Francis Hincks, that because the Americans demanded the St. Lawrence, we must give it up. Our fathers had resisted this demand in 1812, and their sons could do it again if occasion arose for it. (*Cheers.*)

Hon. Mr. MACKENZIE said he desired to call attention at the outset to the very remarkable tone which the Minister of Customs had adopted to his speech. It was a tone of national deprecation and national humiliation, a tone anti-British and anti-Canadian, and he felt ashamed to find Ministers who were supposed to represent public opinion taking that tone in a British Parliament. (*Hear, hear.*) What was the tone of the hon. gentleman last year? It was that he was compelled to act against his own convictions, and to concede the St. Lawrence because the Americans had set their hearts upon it.

Now he tells me that the members of the Government last year went much further than they ought to have done. Why? Because the members of the Opposition were seeking to express the right, which the Treaty itself gave them, to reject that Treaty, if they found it prejudicial to our interests. The Treaty itself provided that this Parliament should have the right in their own hands to say whether the Treaty was beneficial to them or not, and because that right was insisted on in the discussion last year, the hon. gentleman opposite now deemed that they had themselves said a great deal more and went a great deal further than as British subjects and Canadians they ought to have done.

The hon. gentleman spoke of the general elections as appealing from Pilate to Caesar. Well, if the hon. gentlemen who composed the Ministry are an incarnation of Pilate, with Pilate's character, that was his own business (*laughter*), but the hon. gentleman had said that the appeal to Caesar was ineffectual. He (Hon. Mr. Mackenzie) did not know how it was in the Lower Provinces, but he could tell the hon. gentleman that the appeal was not a failure in Ontario.

The Minister who went from the last Parliament with a large majority at his back, came to this Parliament with a large majority at his face. He came back after the national humiliation to which he had subjected the country, a defeated man from his own Province, and it was owing to the truculent spirit which he manifested to the American people and to the American interests with regard to territorial aggrandizement, that to a great extent led to the hon. gentleman's defeat. During the late elections they did not make the Treaty the sole ground of complaint, but they did make it one of the indictments against the Government; and that, with other reasons, had the effect of driving the hon. gentleman, with all his power and the tremendous influence he was able to wield with his two railways at his back, one in the course of construction and the other looming in the distance—with all this enormous influence he was unable to retain the support of even half of the people in his Province, and yet they were told that the appeal to the people in this matter was a failure.

The hon. member for Vancouver (Hon. Sir Francis Hincks) was always extremely anxious to defend everything he and his colleagues were concerned in from a purely Imperial point of view, and perhaps it was highly proper he should do so, as he was himself an Imperial pensioner (*Cries of Oh, oh*); but he was quite sure the hon. gentleman did not represent properly the views that would obtain in the Imperial Parliament. He was certain the questions they were discussing here with reference to this Treaty, and which the hon. gentleman opposite made an extreme party question, would be discussed in the Imperial Parliament with the dispassionate feeling which characterized all their discussions when the national interest were involved.

The hon. gentleman had said that supposing Canada had the right to negotiate treaties, what influence could four million people have against forty million? But the hon. gentleman forgot that some two years ago he maintained that if the House would only allow him to continue to impose duties to the extent of \$200,000 a year, he would bring these forty million to their knees. (*Hear, hear.*) He did not believe the preposterous pretensions of the hon. gentleman, but he was bound now to defend his own opinion, and if he could coerce the American people that year how much more could it be done when we might reasonably expect to have the entire power and influence of the Imperial Government at our backs.

When a people ceased to respect themselves, they could not expect foreign nations to respect them. (*Hear, hear.*) As it was with individuals, so it was with nations, when they lose their self-respect they were compelled to yield to the demands of other nations which are able to reach them in their extremity. He maintained that we had been humiliated by the course that the hon. gentleman and his co-Commissioners had pursued at Washington. According to his own statement in the famous minute of Council of the 28th July:—"The feeling of humiliation was as prevalent in the agricultural parts of the Dominion as it was in the Maritime Provinces. There was one universal wail of dissatisfaction and anger at the proposal to barter our territorial rights even for a money consideration." That was the language used by the hon. gentlemen at that time, and it seemed he was quite entitled to the language as a Minister which this Parliament was not properly qualified to use. If a Minister could use such language, how much more could the National Council assembled here use such expressions as they thought necessary in the defence and advocacy of the interests and rights of the people? (*Hear, hear.*)

The two gentlemen from British Columbia (Messrs. J.S. Thompson and Nelson) had appealed to the House to reject the motion of the hon. member for Bruce South (Hon. Mr. Blake), because they said the navigation of the Columbia River was impracticable, but so was the navigation of the St. Lawrence in the same sense. They were upon the same footing, and we were entitled to demand the same rights upon the Columbia River as we applied to the St. Lawrence. If it was worth while inserting a provision respecting the navigation of the Columbia in the Treaty negotiated by the late Lord Lytton, providing that the Hudson's Bay Company should have the right to navigate that river, it was equally important that the same principle should be applied to the same river now.

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At any rate we could never be too jealous in resisting the claims made upon them nor too delighted in making claims which we may fairly make upon our neighbours. These claims which had been made by the United States from time to time had been made with the continuous determination to press us northward. He referred to the various treaties between the United States and Great Britain in relation to the boundary line, and said he believed that almost all the blunders that had been committed by England had been committed in consequence of the ignorance or incapacity of the Commissioners appointed to deal with the subjects.

Three years ago he, with others in this House, had advocated a motion which would have placed such negotiations partially in our own hands. He was quite aware that so long as we remained a part of the British Empire these negotiations may be conducted by the Imperial authority. The Imperial authority, so far as our Canadian rights were concerned, could be delegated in such a way as to leave it in our own hands, in the same manner as was done with the Reciprocity Treaty of 1854. That treaty was negotiated by an Imperial Commissioner. It had to receive the sanction of the Imperial Government, it became an Imperial instrument in every sense, but really it was negotiated by a Canadian statesman, and referred almost entirely to Canadian rights and interests. So it might be with many other questions that might arise. If the resolution submitted to the House tonight should carry, no such blunders would be committed in the future.

At this late hour he did not propose to enter largely into the discussion, and he would conclude by moving an amendment to the amendment which would bring the real question at issue before the House, as the hon. gentleman had taken it away by his amendment. He therefore moved that all the words after "substituted" in the amendment be expunged, and the following substituted: "An humble address be presented to Her Most Gracious Majesty, representing that it was the right of Canada to be consulted before the Commission to the United States, respecting the free navigation of the St. Lawrence and praying that Canada may be consulted before the concession of any of her rights in the future, and that steps may be taken to secure to Canada all such rights as she should enjoy on the principle on which the concession of the navigation of the St. Lawrence has been made." (*Loud cheers.*)

Mr. WILKES after referring to the remarks of the Minister of Customs (Hon. Mr. Tupper) respecting the speech he had made before the Dominion Board of Trade, said the question before the House now was not whether the Treaty was a proper one or not, but whether Canada had the right to be consulted before any of her rights were ceded away. That right had been established many years ago, and no one would pretend that our rights in that respect were less now.

Had he been in Parliament last session, he would have voted for the ratification of the Treaty, but he would have held our Commissioner responsible for placing him in that humiliating position, where he would have felt bound to assent to the concession made. But that Treaty was passed, and the question

before the House was one upon which all parties should unite. It was a question upon which the No Party principle could be applied. Was it necessary that the party whip should be raised, and that Government supporters should be called upon to vote the motion down? He hoped, therefore, that gentlemen opposite would view the question apart from a party point of view, but would decide that we had rights which should be recognized and that before our rights were conceded we should be consulted.

He hoped that hon. gentlemen would vote in favour of the motion of the hon. gentleman from Lambton (Hon. Mr. Mackenzie).

Hon. Mr. TUPPER, in support of remarks he had made, with regard to the unqualified opinion of the member for Montreal West (Hon. Mr. Young) in favour of the Treaty of Washington, quoted from a paper which Mr. Young had read at the last meeting of the Board of Trade. He there stated that the Washington Treaty had done away with all ground of disagreement with the United States.

Hon. Sir JOHN A. MACDONALD said that while the hon. member for Bruce South (Hon. Mr. Blake) had, in his address to the House, as he always did, used language, the propriety of which no one could question, the leader of the Opposition had taken occasion, as he always did, to use unparliamentary language, coarse and indecent language, with regard to an hon. member of this House. (*Hear, hear.*)

What would be thought in England, if it should happen that Mr. Gladstone should rise, and shaking his finger across the floor at Mr. Disraeli should call him a pensioner? (*Hear, hear.*) What was the language used by the hon. gentleman with reference to his hon. and revered friend the member for Vancouver? "Oh," he said, "he speaks in favour of Imperial interests because, forsooth, he is an Imperial pensioner." It was long before the hon. gentleman, who used that language, would attain by honourable and honoured service to the same position as that of his respected friend from Vancouver. (*Cheers.*)

He felt he was called upon to resent, on the part of this House, language of the kind. There had been pensioners, he hoped there would be pensioners, recognized by the gratitude of the people and the Government of England and of the Government of Canada. Burke was a pensioner. Grattan was a pensioner. The Duke of Wellington was a pensioner. Lord Lawrence was now a pensioner. When they read the beadroll of the great men of England, they read a roll of pensioners—men whose merits had been acknowledged, men whose services had been appreciated and rewarded, and forsooth, his hon. friend, sitting there at least of an equality in position, socially, intellectually, and parliamentary, with the hon. gentleman opposite, was to receive across the floor of Parliament a wanton insult of that kind!

Hon. Mr. MACKENZIE: I can only say that I did not mean it as any insult at all to the hon. gentleman.

Hon. Sir JOHN A. MACDONALD: Then why did he use the term? (*Cheers.*) The hon. gentleman had displayed the same spirit in the rest of his speech, instead of arguing this case and the resolution of his hon. friend, the member for Bruce South. Forsooth, he was not satisfied with the resolution of his hon. friend from Bruce South. He was not satisfied that one of his followers should take it out of his hands, but had moved an amendment which would supersede the resolutions of the hon. member for Bruce South. (*Hear, hear.*)

And instead of arguing those resolutions, and discussing their merits, he raised, as he always did, a sectional cry. (*Hear, hear.*) Ontario, he said, had declared against the Washington Treaty and against the leader of the Government. He (Hon. Sir John A. Macdonald) had again and again had the misfortune of having Ontario against him. For years he had that misfortune, and if he had not pursued the steady course by which he endeavoured to produce amalgamation and accord between the hostile races of Upper and Lower Canada, we would have had no Confederation. (*Cheers.*) It would have been easy for him to have floated upon the top of the wave of popularity. It would have been easy for him to have taken the lead, perhaps even out of the hands of hon. gentlemen, had he thrown himself with a sectional feeling upon the prejudices of the people of Ontario, and had he tried to raise their prejudices, their feelings, and their passions, against their fellow-subjects of Lower Canada.

But he had deliberately taken a particular course. He had stood obloquy and vituperation for years. He was told that he was a Frenchman, that he was a Catholic, that he was sacrificing his religion and his country for the sake of the Lower Canadian, but by taking that course, by steadily disregarding all these taunts, the consequence had been that there was now an amalgamation and a friendly feeling between the two races, and how they found these gentlemen, and their leader out of the House, the power behind them, who once was denouncing everything French and everything Catholic, attempting to gather the sweet voices of the people of Lower Canada. (*Hear, hear.*) He spoke of this because they continually heard this sectional cry attempted to be raised. (*Hear, hear.*)

Sectionalism was nearly the rock upon which Canada was wrecked from 1862 to 1864. The future of this country was imperilled, and its prosperity was endangered, and then the leader of hon. gentlemen out of the House united with him (Hon. Sir John A. Macdonald), to allay the fever and discontent which he himself had raised, and had joined with him to put down this sectionalism. Our constitution was now based upon the principle that sectionalism was to have no ground or footing here whatever. Whether they were from Ontario or Quebec or from one of the smaller Provinces they were all Canadians, they were all representatives of the people of the Dominion of Canada and that man was an enemy to his country, and struck a blow at its prosperity, who attempted to introduce sectionalism into this House. (*Hear, hear.*) The different Provinces could take care of themselves,

they had their own sectional rights, their own sectional Governments, and sectional Legislatures, and they could in this House conduct the affairs of the Dominion without this sectional cry being raised. As an Ontario man, he pronounced against the eternal cry of Ontario.

What had been the consequence of the course taken by these gentlemen? The consequence had been that they had arrayed the people of all the other Provinces against his Province of Ontario. In this way Ontario was deprived of much of her influence, and she would be so deprived for ever, if this sectional cry were raised that whatever Ontario willed must be done. (*Hear, hear.*) Mr. Gladstone was in a minority in England, but he held his place as proudly as any statesman could, supported by the unanimous voice of Scotland and a large majority of the votes from Ireland.

He (Hon. Sir John A. Macdonald) objected to the proposition of his friend from Bruce South, because it was inopportune, and out of time and a waste of time. (*Hear, hear.*) This matter was settled last session, and it had been settled not only here, but all the world over, by the Parliament of England, the Congress of the United States, and the Parliament of Canada. Whether the Treaty of Washington were defensible or indefensible, it was done, and could not be altered, but besides this the motion of the member for Bruce South, and still more, the amendment of the hon. member for Lambton, were objectionable, because they were mischievous and injurious to the best interest of the country.

The amendment of the member for Lambton in effect asked the House to pass a formal vote of censure on Her Majesty and Her Majesty's Government. If it meant anything it meant that Her Majesty had done a grievous wrong to the people of Canada. If there was ever a time when Canada stood high in England, and in the minds of the English people, it was today. He had never disguised the fact, indeed he had plainly stated it, that Canada had made great sacrifices. What had been the consequence? Canada having made those sacrifices, in the cause of the Empire, where now were the disturbers who raised the cry so loudly in favour of cutting off the colonies? There was not a man who hoped to rise into political power, not a man in the front rank as a statesman, who ventured now to talk about severing the colonies as a source of danger and inconvenience. We had changed all that.

It was true that Canada had made sacrifices. We had got the reward in the friendly feeling of our fellow subjects in England, in the respect of our Sovereign, in the anxiety of all men of all parties to come forward and acknowledge that we, like true British subjects, acknowledged that we were members of the great British Empire, and that as such we were ready to make sacrifices for the common good. They say: "You did make those sacrifices; you did come forward and give up your particular interests, and considered your sectional and colonial interest as subordinate to the interest of the Empire, and we acknowledge you now no longer as a discontented and selfish colony of the Crown, but we receive you as the right arm of England." (*Cheers.*)

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That was the position to which Canada has attained by the course pursued; and were they to throw all the advantages away at the proposal of irritated banditti on the other side, because that banditti received check and chastisement by an overwhelming vote given in the last Parliament? Were they to throw away the position, to throw back in the face of the Queen the confidence and kindness so extended to us, and were they to tell Her Majesty that, in the motion of the hon. member for Lambton, the Canadian Parliament declares that she had committed a gross and grievous outrage and wrong on us, that we insist that this wrong shall be redressed? The consequence was not stated in the motion, but if grievances remain unredressed, they all knew what was meant.

The motion was not only a censure on the Imperial Government, but it was a threat of this people. Not only would the motion put us in a wrong position in regard to England, but it would also place us in an evil and unhappy position with respect to our fellow men in the neighbouring republic. The speeches quoted during the debate of the member for Montreal West (Hon. Mr. Young) which he now seemed anxious to repudiate, and the speech of the member for Toronto Centre (Mr. Wilkes) which he seemed anxious to explain away, were delivered to commercial men and when talking to Americans about the advantages of the Washington Treaty, when they were saying, "are we not all men and brothers?" (*Cheers and laughter.*) The hon. member for Toronto Centre in his gushing way would say:—"Not all brothers now? We have removed all political divisions there is now only a boundary line. Let us sit down and make a reciprocity treaty."

He (Hon. Sir John A. Macdonald) in conclusion, showed that if we wished another reciprocity treaty with the United States we should not pass a resolution of the character, and thereby convey to the Americans the impression that we were discontented; and he instanced the case of the withdrawal of the Reciprocity Treaty in 1854, by which certain Americans hoped to force Canada into the Union. He pronounced such motions and discussions to be mischievous in the highest degree, and he expressed his conviction that the House would pronounce itself in favour of the amendment, declaring that it was inexpedient that these questions should be revived, or that any discussion on them should be encouraged.

Hon. Mr. BLAKE said the hon. gentlemen who sat opposite to the Government know very well when Sir John had a bad case he was more than usually abusive, also more than usually loyal. (*Cheers.*) To abuse his opponents and appeal to the loyalty of his supporters, were the means by which he rallied his supporters. Following up that line, the hon. gentleman made a very severe criticism upon the hon. member for Lambton (Hon. Mr. Mackenzie).

That hon. gentleman was perfectly well able to vindicate himself; but he (Hon. Mr. Blake) could not help thinking that the last man to stand up and defend the hon. member for Vancouver (Hon. Sir Francis Hincks) against severe expression towards him should be the leader of the Government.

The hon. member had stated that the hon. gentleman from Vancouver was an Imperial pensioner. Then the leader of the Government objected to that language. He could not help remembering that his hon. friend had a backer in that matter. He could not help remembering that there was a day on which language was used towards the hon. member for Vancouver, and perhaps the leader of the Government would tell them then whether that language was true or not. (*Cheers.*) The member for Lambton had said that the member for Vancouver was an Imperial pensioner, which was true, and which was no discredit, but the language used on a former occasion to which he had alluded was, that the hon. member for Vancouver was not the hon. member who was in receipt of Imperial money, but that he was steeped to the lips in Canadian corruption. (*Cheers.*) And he was amazed that he of all men in the House, should, as he repeatedly did, stand up to be the champion of the man against whom he had made that accusation, which he had never had the courage or manliness, if it were untrue, to retract upon that floor. (*Cheers.*) More than once he had been told that these were his recorded words used in his place in Parliament, and he called upon him that night to say whether they were true or untrue.

Hon. Sir JOHN A. MACDONALD: I say to the hon. gentleman I never used these words. I have denied them so often in Parliament that I am tired doing so. When the hon. gentleman makes his speech I will tell him what I did say. (*Ministerial cheers.*)

Hon. Mr. YOUNG (Montreal West): I state before this House that I heard the hon. gentleman use those very words. (*Loud cheers from the Opposition.*)

Hon. Mr. BLAKE said he was sure he could call that House to witness that the hon. gentleman had been repeatedly charged with having used those words, and that he had never ventured a denial of them in this Parliament, and on the first occasion on which he ventured on a denial, that denial was contradicted by the hon. gentlemen who were present and heard him. At any rate, whatever the words were, they knew what the sentiments of the hon. gentleman were towards the hon. member for Vancouver to himself, or to some other person who did not stand in such a peculiar relation to him as did the leader of the Government.

The hon. gentleman next proceeded to refer to the remarks of the Premier respecting sectional majorities, and often the sentiments uttered by the Minister of Customs (Hon. Mr. Tupper) respecting the Government majority from the other Provinces. It was the Government who had raised the cry of sectionalism, and sectionalism is in every part of their policy. The hon. gentleman had claimed that because he had a majority from the Maritime Provinces, that therefore the people most interested had approved of the Treaty; but the hon. gentleman had taken for granted that Nova Scotia and New Brunswick were alone interested in the fisheries. The hon. gentleman forgot that Quebec had enormous fisheries.

Hon. Mr. TUPPER: Quebec endorsed the Treaty.

Hon. Mr. BLAKE: Will the hon. gentleman call upon his Receiver-General (Hon. Mr. Robitaille) to say whether he endorsed it? Will he call upon the hon. member for Gaspé (Mr. Fortin) and ask him whether he endorsed it? Both of those hon. gentlemen supporters of the Government, had voted against the Treaty, because they knew if they voted for it and with the Administration that they would not have been re-elected. That was the view of the fishing counties of Lower Canada upon this subject, and yet the hon. gentleman said the people of Lower Canada endorsed the Treaty.

Hon. Mr. TUPPER: So they did.

Hon. Mr. BLAKE: Well, perhaps the hon. gentleman from Bonaventure (Hon. Mr. Robitaille) and from Gaspé, will rise and tell us whether they endorsed it.

Hon. Mr. TUPPER: I say the Province of Quebec sent a majority to sustain the Government.

Hon. Mr. BLAKE went on to say that last year the Government could count 40 votes of a majority from Ontario and Quebec, whereas today they could not count one of a majority from those two Provinces. (*Cheers.*) The House had learned by this time who it was that first appealed to the sectionalism. The hon. gentleman opposite dealt in sectional interest publicly and privately. Sectional interests were the basis of their party. The estimates they had before the House were dictated with reference to sectionalism. (*Cheers.*) Every approach that was made to members was dictated with reference to sectionalism, and yet if they on the Opposition side announced a proposition that concerned the general interests of the country they were called Sectionalists.

He pointed out that Ontario had most strongly opposed this fishery clause of the Treaty, and yet the fishery question concerned the Maritime Provinces. Was that a sectional interest to Ontario? Was it not the interests of the other Provinces in common with their own? And their action in that respect was subsequently approved by the gentleman opposite in that famous despatch. Did the Government act unpatriotically when they wrote that minute? Yet hon. gentlemen declared it was most unpatriotic when they were called upon to pass a verdict upon these peculiar provisions of the Treaty. They chose to say no to them, and the hon. gentleman stated that the Government, being met by strong arguments against the Treaty on the eve of the election, were forced in their own defence to use the arguments which they would not otherwise use in favour of the Treaty.

He asked the hon. gentleman were the arguments true or untrue? If they were untrue the hon. gentleman had no right to use them; if they were true, he would tell him that Canada did not want less than the truth to be told by her Ministers. (*Cheers.*) Canada did not want her Ministers to argue for what was not true. She was willing to demand whatever was true, whether the negotiation was with England or the United States. He would tell the hon. gentleman that it was not honest, that it was not manly, that it was not statesmanlike to argue for that which he admitted to be untrue, and

if his arguments were true, he did discredit to this country by publicly stating them.

The hon. gentleman, in proceeding with his arguments had contended that there was some shadow of right on the part of the United States to the navigation of the St. Lawrence. That was not germane to his motion. The whole negotiation on the part of Canada and England went on the hypothesis that the people of the United States were not entitled, as a right, to their freedom of navigation. The Reciprocity Treaty was a fair admission on the part of the people of the United States that they had no such right. He referred the House to the statement of the High Joint Commissioners, as being a plain admission on the part of the people of the United States that they had not any such right, but they were willing to make it the subject of Treaty. The hon. gentleman had then argued that the whole beneficial effects of the Treaty in settling all the matters in dispute between Canada and the United States would be lost by the adoption of this motion, and so it appeared then that the question of the Fenian raids had been settled. (*Hear, hear.*)

We had now an admission from the hon. leader of the Government that the question was settled. Settled! How? In the usual fashion by abandonment. (*Hear, hear.*) So it appeared we were to hear no more of any claim against the United States, nor any assertion of what their duties were in regard to these matters. He referred to the Minutes of Council of 28th July, 1871, in which the Government then stated that the principal cause of difficulty with the people of this country was that the question of the Fenian raids remained unsettled. He would like to know what had been settled since, except what had been settled by the abandonment not only of our pecuniary claims but also our claim to a declaration from the United States as to what was their duty in the future.

Then it appeared the headland question was also settled, and the question of the procurement of the inshore fisheries was also settled.

The hon. gentleman had declared that the Reciprocity Treaty was merely a temporary arrangement, and did not amount to any recognition by the United States of our rights to the navigation of the St. Lawrence but now it appeared that the present treaty, which was only to remain in force for twelve years, had settled the question of the headlands.

Then there was the San Juan question; that was also settled, it appeared. If they referred to the order of reference in that case, they would find that it was of such a nature that it was quite impossible for the arbitrator to have come to a conclusion as to which was the proper channel. We had still a boundary question or two to settle, and he was sure this House would be convinced that if it was possible for the people of the United States to set their hearts upon any more of our territory in connection with this question they would get it, so far as the hon. gentleman opposite was concerned. (*Hear, hear.*) But for his part he did not believe that so much as all that had been settled. The Reciprocity Treaty and several other questions remain unsettled; and if indeed anything at all had been settled permanently by the Treaty of Washington, it was what was

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permanently lost to Canada and permanently gained to the United States. (*Hear, hear.*)

But supposing everything had been settled, there was nothing in his motion to unsettle any part of it. The hon. gentleman had contended that the motion was too late—that everything had been settled by the Treaty and the action of this Parliament. If this question of our right to the St. Lawrence had been settled by the action of this Parliament, he should not have raised the question just now. What he complained of was that the Parliament of Canada never had the opportunity of settling it. What he complained of was that the rights of the people of Canada were bartered away without the people of Canada having had any voice in the disposition of them. (*Cheers.*) He quite admitted that the free navigation of the St. Lawrence had been settled, but he proposed that the people of this country should tell the Home Government that, in accordance with the practical working of our Constitution, our rights should never have been given away without the people of this country having been consulted. With the exception of the trifling exception of the hon. member for Norfolk South (Mr. Wallace)—and the hon. gentleman would pardon him for saying so—with that trifling exception, no gentleman on this other side of the House had ventured to contradict the doctrine that the people of Canada should have been consulted.

The House was now asked to say whether they were prepared to admit that the people of this country had no rights to be consulted. We were now told that it was too late to raise the question, too late for the people of this country to say they have any rights at all, too late for the people of this country respectfully to protest against a violation of their rights in the future. The hon. gentleman had said that there was no danger of Canada losing anything more. He was forced to admit that he had bartered away very nearly all that the people of the United States had at present set their hearts upon. But in a few years there would be something else that the people of the United States would care for, and if the Home Government were to imagine from the tame acquiescence of the people of this country in reference to the loss of the St. Lawrence, he dared to say that some day or other we may be again told that it is too late to discuss some Imperial Treaty, which had settled the fishery question upon a comprehensive basis, without reference to the Canadian Parliament or people. He was anxious that we should not hear those fatal words “too late” again; and it was because the country could never be too zealous in the maintenance of its rights; it was because the country had learned by experience that these rights were betrayed; it was because the country had learned that it could not place dependence upon the assertions of the First Minister of the Crown as delivered in Parliament that he proposed to take Time by the forelock and, while it was yet day, declare what our rights were and assert them, and see to it that they be observed in the future. (*Cheers.*)

But the hon. gentleman went further, and declared that this motion was a vote of censure upon the Government. The hon. gentleman never made a greater impact upon his Sovereign than he had done this night. (*Hear, hear.*) The Queen of England, whose throne rested upon secure foundation in the hearts of her people,

stood upon that secure foundation, because this is a constitutional monarch. (*Hear, hear.*) She rested secure while other thrones were destroyed, because the principles of constitutional monarch are known and observed by her and her people. It was because there was no personal responsibility resting upon her that the throne stood in the proud position it occupied today; and when the hon. gentleman dared to drag his Sovereign’s name into this discussion in the way he had done—when he dared to affirm that any member of the House was violating the first principle of constitutional assembly, and invoking a censure upon Her Majesty by introducing a motion like this—he charged that hon. gentleman, boldly, with inflicting an insult upon Her Majesty greater than any one on this side of the House could conceive. (*Great cheering.*)

They perfectly understood the British Constitution—they perfectly understood that it was upon the advice of Her Majesty’s principle of constitutional monarchy and invoking a censure upon Her Majesty by introducing a motion like this—he charged that hon. gentleman boldly, with inflicting an insult upon Her Majesty greater than anyone on this side of the House could conceive. (*Great cheering.*)

They perfectly understood the British Constitution—they perfectly understood that it was upon the advice of Her Majesty’s Minister that the Government of England was conducted. There was a time when the hon. gentleman could talk in a different way respecting the home authorities, so the House would—he had done on a former occasion with reference to one of Her Majesty’s Ministers. This country would recollect the conduct in those times of various Ministers of this country who, when the occasion required it, resisted the encroachments that had been attempted on the interest and rights of the people of Canada, and would recollect the language used by the late Mr. Sanfield Macdonald with reference to the interference of the Imperial authorities with regard to militia affairs. They would recollect the language used by the hon. gentleman now in the government when the late member for Sherbrooke (Mr. Brooks) was Finance Minister, and it was proposed to interfere with the fiscal system of this country. They would recollect the distinct tone in which the independence of this country, to such matters, was asserted.

He would say it boldly, that we had to suffer a wrong at the heads of the English Government, and our own Government themselves had stated it in very strong language in their despatches; and yet we were to be told that when he proposed a mild statement with reference to our rights, he was proposing a vote of censure on Her Majesty and her Government. He dared say we would get along very well even if we did incur the displeasure of Her Majesty’s Government. It even seemed as if we had lost the esteem of the English people. He ventured to say that while the people of England would have regarded the people of Canada with feelings of affection and pride, if they had been disposed to insist or had insisted upon their rights, and had been asked to make a sacrifice in the interest of the empire; but instead of that, they looked upon us as mere trading hucksters of our national rights and our national honour, because, instead of yielding them up as a sacrifice in their

interest, we chose to barter them away for a consideration. All that we may have hoped for in point of good feeling in England was lost by the petty huckstering trade which the hon. gentleman at the head of the Government had entered into, and which resulted in the guarantee for two and a half million dollars.

But if it were found that we really had made a sacrifice for England, surely it was not a fact that the subjects mentioned in his motion were a part of that sacrifice. If it was so, why did the Government not have one word of remonstrance against it? It was just because we find no assertion of our rights that he brought this motion forward. He did not call for the redress of grievances. Neither in the original motion, nor in the amendment of his hon. friend the member for Lambton (Hon. Mr. Mackenzie) was there any call whatever upon the Imperial Government to undo the irrevocable. Would to God we could undo it! (*Cheers.*) He acknowledged we could not. That it bound us too strongly, that it was beyond our power or the power of the Imperial Government to break it, was the most serious consideration. He called upon them to protest against the act, and to ask that no such act may be repeated in the future. (*Hear, hear.*)

The last argument of the hon. gentleman was the meanest of them all. It was that we should lose the esteem of the American people if we pressed this motion. Surely the hon. gentleman did not mean seriously to press upon this House to avoid discussing these questions or asserting our rights for fear of some irritation in the United States? He pointed out not only the folly but the danger of adopting such a policy because the more readily we yielded our undoubted rights to the unreasonable demands of our neighbours, the more clamorous they would be to encroach upon them. The hon. gentleman resumed his seat amidst loud and prolonged cheers.

Mr. WHITE (Halton) said he had heard the hon. Premier use in the House of Parliament the words attributed to him regarding the Hon. Sir Francis Hincks.

Hon. Mr. MACKENZIE's amendment was then put to the House and lost. Yeas 65, Nays 90.

YEAS

Messrs.

| | |
|----------------------|------------------------------|
| Anglin | Archibald |
| Bain | Béchar |
| Bergin | Blain |
| Blake | Bodwell |
| Bourassa | Brouse |
| Buell | Cameron (Huron South) |
| Casey | Casgrain |
| Cauchon | Charlton |
| Church | Delorme |
| De Saint-Georges | Dorion (Drummond—Arthabaska) |
| Dorion (Napierville) | Edgar |
| Fiset | Fleming |
| Fournier | Galbraith |
| Geoffrion | Gibson |
| Gillies | Harvey |

Higinbotham
Horton
Joly
Macdonald (Glengarry)
Mercier
Mills
Pâquet
Pozer
Richard (Mégantic)
Ross (Durham East)
Ross (Victoria)
Rymal
Smith (Peel)
Stirton
Thomson (Welland)
Trow
Wilkes
Young (Waterloo South)—65

Holton
Huntington
Landerkin
Mackenzie
Metcalfe
Oliver
Paterson
Prévost
Richards
Ross (Middlesex West)
Ross (Wellington Centre)
Scatcherd
Snider
Taschereau
Tremblay
White (Halton)
Young (Montreal West)

NAYS

Messrs.

| | |
|-------------------------|-------------------------|
| Almon | Archambault |
| Baby | Baker |
| Beaty | Beaubien |
| Bellerose | Benoit |
| Blanchet | Bowell |
| Brown | Burpee (St. John) |
| Campbell | Carling |
| Caron | Carter |
| Chipman | Chisholm |
| Coffin | Costigan |
| Crawford | Currier |
| Daly | Dewdney |
| Domville | Dormer |
| Doull | Dugas |
| Duguay | Farrow |
| Flesher | Fortin |
| Gaudet | Gendron |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Glass | Grant |
| Grover | Haggart |
| Harwood | Hincks (Sir Francis) |
| Jones | Keele |
| Killam | Lacerte |
| Langevin | Langlois |
| Lantier | Lewis |
| Little | Macdonald (Sir John A.) |
| McDonald (Antigonish) | McDonald (Cape Breton) |
| McDonald (Pictou) | Mackay |
| Mailloux | Masson |
| Mathieu | McAdam |
| McDougall | Merritt |
| Mitchell | Moffatt |
| Morrison | Nelson |
| O'Reilly | Palmer |
| Pinsonneault | Pope |
| Ray | Robillard |
| Robinson | Robitaille |
| Ross (Champlain) | Ryan |
| Savary | Scrivier |
| Shibley | Staples |
| Stephenson | Thompson (Cariboo) |
| Tilley | Tobin |
| Tourangeau | Tupper |
| Wallace (Norfolk South) | Webb |
| White (Hastings East) | Witton.—90 |

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Hon. Mr. TUPPER's motion was then put and carried on the same division.

Hon. Sir JOHN A. MACDONALD moved the adjournment of the House, and in doing so said, that in accordance with his promise he would give his version of his language with respect to the hon. member for Vancouver, Hon. Sir Francis Hincks. It had been said he did not deny the statement made tonight. When it was brought up before, he took an early opportunity to do so, in the old Parliament of Canada, and when the hon. member for Vancouver was present. That was now on record. He never, in any way whatever, made any personal imputation on the character or honour of the hon. gentleman. The language he used, and it was strong language, for at that time such was the custom, applied to the Administration of which he was a member, and not to himself, and the reason of applying it to his Administration was caused by discussion on a particular subject.

The discussion arose on a matter connected with certain purchases, by certain members of the Government, of property at Point Lévis. It was charged against certain members of the Government that they had used public money in purchasing it. The charge was not brought by himself. The assertion was made in a speech of one of the members of the Administration itself. He would not mention his name since he was not now in Parliament, but the hon. gentleman was very unguarded in his remarks. He (Hon. Sir John A. Macdonald) attacked the Government for it, and said either the charge was true or untrue, as it was admitted by their colleagues. If it was untrue, they ought to dismiss the hon. member who admitted the charge. That was the circumstance, he made this explanation years ago. He would go further, and say that he had ascertained beyond the possibility of a doubt, from a gentleman whose integrity was well known, the late Hon. Ferguson Blair, who was one of the purchasers of the property, that Hon. Sir Francis Hincks was not at all aware his name had been put down as one of the purchasers, but his name having been put down he did not repudiate the purchase, and he also believed that all those hon. gentlemen had lost money by it.

* * *

KENT, NEW BRUNSWICK ELECTION

Mr. COSTIGAN said he desired before the adjournment of the House to call attention to the fact that the hon. member for Kent, New Brunswick (Mr. Cutler) was appointed by the Government as assistant paymaster on the Intercolonial Railway. The poll books and check list showed that gross fraud had been practised upon that constituency, and he claimed that this matter should be referred to the Select Standing Committee on Privileges and Elections. Without further discussion, he would move the following resolution:—

Resolved:—The attention of this House having been called to the fact that Robert B. Cutler, member for the electoral district of Kent, New Brunswick was assistant paymaster on the Intercolonial Railway at the time of his election as such member, and the election return from that electoral district being before the House, and the poll books and check lists kept at the poll clearly showing that a fraud had been committed in the said return, that the matter be referred to the Select Standing Committee on Privileges and Elections, with instruction to investigate, and power to send for persons and papers, and report without delay.

A threat had been thrown out that similar proceedings would be taken against him (Mr. Costigan), and he would there say if any member thought he had been guilty of like proceedings, he would vote in favour of a Committee of Inquiry into his own case. (*Hear, hear.*)

The SPEAKER: I have to say I do not think the hon. member can put the question to the House. The matter alleged by this motion is antecedent to the Standing Committee to try the Kent election case, and that committee has reported finally, which report the House has accepted as final. The matters involved in the inquiry before that Committee cannot again be brought under discussion. The return and check lists were all before the Committee.

Hon. Mr. CAUCHON contended that the first portion of the resolution had nothing to do with the matter tried by the Kent Committee, and might go before the Select Standing Committee on Privileges and Elections. The House had its own privileges to determine the independence of its own members.

After some further discussion,

Mr. COSTIGAN amended his motion as follows:—"That the attention of this House having been called to the fact that Robert B. Cutler, member for the electoral district of Kent, New Brunswick was assistant paymaster at the time of his election as such member, and the matter be referred to the Select Standing Committee on Privileges and Elections, with instructions to investigate the matter and power to send for persons and papers and report without delay as to the legality of such election return."

The SPEAKER consented to put this motion, which was carried.

The SPEAKER announced a message from the Senate, informing the House that they had made certain amendments to the Act to make further provision for the collection of duties in Manitoba and the Northwest territories, and asking the concurrence of the House in the same.

The House adjourned at 12.30.

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HOUSE OF COMMONS

Tuesday, May 6, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

ELECTION COMMITTEES APPOINTED

Hon. Mr. CAMPBELL presented the report of the General Committee of elections, appointing members to try the following election petitions: Jacques-Cartier, Maskinongé, Portneuf and South Leeds.

* * *

DURHAM EAST ELECTION

Mr. SCATCHERD presented the report of the Select Committee appointed to try the petition complaining of an undue return for Durham East, reporting, as the determination of the Committee, that Lewis Ross, the sitting member, was duly elected; that the petition was not frivolous or vexatious, and that the objections to the petition by the sitting member were not frivolous or vexatious.

* * *

HURON ELECTION COMMITTEE

Mr. JOLY presented the report of the Huron South election Committee, reporting that with the mutual consent of the two parties the Committee had resolved to adjourn until next session.

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BANKING AND COMMERCE

Hon. Sir FRANCIS HINCKS presented the report of the Committee on Banking and Commerce.

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BILLS INTRODUCED

Hon. Mr. ROBINSON introduced a bill to re-arrange the capital of the Northern Railway Company.

Hon. Sir JOHN A. MACDONALD introduced a bill to continue in force for a limited time the Insolvent Act of 1869.

Mr. MATHIEU introduced a bill to amend the Insolvent Act of 1869.

* * *

NORTH HURON ELECTION CASE

Mr. JOLY moved that the North Huron Election committee be allowed to adjourn until September next.—Carried.

* * *

SHIPPING OFFICES

Hon. Mr. MITCHELL moved the House into Committee of the Whole on a resolution declaring that it is expedient to make provisions common to the Provinces of Quebec, Nova Scotia, New Brunswick and British Columbia with respect to shipping offices, and the engagement, discipline and discharge of seamen.

In answer to Hon. Mr. Mackenzie,

Hon. Mr. MITCHELL said that the law would not apply to any but sea going vessels.

The committee rose and reported the resolutions, which were adopted and a bill founded thereon was introduced and read a first time.

* * *

ORDER OF PROCEEDING

Hon. Sir JOHN A. MACDONALD moved that the order of proceedings on Wednesday for the remainder of the session be the same as on Tuesday.

Hon. Mr. MACKENZIE said he hoped this motion was not intended to apply tomorrow, as there was still a number of private bills on the paper, and if the House adjourned in two or three weeks, it would be impossible to get these bills passed, if they had only one day in each week.

Hon. Sir JOHN A. MACDONALD said he hoped in a few days they would be able to close the session and the object was to enable the government to get their measures through as fast as possible.

After some remarks from Hon. Mr. Holton, **Hon. Sir JOHN A. MACDONALD** withdrew the motion.

* * *

THE PACIFIC RAILWAY ENQUIRY

Hon. Mr. CAMERON (Cardwell) said in accordance with the notice, he proposed to move the resolutions in reference to the Committee on the Pacific Railway question, *seriatim*. Those resolutions would not consist of as many as were reported by the Committee, because at the instance of his colleagues, though his own opinion remained unchanged, and also at the request of the government, the resolution in reference to the secret proceedings of the committee would not be moved by him. (*Hear, hear.*) Hon. gentlemen evidently felt that there was a great relief to them in that.

Hon. Mr. MACKENZIE: An unexpected grace.

Hon. Mr. CAMERON (Cardwell) said if it was unexpected they ought to receive it with the greater pleasure. (*Hear, hear.*) As far as his own individual opinion went he still thought the proceedings ought to be secret, but in deference to the views of his colleagues and the Government, he should not propose it to the House.

The resolutions which he would propose *seriatim* founded on the report of the Committee were, first, that the committee have leave to adjourn until the 2nd day of July next, provided Parliament be then in session, and to sit whether the House be sitting or not; and second that the said committee have leave to adjourn from place to place.

He did not think it would be becoming in him as the chairman of that Committee, which was of a *quasi* judicial character, to enter into any lengthened discussion in moving these resolutions. If it should become necessary at some future stage of the proceedings for him to say more, he should be prepared to do so. He merely wished now to state to the House the ground upon which the majority of the Committee had come to the conclusion to report as they did, and upon which he, as chairman, had been called upon to vote, when the Committee were equally divided, in favour of offering the resolutions to the House. The hon. Minister of Justice (Hon. Sir John A. Macdonald) appeared before the Committee, and the House was aware by the proceedings that had been reported to it, that he made a statement to the Committee. The committee had it in their power, as a matter of strict right, to adjourn to any day that it thought proper; but, as a matter of justice, it would not be either advisable or judicious to do so when it was charged by the House with so serious an investigation as that ordered by the resolutions that were moved by the First Minister.

The Committee upon the statements of the Minister of Justice considered that it was advisable that an adjournment should be had, but it did not itself determine on that adjournment, but resolved, most properly he thought, to ask the House to sanction its right to

adjourn to a period, when according to the statement that was made, the House would be still in session. The statement that the Committee had before it, and that he had no doubt the House would have before it by-and-by from the first Minister of the Crown, was that there were reasons, the absence of certain members of the House, one of whom was also a member of the Government, why no proceedings should be had before the Committee; and that it was advisable and desired by the Ministers of the Crown that, instead of the proposition which had been suggested to the House by the Minister of Justice himself that, in the event of the House being adjourned or prorogued, a Royal Commission should issue in order that the investigation should be continued, both branches of the Legislature should be asked to adjourn; in order that instead of the investigation being continued by a Royal Commission, it should be continued by the Committee whom the House had itself appointed to investigate the matter.

He must confess the change of view of the Minister of Justice was entirely in accordance with his own sentiments. He would not have considered that it was advisable that a Royal Commission should have issued to carry on the investigation. He would have felt that according to the terms of Royal Commissions, instructions must have necessarily emanated from the Government, that it might be doubtful how far the persons who were named upon that commission, supposing they were members of the Opposition, would be prepared to sit upon a Commission—(Hon. Mr. Blake: *Hear, hear.*)—that it might even be a question supposing they were, or still more supposing they were not, members of the Opposition, how far any report made by that commission would be met as it, and every other report ought to be met, by the confidence of the country in the report itself and in the parties who made it.

He therefore, should most undoubtedly have been averse to any Royal Commission, and his own impression was that had he been named to sit upon that Royal Commission, having the knowledge that there was a means by which a committee of this House might continue to sit, he would have declined to act. He considered, therefore, that the course which the government had decided to pursue of asking both Houses to adjourn, in order that the matter might be continued if the House agreed to the adjournment of the committee, would be the one not only most consonant with the feelings of the members of this House, but also with the feeling of the country, and that it was a judicious desire on the part of the Government.

It certainly did approve itself to his mind that, it being perfectly impossible that the deliberations of the Committee and the examination of witnesses should be continued *de die in diem* at present, and without the presence of those persons named in the report of the Committee, it was not advisable that any portion of the testimony that was to be adduced before the Committee should be commenced; and, if any portion of it were commenced, it did not seem to him that it would be very easy to determine the point at which an adjournment should take place. It appeared more desirable that no testimony whatever should be given because, supposing that the testimony were in anyway whatever of a criminatory character

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or of a character that might require to be afterwards rebutted, it might remain over for a lengthened period of time, published wholly or in part to the world without those who were immediately interested in it being at once in a position to answer it. He thought in that way, apart from any consideration that the gentlemen who were attacked sat upon the same side of the House as he did, for he believed that the honour of the Government of the country, whether that Government were in the hands of the gentlemen on the other side, was one of the first considerations for all parties in the country. (*Hear, hear.*)

So believing, he did not think it was advisable or judicious, or in accordance with the proper spirit which ought to animate every one of the members of this House, that there should be any opportunity given for testimony which might be partial in its character to go to the world, until the whole of the testimony had been taken, the report completed and offered to the House in the manner in which such reports were usually offered.

He thought therefore, that there could be no reason why the suggestion that was made by the hon. member for Pictou, should not be adopted. He had desired that it should be referred to the House, that the House itself might consider it. If it commended itself to the House, as it had commended itself to his own mind, he had no doubt the House would adopt it, having in view that Parliament would be then in session, and that the Committee would be permitted to sit, although the House was not sitting. He said nothing of the inconvenience that it would be to the members of the Committee, to himself as well as to others, being required to sit and go on with this investigation at a period of the year when other members had been allowed to return to their homes. That inconvenience was nothing in comparison with the importance of the investigation in which the Committee were engaged.

He desired, as far as he was individually concerned, to act only in what he considered to be the interests of justice. He should endeavour, as far as he possibly could, to give every consideration in his power to the testimony which might from time to time be brought before the Committee, and he believed that he should be enabled to discharge that duty in the same manner as he had, during the course of a long career that he had been in Parliament, endeavoured to discharge every duty connected with the Parliamentary functions that he had ever been asked to undertake. (*Hear, hear.*) There were abundant authorities for the House to grant the permission contained in the resolutions, as well as for the Committee to come to the House and ask its leave. In our own Parliament we had a precedent for the adjournment of the House for a lengthened period. In the session of 1862 and 1863 the House adjourned from the 14th of November to the 14th of February; in the following session, from the 18th of December to the 4th of February; and in 1864 for a long time during the formation of a new administration. Two of these adjournments were for the promotion of public business, and the third for the conveniences of the Government of the day.

The present was a case in which he should hope that every one who was interested in the Government of the country being

sustained in its purity, if it was entitled to be sustained or being removed from its position, if it was not entitled to be sustained, could feel that if the former were good cases this was equally a case in which the adjournment should take place. This it seemed to him was the only proper solution of the difficulty, because if the House were prorogued the matter might remain for months and months unsettled. He believed that this was the proper way in which the investigation should be carried on. He then moved the first resolution.

Hon. Mr. DORION (Napierville) said the resolution was not in accordance with the report of the Committee.

Hon. Mr. CAMERON (Cardwell) said it only contained an addition, which was the natural result of that report, namely, that the Committee should have leave to sit when the House was not sitting. However, if the addition was objected to, he would strike it out, and move it as a separate resolution. He then moved that the said Committee have leave to adjourn till the second day of July next, provided that Parliament be then in session.

Hon. Mr. HUNTINGTON said the responsibility of these charges did not altogether rest on him. When some time ago, he made the charges, he believed what he said and that he was in a position to give information respecting them. He was fully aware of the position which he assumed and came forward with a sense of the duty he owed to the House and the country, and the House would not be surprised that he had had opportunity to hear much since, and that he still more believed that the charges were true.

He was prepared at any time to have proceeded with the investigation of the charges, and he was prepared yesterday, when he went before the Committee to have commenced that investigation. He had been induced to lay before the committee a number of witnesses whom he proposed to subpoena. He would not be in the same position if there were to be two months of delay, giving time for the manipulation of the witnesses. (*Cries of Oh! Oh! from the government side of the House.*)

If the Government were innocent, then by all means it was to the interest of the country that their innocence should be proved. If, on the other hand, the grave charges were true, we had all great interest that they should be asserted, that the proof should be forthcoming, and that we should whitewash ourselves of it. He was prepared to bear the consequences which might result from this matter, both as a member of the House and as a citizen of the country.

But if this House, having the evidence before them of the course he intended to pursue, came between him and the Government, and decided that the committee should have two months, then the responsibility lay on them. The members of the House were not absent now any more than they were a month ago. If the House intervenes between him now, and his duty, if he could not still supply this evidence in July, it would be his fault. The House took a grave step in stepping in between him and the prosecution. There were men who could testify to the changes.

Hon. Sir JOHN A. MACDONALD: Will you name them?

Hon. Mr. HUNTINGTON would not name the men. He might have been misled in giving a list of the witnesses, but he would not name these men now. If he was to remain still for two months, if the House was to come between him and the Government, and to order that he was to stop on the point of examining the Government on these charges, which he believed were true, if he found his hands tied in this way, the responsibility lay with the House, who would afford an opportunity to the Government, and it would be strange if they did not avail themselves of it, to manipulate the witnesses. He felt it his duty to remonstrate against this extraordinary proceeding. If the members did not give him the chance to bring the proof, they assumed the responsibility which at one time he took. (*Applause.*)

Hon. Sir JOHN A. MACDONALD said that was the idea of British justice according to the view of hon. gentlemen who clapped their hands. He stood there as the First Minister of the Government of the day, and he occupied that position having the proud consciousness of having the confidence of the majority of the House. (*Cheers.*) He had the consciousness that the House fairly represented the sentiment of the country, and therefore he and his colleagues had the satisfaction of believing that they enjoyed the confidence of the people of Canada. When they made, as a simple matter of justice, a request that would be accorded by any court of justice known in England or to English justice, to the veriest criminal, that the trial shall be postponed until witnesses for the defence were ready to give evidence, they were told by the hon. member for Shefford (Hon. Mr. Huntington) that he could not afford to do the Government justice because he believed they would speak with his witnesses. (*Laughter and cheers from the Government benches.*)

Why, if the members of the government were not gentlemen holding the first positions in the land and in that House, but were the veriest criminals brought to the bar, they could obtain the consent of the court to an application for postponement of the trial until they were ready to meet the charge. But no, say the hon. gentleman, you are not to do that, although you may not be ready, although some witnesses may be absent, although some persons are absent, and those the only persons who can give testimony in favour of the Government, and check, watch and control the evidence, which to use the words of the hon. gentleman had been "got up" by the hon. gentleman. (*Laughter.*) When the Government applied that these men should be heard before the inquiry was proceeded with in order to give them an opportunity of getting fair play as between man and man, the hon. member for Shefford says he throws himself on the protection of the House. (*Cheers.*)

But there was one statement the hon. gentleman must retract. If he did not the House and country would make him retract it, and it was this—that the Government compelled him to show his hand. He would ask the hon. gentleman that if the Government compelled him to show his hand, what steps the Government took, what

inducements they held out, and whether there was ever any request from the Government to the hon. gentleman to show a list of his witnesses. (*Cheers.*) It was one of the complaints the government had to make against this Committee, which was justly chargeable against this Committee, that without summoning the government, who were the parties charged, without summoning any one of them, the parties accused, they read a list of witnesses from the hon. gentleman, who had not the manliness to be present at the Committee and make his charge and swear to it, but sent in a list of witnesses, saying he had important business in Montreal, and asked them to be summoned. That was not the way in which great judicial trials were conducted.

This was to all intents and purposes, and he accepted it as such, an impeachment of the Government. The Government was placed on trial. They had the proud satisfaction of having a vote in the House showing that the House did not believe the charge. They had the proud satisfaction of having a vote setting forth that the House had confidence in the Government, notwithstanding the statement of the hon. gentleman, and that the hon. gentleman was worthy of all Parliamentary credence, but worthy of no other credence. (*Ministerial cheers.*) Although the Government might have rested there, the next day, the moment he had had an interview with his colleagues, he moved this Committee himself. (*Cheers.*)

Now he must go back and speak with respect to the statement of the hon. gentleman that he had been drawn into showing his hand. If the Committee had been impressed, as hereafter he was quite sure they would be, after the solemn statement he had made, that the charge amounted to an impeachment of the Government, and he accepted it as a trial of the government, what should they have done? The moment they had organized the Committee, they should have summoned the parties accused, and not have taken a single proceeding behind their backs, and the hon. gentleman, who was impressed with an overwhelming sense of the responsibility resting on him (*laughter*), should have also been summoned. The committee should then have registered the articles of impeachment, and they should have been read, clause by clause by the Committee. He could tell the hon. gentleman that when the Committee did meet, he would ask the Committee as a matter of justice to the Government, as a matter of justice to Hon. Mr. Abbott (Argenteuil) a member of the House, and who was entitled to its protection, for they were bound to stand shoulder to shoulder and man to man in protecting each other until the charge made against them were proved. He would ask the Committee to afford that hon. member (Hon. Mr. Abbott) an opportunity to defend himself. He had pointed out the mode in which the Committee ought to have proceeded, and before one step was taken it was the duty of the hon. member for Shefford to have gone into the box, taken the oath, and stated what he himself knew, and given to the Committee and the country the grounds on which he has assumed the great responsibility of charging men, who, previously, at all events, to the charges being made, held characters as free from moral stain, as that of the hon. gentleman himself.

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The hon. gentleman should have gone into the box and given in evidence the groundwork on which he made his statement in the House, interrupted the business of Parliament, impeached the character of public men and the Government who carried on the business of the country. (*Cheers.*) Not having the manliness to appear before the Committee, he ran away to Montreal. (*Laughter.*) He, a man who had made a charge against the Government of the country. Sir John having read the letter of Hon. Mr. Huntington announcing that he (Hon. Mr. Huntington) had gone to Montreal, pointed out that the letter was not addressed to anyone. He did not know whether it was intended to be addressed to the chairman or to the hon. member for Napierville, (Hon. Mr. Dorion) but he understood the member for Napierville submitted it and that he acted as the agent of the hon. gentleman in producing the list of witnesses. (*Cheers.*)

The hon. gentleman did not write to the Government or take a single step to enable them to know what the charges were, but he sent in a list of his witnesses to the committee asking to have them summoned; and that was done behind the Government's back. That the hon. gentleman called British justice and was an instance of the Government trying to and compelling him to show his hand. (*Laughter.*) He asked them if he had not established his case, and if he had not convicted the hon. gentleman out of his own mouth. (*Cheers.*)

Now he stood there to justify the course the Government had taken in this matter, and with God's help he believed he would do so satisfactorily. He knew that the charge was a foul calumny. (*Cheers.*) He would not state that the hon. gentleman had not sufficient ground on which, in his opinion, to make the charge, but that was a matter between him and his own conscience. The result would show whether the hon. gentleman was justified in making that charge against honest men, but he did say that the hon. gentleman having made the charge, the Government were prepared to meet it. The Government denied *in toto* the charge. (*Loud cheers.*)

One of the judges elected by the voice of that House had acted as the agent of the hon. gentleman in producing that list of witnesses. That gentleman was the agent of the hon. gentleman in producing that list of witnesses furnished by the hon. gentleman who ran to Montreal to attend to his mining concern, and he sent the list to one of the Committees and when he rose that afternoon he had the audacity and want of veracity—(*Ministerial cheers.*)

Hon Mr. HUNTINGTON: Is that language Parliamentary? The hon. gentleman speaks of my want of veracity.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman stated that the Government had compelled him to give a list of witnesses. The Government did not know that he had written that letter—the Government never heard he had written that letter.

Hon Mr. HUNTINGTON: For the first time.

Hon. Sir JOHN A. MACDONALD: The hon. gentleman said that the Government had denied it for the first time. He had never yet in his life denied that he was a thief, for he had not been charged with being such. (*Laughter.*) The moment the hon. gentleman made the charge the Government met it, as they ought to have met it, relying on the character they had gained by long years of public service, and on the absurdity and the falsity of the charge.

On behalf of the Government, and of every member of it, he could tell the hon. gentleman that he had been most woefully deceived; that neither by thought, word, deed or action had the Government done anything of which they could be ashamed, and that from the conception of the idea up to placing the charter in the hands of the Pacific Railway Company, they were actuated and moved by a desire to promote the best interests of this Dominion. (*Cheers.*) He would be able by incontrovertible evidence, by evidence that not even the hon. gentleman would dispute, although he was very credulous on one side and might be as sceptic on the other, to prove that in every action the Government had taken for the purpose of establishing a Canadian Pacific Railway Company they acted for the best interests of the country.

Just as a mariner in a dark night keeps his eyes steadily fixed on the light before him, so had they their eyes on one thing, namely, to endeavour, according to the instructions given them, according to the authority they had received from Parliament, according to the responsibility thrown on them, to act according to what, in their judgment—the judgment might be wrong because they were only human—would enable that great railway to be most economically constructed, maintained, worked and managed for the interest of Canada and Canadians, excluding every foreigner, alien, or American, from participation in it. (*Cheers.*)

The hon. member, in making the charge in the House, mentioned some names in his resolution. Now no man of common sense could suppose that the inquiry could end without those gentlemen so named being heard. No man of common sense could suppose that the Government would allow the matter to terminate and judgment be given without Sir Hugh Allan being put into the box and asked whether it was true that he had bribed as alleged; or that the Government would allow the enquiry to end without John Abbott, a member of this House, being put in the box to testify whether he had made a corrupt bargain with the Government or any member of it. (*Cheers.*) That being admitted, no conclusion could be arrived at by the Committee until those gentlemen were present and examined, until the whole charge was exhausted, and its want of foundation, et cetera, completely established, and it could only be established by the testimony of these two gentlemen.

That being the case what was the consequence. The consequence was that the Committee could not make a final report during the present session. Then the Government had to consider what would be the consequence if the Committee could not report during the present session. The Committee could not sit after prorogation. Meanwhile the Committee would have taken the evidence of witnesses called by the member for Shefford, of those witnesses on

whose statements he had taken the responsibility of making his charge in the House. The evidence would go before the Committee and the country. What justice was there in that to the government or to such of its members as were charged with a great crime, that the evidence should be taken on behalf of the prosecution, putting the case in its worst light, without an opportunity being afforded to contradict or answer it until January or February, 1874? He could not charge the hon. gentleman directly, for he could not tell what were his motives for wanting to get in some evidence against the Government, and allow it to seethe in the minds of the people for a year without evidence in rebuttal being heard, and have those garbled reports used against the Government for political purposes by the press in opposition to the Government.

He (Hon. Sir John A. Macdonald) was in the list as one of the hon. gentleman's witnesses, but he could not make a great deal out of his statements. He did not believe the hon. gentleman had any conversation with the Hon. Mr. Langevin or Hon. Sir Francis Hincks.

Hon. Sir FRANCIS HINCKS: Certainly not.

Hon. Sir JOHN A. MACDONALD: It could not then be that the evidence was to be made out of his statements. Thus it was to be the evidence of the unknown men whose names he declined to tell for fear they should be dealt with (*Laughter*). Men are generally known by the company they keep. What kind of company must the hon. gentleman keep when he pledged his honour as a man to a man on the statements of the men whom he states may be bribed? (*Laughter.*) If they could be bribed, the hon. gentleman should have ascertained their character before, because they were not credible witnesses. (*Laughter and cheers.*)

The very first statement in the hon. gentleman's resolution submitted to the House was that he had been credibly informed. By whom? Why, by the men whom he feared would be bribed. (*Laughter and cheers.*) He says he can produce them now, but cannot produce them hereafter, in six weeks after the House adjourned. The hon. member said he was afraid he could not produce these men after six weeks, yet he was willing to risk his honour and responsibility to the House upon the evidence of those men whom he was afraid would be dealt with. (*Cheers.*)

Let the House look back for a moment at the inception of this matter. The hon. gentleman, out of courtesy to the Government said that when the motion was made for the House to go into Committee of Supply, he would move a motion in relation to the Pacific Railway charter. He thought these were the words used by the hon. gentleman. Did he give the Government notice that he was going to make an attack upon their honour? The Government had no objection to an attack upon their policy in regard to the Canadian Pacific Railway charter. They expected it from the Opposition, who no doubt believed that it was their duty to make an attack upon the policy of the Government in regard to this great work, and they thought that the hon. gentleman had been selected by his Party to

make that attack. They knew this would be a vote of want of confidence, and they accepted it as such, but they had no idea that the hon. gentleman intended to make an indictment against the Government. If the hon. gentleman had been actuated by a spirit of fair play, by the sentiment of a man of honour, he would have given to the government at the earliest opportunity an intimation of the charges that he was going to make against them. (*Cheers.*)

The vote was accepted as a vote of want of confidence, it was heralded through the country, as such, and he could well understand the ill concealed scorn with which hon. gentlemen, after the vote had been taken, got up in their places and said that the vote had not been one of want of confidence. But there was one man in the Opposition, an honest, straight-forward man, who would not make any statement which he did not believe to be correct. That man was the hon. member for Wentworth South (Mr. Rymal) who had risen in his place and said that the motion was one of want of confidence.

Mr. RYMAL: I beg the hon. gentleman not to be complimentary. He will kill me off if he does.

Hon. Sir JOHN A. MACDONALD said there was a difference between a compliment and a flattery. A flattery was an agreeable untruth; a compliment was an agreeable truth. When he had stated that the hon. member for Wentworth South was an honest man, he had stated an agreeable truth. If that would hurt the hon. gentleman, he (Hon. Sir John A. Macdonald) would take it back. The hon. gentleman had stated on the occasion of an exciting debate that the Government were raising the loyalty cry, and that they always remarked that when there was a vote of want of confidence pending, the Government had raised the loyalty cry. The hon. gentleman had said in the presence of bystanders—and it was not denied—that the motion was a vote of want of confidence.

Mr. RYMAL: Of course, I'd say that now.

Hon. Sir JOHN A. MACDONALD: It was a vote of want of confidence. The *Globe* published it as such, and said that of course no further proceedings could take place in this House until that vote was disposed of, and they saw a bird of ill omen hovering around the gallery, come down like a vulture to fatten on the carcass, as he supposed. But thank heaven the bird of ill omen had gone back to his nest, and the corpse was a living man today. (*Loud cheers.*)

This motion was understood to be a vote of want of confidence, and when his hon. friend and colleague stated that he would make his budget speech with Mr. Speaker in the chair the hon. member for Shefford said that he did not wish to mingle the debates on the two subjects, and consequent postponed his motion to the next day. This did not, however, change its character. The hon. member then had an opportunity to tell the Government what his intentions were, but he did not say "I am going to give you a stab tomorrow." No spirit of fair play reposed in this man. He waited until the very last moment with this charge in his pocket, and then stood up and drew it forth when the two parties were drawn up in array against each

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other, when the Opposition had rallied all their supporters around them, and when the Government had taken the same steps, and they say rallying around them their friends and supporters on whom they could rely, and whom they believed would support them, when both parties were drawn up so far as the Government were concerned at least with the object of knowing whether the policy of the Government in regard to the Pacific Railway, would be supported, when the friends of whom he had spoken had come together with the view of giving a vote of confidence in the Government, then the hon. gentleman drew from his pocket this statement. (*Loud cheers.*)

What would have been the consequence had this motion carried. The hon. gentleman did not condescend to submit to them his proofs of the ground on which he made his charge, and the government would have had a right to have disregarded this question altogether. After the charge had been made he moved for a committee of seven, and supposing that the motion had carried, the accuser of the Government would have been a member of the Committee, and by the universal practice of the House the Chairman of that committee; the man who had made this charge, was to be chief justice in this case. Shaking his ambrosial curls and giving a nod to his head he was to say what witnesses should be examined. He, the accuser, was to be the Chief Justice, the regulator and the indicator of the proceedings that were to be taken against the Government. He was to say whether what he had said was not true; whether his statements were not incredible and without a vestige of truth, and he would have been the man to decide this case between himself and the government, because if the government were to sit in this House the hon. gentleman was not. (*Cheers.*) This was the motion which the Government and their supporters resisted, and which they were right in resisting.

The Government at the earliest possible moment, after the charge had been made, moved for a Committee of Enquiry. They agreed that, considering the position that had been occupied by this man, they could not ignore him; that they ought not to ignore him, and they had no desire to ignore him. He had heard it said, with that generosity which was sometimes flung across the floor of the House, that the government had been forced to this course by their supporters and by public opinion. He appealed to his supporters, he appealed to those men who sat here as supporters of the Government. Did any representative of the people come to him and tell him that the Government must ask for an investigation. (*Cries of no, no.*) Not one single man who supported the Government would have thought of doing such a thing. There was not a single supporter of the Government who would not have thought that he was offering an insult to him (Hon. Sir John A. Macdonald) in coming to prompt him. They had confidence in him that in such a distressing emergency as this he would do what he thought was due to his conscience. (*Cheers.*) No man had come to speak to him or to suggest that he should make this motion.

As to public opinion, it could not have been brought to bear upon them. It was three o'clock before the *Toronto Mail* or *Globe*, the *Montreal Gazette* or *Herald* reached the city, and before that hour his colleagues in the Government had unanimously accepted his

proposition. If they looked at the motion which he had made they would see they had taken care that he should not be a member of the Committee. There was no more reason against his being of the Committee than there was against the hon. member for Shefford. He (Hon. Mr. Huntington) was trying to cut his (Hon. Sir John A. Macdonald's) throat, and he (Hon. Sir John A. Macdonald) was trying to save his own throat. (*Cheers and laughter.*)

It was on the second of April that the hon. member made his statement, and on the third of April he (Hon. Sir John A. Macdonald) had made his motion. At that time had the hon. member's motion been carried, he did not for a moment conceive that the hon. gentleman, although compelled by his conscience to find a man guilty, would do so in his absence. He never had supposed that the hon. member would propose that this Committee should proceed in the absence of those who were principally accused. He was so impressed with this opinion, that he had pressed for the immediate appointment of the Committee at once. He desired that there should be no appearance of shrinking from this attack, but he was all that time aware that there was no possibility that the Committee could conclude its investigation before the close of the session. He had at the time said that he was not aware whether they had the power to appoint the Committee to sit during the recess, and he had suggested if the House had not the power, that a Royal Commission should be issued, and that it should be addressed to those gentlemen whom the House might select, and who should have the same power that a Committee of the House would have. This proposition met with no favourable response from the other side.

The objection had been made that the Government could give instructions to the Commission, or that it could close it. His reply was that if the Government interfered with the Commission in the slightest degree, or if they closed it it would be a confession of their guilt. The proposition, however, was not acceptable, and the Committee was appointed.

It might be said why did not the Government state at once that they did not desire that the case should be at once entered into. The Government had no opportunity until the other day of doing so. The Government were afforded by the Committee no opportunity of doing so. The first opportunity that had presented, he had made the proposition to the Committee that they were now discussing. The Committee had assembled and had recommended the passage of a bill which was not the law of the land without having spoken to the Government. Of this the government did not complain, but he did complain of the next step taken by the Committee. The Committee met, and instead of summoning the accuser and the accused, instead of reading over the charges on which the indictment was to be founded, instead of arranging with the parties as to the best course to be pursued or asking them what suggestions they had to make, in the absence of the hon. gentleman, in the absence of government, without the government having received any intimation whatever, the hon. gentleman sends in a list of witnesses.

The first thing that he (Hon. Sir John A. Macdonald) had known of this was when he met the hon. member for Cardwell (Hon. Mr.

Cameron), who had shown him the letter of the hon. gentleman, and the first opportunity that had presented itself he had made the application of yesterday morning in the interests of justice, in the interests of the public, in the interest of fair dealing, in the interest of his absent colleagues, and of his hon. friend and fellow member the Hon. John Abbott. He had made the application that the trial should not be proceeded with (*Cheers*). He made the ordinary application which the hon. gentleman, who had made this charge when occupying the position of Solicitor-General, would have granted at once the application for the postponement of trial in the absence of witnesses for the defence. (*Cheers*.)

Now he would ask of the House whether it would have been fair to have gone so far, and examined witnesses there and have got such evidence as the hon. gentleman might point out. He had never been more surprised in his life than he had been at the course pursued by the hon. member for Shefford, in view of his grave responsibility, when he called his hon. friend, Hon. Sir Francis Hincks, as his first witness.

Hon. Mr. HUNTINGTON: Suppose I found the statement to be true?

Hon. Sir JOHN A. MACDONALD said that a thing might be true in itself, but a man who did not know it to be true and states it, was guilty of as great a falsehood as a man who made a statement which he knew to be false. That was a principle of logic of law, and of common sense. Supposing that he were to make a charge against an hon. member that he had been guilty of certain indiscretions, and though it might be true, if he did not know it he would still be guilty of falsehood. The hon. gentleman had made a charge. He stated that he was credibly informed, and he certainly was not informed by the Hon. Sir Francis Hincks. He appealed to the hon. member for Vancouver whether he had ever informed the hon. member for Shefford.

Hon. Sir FRANCIS HINCKS [With emphasis]: No!

Hon. Sir JOHN A. MACDONALD: Thus the hon. gentleman had attempted to establish a case, and by fishing for evidence to bolster up the false, the foul calumnious charge which he had made by trying to obtain evidence, which he had not got before him when he made the charge. (*Cheers*.) He knew that Parliament was a body of British Gentlemen who, the more strongly they might be opposed to him, the more strongly they would guard their consciences and their action. He knew that this principle would weigh with Parliament, and he believed that there was enough British feeling in the House to prevent any injustice being done to any member of the government, or to any member, or to anyone on account of political differences. (*Cheers*.) All that the Government asked was a fair trial, and they appealed to the House as a body of gentlemen to grant it to them. He asked the House to let the Committee sit and take evidence from day to day; and that the evidence for the prosecution and for the defence might go to the country together.

The government would consent to the result whatever might be the decision of the Committee. Whatever might be the result of the

evidence they would submit to it at once cheerfully, and without a murmur, and to the decision that the House and country might give upon it. He appealed to every man who sat opposite to him to make the case of the government his own, and to say: Here am I charged with a grave crime, a charge that may affect those nearest and dearest to me, a charge that may expel me from consideration for the rest of my life. He asked any hon. gentleman to put himself in his place and say whether he would permit evidence to be brought against him, and then for five or seven months to drag on before he could bring up his evidence in rebuttal. It was quite true that a course might have been taken which would have allowed the evidence to be taken out of the session, but this did not suit the ideas of hon. gentlemen opposite. They knew that the Committee could only sit during the session of the House. They knew that it was the intention of the hon. member for Shefford to produce such criminating evidence as he could before the session closed, and to allow those opposed to the Pacific Railway scheme to work, through the press and otherwise, against it for a year.

The Government wanted no such course. The Government insisted as a matter of justice that the witnesses for the prosecution and for the defence should be examined together, and that the report should be made when the House met. The members need not come back on the 15th of August. All that would be required was the Speakers of both Houses in the chair, and the Committee who would make the report which would be read and published, and go before the country with the evidence, and he appealed to the House if this was not a fair and honest course to pursue. (*Cheers*.)

In God's name let them have their trial; in God's name if they were guilty let them be punished; but in God's name let them have a fair trial, and let them not be hounded because they were leading politicians and leaders of their Party. (*Cheers*.) Let them have the same justice which is given to the vilest of men. They asked no more, they expected no less, and they were certain that the House would accord it to them. The hon. gentleman sat down amid loud and prolonged cheering.

Hon. Mr. MACKENZIE said that he was not surprised that the hon. gentleman had appealed to the political and personal prejudices of his followers, but it did surprise him to see him seek to cast aspersions on his hon. friend from Shefford, of whom he had said that he might have parliamentary credence, but he was unworthy of any other. His hon. friend needed no defence.

Hon. Sir JOHN A. MACDONALD: I said the hon. gentleman was worthy of Parliamentary credence.

Hon. Mr. MACKENZIE: And of no other credence.

Hon. Sir JOHN A. MACDONALD: No, no.

Hon. Mr. MACKENZIE continued that there was not a soul present who did not hear and understand him to say so; but as the hon. gentleman did not intend to have said so, he would say no more about it. This malignancy only went to show what an intensity of feeling his hon. friend had worked himself into. It was evident

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that an arrangement had been made by Sir Hugh Allan and others to secure the contract for the Pacific Railway. There was undoubtedly a direct or indirect arrangement, but he could not conceive that such an arrangement was other than a bargain. The hon. member for Shefford had reason to believe that such an arrangement existed, and it was his duty to bring the matter up in the House. The hon. member did give notice to the House that when it went into Committee of Supply he would bring up a matter connected with the Canada Pacific Railway. The exact terms of his motion were not given, as it was not always the custom to do so. If the hon. Premier had asked for a copy of the motion itself, he would in all probability have received it. The Premier had endeavoured to make out that it was a carefully arranged motion of want of confidence, but he ventured to say that there were not half a dozen men in the House, perhaps none, who knew the charges which were to be made by the member for Shefford, or the position he was in to substantiate them. It was therefore impossible to say it was a want of confidence motion, and it was unfair to put such a construction upon it. He did, however, remark that moving for a Committee of Enquiry was showing his want of confidence in the Ministry, but he had said that it was not necessarily a motion of want of confidence to move an amendment taken on the motion to go into Committee of Supply. As proof that such was the case we had the fact that the other nine gentlemen on the other side had acted in support of such an amendment. Undoubtedly, when a serious charge was made against a member, a Minister, he was entitled to a fair trial, and this no one would be in a position to deny. On this account it became the duty of gentlemen on this side when the member for Shefford made his statement to make no remark, and neither discuss nor reserve the evidence to be adduced. It was, however, a notorious fact that money had been spent to secure the election of supporters of the Government, and this money had come from extraordinary sources. In order not to create any prejudice, they had simply made the motion, leaving the evidence to prove the charge. The charges thus made were met by a studious silence. Not one gentleman had opened his mouth, not even to deny the charge. The charge was made on the 2nd April; but did the hon. Premier, as he should have done at once, move for a Committee of Enquiry? No. He said on Thursday that on the succeeding Tuesday he should move for a committee of enquiry. He then introduced his motion on the 8th, six days after the charge had been made. The other bill had been introduced, read a first time on the 18th, and a second and third time on the 31st. It had been sent to the Senate on the 21st, and then the members of the Government had contrived to have it deferred.

Hon. Sir JOHN A. MACDONALD dissented from this statement.

Hon. Mr. MACKENZIE continued that the reports in the papers had said that the Hon. Mr. Campbell (Postmaster General) had objected to the bill, a very strange course of action, since the Premier had said that they should have immediately either a Royal Commission or the authority of the House to examine witnesses under oath.

Hon. Sir JOHN A. MACDONALD here stated that the Oaths Bill passed the House of Commons, and could not go to the Senate until the next day.

Hon. Mr. MACKENZIE said the next day was Saturday, and that will probably account for the delay. He happened to know that one bill, the bill for the suspension of the *Habeas Corpus* Act—had passed both Houses on the same day. They were introduced on the Friday, and were passed on Monday.

Hon. Sir JOHN A. MACDONALD interposed that the bill now under discussion did not arrive the next day till the Senate adjourned.

Hon. Mr. MACKENZIE could see no reason why it had not gone to the Senate the same day, but supposing it did not, it remained for seven days in the Senate, thus delaying the work of the Committee.

Hon. Sir JOHN A. MACDONALD said that the bill had to be printed in the Senate. When Senator Campbell moved that it be read a first time, some of the members on both sides suggested that it had not been printed. This delayed it, but it was only in the Senate some six days.

Hon. Mr. MACKENZIE continued to say that notwithstanding all the anxiety which hon. gentlemen had professed that the Committee should proceed, notwithstanding that they had acquired in the proceedings from the beginning and the hon. leader of the Government announced that he should take care that the Committee should be empowered by this House to proceed during recess if necessary, or that a Royal Commission should be formed and take evidence under oath—notwithstanding all this, something like five weeks had intervened from the time the EDI was introduced until it has received Royal Assent. During all this time there had been no word of any necessity that the Committee should not at once proceed with their labours. The hon. member for Shefford, in submitting his charge to the House, had given all the information that had been given as to its nature. Why had it not then been objected to, and why were they not informed that certain members of the Government and this House who could not be present for a certain time much necessarily be so before the investigation was commenced? (*Hear, hear.*) But nothing of this kind had been done. The Bill was passed and assented to, and when the Committee proceeded to examine witnesses, it was suddenly discovered that it would be very improper to proceed with the examination. (*Cheers.*)

The leader of the Government endeavoured to charge it against the hon. member for Shefford that when he left the city on a matter which demanded his attention, and left a letter to the Committee with his list of witnesses in case his presence should be required, he did so upon a mere pretence, and that his absence was purposed. He failed to see what fairer course could have been taken than that

adopted by the hon. member for Shefford. He could see two or three that might have been quite just, and yet not fair so to the government. He had supplied his whole list of witnesses that he wished to be examined, although he would have been quite justified in naming only one or two.

The hon. gentleman complained that some members of the Government were called as witnesses. If the hon. gentleman was perfectly satisfied, as he had expressed himself, that there was not the least foundation in the charge, what better evidence could be called to establish the fact than that of his own colleagues? He could not help remarking the extraordinary persistency with which the hon. gentleman proceeded to tell the Committee how they should go to work, what witnesses they should call first and how they ought to be compelled—yes compelled—to place the hon. member for Shefford first in the box. The hon. gentleman, because he happened to be at the head of the government, had undertaken to dictate to the Committee how they were to take evidence, also to say what evidence should be taken and what not. (*Hear.*)

Hon. Sir JOHN A. MACDONALD: I have a right to make the application.

Hon. Mr. MACKENZIE said the hon. gentleman did not content himself with saying he had the right to make the application, but had insisted that it should be done. The hon. gentleman had complained that those on this side of the House had objected to a Royal Commission. They had objected, and not without good reason. A Royal Commission would have been at the mercy of the hon. gentleman; and from the manner in which he had dictated the course which the Committee was to pursue in his speech today, it could easily be understood what his instructions would be to a Royal Commission. (*Hear.*) The hon. gentleman complained of a want of fair play on the part of the hon. member for Shefford; but a speech more pregnant of all that was unjust and unfair to the hon. member for Shefford, than that delivered by the hon. gentleman himself, was not in the spirit of Parliamentary proceedings. (*Cheers.*) The hon. gentleman complained of the remark of the hon. member for Shefford that the delay would give the Government time to manipulate the witnesses or some of them and he taunted the hon. member with bringing a charge upon the evidence of men who could be bribed.

He (Hon. Mr. Mackenzie) reminded the House that a public man in this country had brought an anonymous charge against another public man and when the Committee met where was the evidence to be procured from? Where, indeed! From the Penitentiary. (*Loud Cheers.*)

Hon. Sir JOHN A. MACDONALD wished the hon. gentleman to state one single convict who was examined.

Hon. Mr. MACKENZIE said no, but they all knew how that was. They all knew that Mr. Vankoughnet made application to the Committee, on behalf of the hon. gentleman, to have the power of

summoning a witness from the Penitentiary. (*Cheers.*) They all knew also that that question was based upon the supposition that the report of the Commission was buried in the fire when the Parliament Buildings of Montreal were destroyed.

Hon. Sir JOHN A. MACDONALD: Was the witness ever examined?

Hon. Mr. MACKENZIE: You know how that turned out. In the trial he believed that only a copy was burned and that the gentleman accused was in possession of the original copy, and laid it on the table at the outset. (*Cheers.*) That finished that enquiry, and surely he (Hon. Sir John A. Macdonald) was not the man to come here and charge any man with bringing such witnesses as could be questioned or susceptible of manipulation—he who had sought to convict an hon. member and an honourable man from information gathered from the lips of the dregs and offscourings of society.

Hon. Sir JOHN A. MACDONALD: It is untrue.

Hon. Mr. MACKENZIE: It is not untrue that Mr. Vankoughnet made the application in the hon. gentleman's behalf.

Hon. Sir JOHN A. MACDONALD: It is untrue. (*Cries of Order, order, and some confusion.*)

Hon. Mr. MACKENZIE: There is plenty of evidence on the subject.

Hon. Sir JOHN A. MACDONALD [repeatedly]: It is perfectly untrue.

Hon. Mr. MACKENZIE said, if the hon. gentleman said he was not party to that application, he was bound to accept his statement, but he did state and would state that his counsel had made the application.

Hon. Sir JOHN A. MACDONALD: Mr. Vankoughnet was not counsel for me at that trial at all.

Hon. Mr. MACKENZIE said he could only say that he was not present at the Committee and could not speak personally as to the matter, but he had no doubt that there were plenty of gentlemen living who were present at the Committee and who would know whether Mr. Vankoughnet appeared or not. With reference to the subject matter of these charges, he did not propose at all to say that the same reasons for resistance which induced him to say nothing when the charges were made, were still binding upon him. As far as the matter had been referred to in the public press and throughout the country, we know that the public newspapers had deemed since the elections, and during the elections, with charges that the Pacific Railway Company had been in some way or another connected with the advance of large sums of money to carry the elections, and it is also well known that enormous prices were spent in various districts of the country. (*Hear.*)

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In the public mind there was an impression preventing that the Charter was given to Sir Hugh Allan and his Company on some grounds that could not well be justified and we had the statements of the Hon. Senator Macpherson, made in another place with regard to what took place in this matter. We had also the statement of Mr. Kersteman who had pointed out very clearly how he and the English capitalists had been sacrificed for the sake of Sir Hugh Allan and his Company. We were also aware of the tremendous public feeling that was aroused when it was known that this arrangement had been made with Sir Hugh Allan in opposition to a fair and honourable proposal to allow a strong Company to be instrumental in procuring the contracts for the work.

Hon. Sir FRANCIS HINCKS said he wished to correct the hon. gentleman with regard to Sir Hugh Allan and his Company. The hon. gentleman had referred first to Sir Hugh and his Company and then to Sir Hugh, but he would state distinctly that this Company was not under Sir Hugh's dictation, and the gentlemen composing that company were perfectly independent. (*Hear, hear.*)

Hon. Mr. MACKENZIE said he quite admitted that the hon. member for Vancouver knew a great deal more about the whole affair than he (Hon. Mr. Mackenzie) could tell. (*Hear.*) He had no doubt what he stated was quite true, because he knew the whole transaction from beginning to end (*hear*); but when he (Hon. Mr. Mackenzie) used the name of Sir Hugh Allan, he used it as the President of the Company and the person who was entrusted with the management and control of their affairs in England at present.

Hon. Sir FRANCIS HINCKS said he had to state that this was not correct. There were two other gentlemen in England besides him who were directors of the Company.

Hon. Mr. MACKENZIE said he was quite aware that there were two other directors in England besides Sir Hugh Allan, but they had about as much to do with the matter as the man in the moon, and no person knew that better than the hon. member for Vancouver. (*Hear, hear.*) It was all the same, however, as that was not of the slightest consequence to the present matter. He was just proceeding to say that from the evidence already before the public. It was very strange that Sir Hugh Allan's Company had obtained the preference over another and stronger company, which was not allowed a fair opportunity of competing for the performance of the work.

He would refer shortly to the transactions connected with another railway, and to the statement made by a former Minister of the House, the Hon. William McDougall on the bustings at Toronto, that by the aid of the fifteen or twenty million of money spent upon the Intercolonial Railway, the hon. member for Kingston would be able to keep in power and command a majority in Parliament for the next ten or fifteen years. He (Hon. Mr. Mackenzie) had brought that statement up repeatedly in this House, and it remained uncontradicted and undenied to the present day. If, then, that statement, that boast was true with regard to the Intercolonial

Railway, how much more would this road secure power and place for him for a longer period?

As he understood the charge made by the hon. member for Shefford, it was that the Government had obtained a large sum of money to be used in carrying the elections so that they should be in such a majority in this House as would accrue them the necessary power to carry this work. It was true this was a different charge from that of having used this money for personal purposes, but still it was quite as improper as any political transaction could be. (*Hear, hear.*)

That was the charge deliberately made by the hon. member for Shefford, and that hon. gentleman contended that he was prepared to sustain it by evidence. From the time the hon. leader of the Government proposed the Committee, stating it was his wish and that of the Government, that every opportunity should be given for a full investigation, it was assumed that the Committee should proceed with all speed to take evidence.

What had induced the change? If the hon. gentleman opposite had been able to show that the taking of the available evidence was likely to prejudice the case against that which was yet to come, there might be some reason for asking but would the witnesses summoned now give any different evidence from what they would if Sir Hugh Allan and Mr. Abbott were here? The evidence of the two gentlemen named could be taken when they returned and if it were at any time shown that any further evidence would be required of the witnesses surely they could be received: but the Committee would report the evidence in full to this House, and the House would no doubt sustain which side of the case had the bulk of evidence. The hon. gentleman had said that we must look upon this Committee in the same light as a court of Justice. No doubt it was judicial in a certain sense, because it had the power of examining witnesses under oath, but then it was only a court of inquiry. The result would have to be reported to this House, and this House would be considered the judges in the case, and not the Committee. But the hon. gentleman objected to this enquiry until a certain time in July.

Hon. Sir JOHN A. MACDONALD: June or July.

Hon. Mr. MACKENZIE said that July was mentioned. At any rate the hon. gentleman had himself stated in his speech before the Committee that Sir Hugh Allan and Mr. Abbott would be here early in June.

Hon. Sir JOHN A. MACDONALD: I said they could not be here sooner than the middle of June. I wish to state exactly what I said.

Hon. Mr. MACKENZIE said he took the hon. gentleman's words, and it struck him as most remarkable that when they were returning so early as the early part of June, the Committee should be asked to adjourn until July. The hon. gentleman suggested this to the Committee. No doubt it was merely a suggestion. (*Hear, hear.*)

The hon. gentleman complained that the hon. member for Shefford had sent the list of witnesses to the hon. member for Napierville (Hon. Mr. Dorion) and he characterized that gentleman, a gentleman who stood as high in character and reputation as any hon. member in this House. (*Hear, hear.*) A man whose perfect purity of character, moral, religious and political, there had never been an attempt to stain—he had characterized that gentleman in language neither gentlemanly nor becoming, as having appeared before the Committee as the agent of the Prosecutor. It surely would not be denied that the hon. member for Napierville had a right to have any communication with the hon. member for Shefford that was necessary. At any rate it was quite as proper as that the accused in this case should have communication with the Chairman of the Committee. (*Hear, hear.*)

He mentioned that to show the shameful and disgraceful want of fair play exhibited by the leader of the Government in his speech. Where fair play was spoken of, he ought to hide his head. (*Cheers.*) He had tried to impress upon the members of this House that the hon. member for Napierville was not to be trusted as a member of the Committee. He had no language to characterize such as unjustifiable and dishonourable attempt. He expressed his satisfaction that the Committee would be open, and reviewed shortly the inconsistent conduct of the Government in proposing to keep the proceedings secret from the members of the House, but to allow the friends of the accused and the accused themselves to be present, for which purpose they had determined to ask this House to postpone the proceedings.

He was glad to know we were not going to have a secret Star Chamber proceedings. He recollected, not very long ago, when a charge was made against the hon. member for Bruce South (Hon. Mr. Blake) that gentleman challenged inquiry, and reporters from the newspapers were present and took down the evidence. They all knew what use was made of that evidence in this House last year before that Committee had concluded its enquiries. (*Cheers.*)

It being six o'clock, the House rose for recess, Hon. Mr. Mackenzie having the floor.

AFTER RECESS

Hon. Mr. MACKENZIE resumed. He said he had been congratulating the House upon the fact that the part of the resolution of the Committee which determined to ask Parliament to endorse the establishment of a secret chamber had been struck out of the proposition before the House. The hon. gentleman opposite had observed that this side of the House seemed gratified at this. They were gratified, but if there was reason for this gratification on their part, how much more ought there to be on the part of the hon. gentleman opposite that they were not called upon to vote upon such an obnoxious proposal. They had been called upon often to vote propositions very obnoxious. (*Hear, hear.*) But no such proposal as this had been submitted to the House, none so hateful as

the creation of a secret court, where all the proceedings would be conducted without the healthy restraint, without the protection to the minority of that committee, afforded by the presence of the public.

One of the principal reasons he had had from the beginning for hoping that these proceedings would be gone on with at once was that the two gentleman whom the Government wanted as witnesses were now in England seeking to establish a financial basis for this undertaking, and if the evidence produced proved the charges made by the hon. member for Shefford, these gentlemen ought not to be allowed to proceed with their mission.

The hon. member for Vancouver (Hon. Sir Francis Hincks) had said that Sir Hugh Allan did not control the Company. Of course, as he had said, the hon. gentleman knew best, but the hon. gentleman also knew that the Company was at present represented by these gentlemen in England, and if they had advanced or procured funds for the purposes mentioned in the charge of the hon. member for Shefford, they should not be allowed to proceed until it was known whether that charge was true or otherwise. It seemed to be taken for granted on both sides of the House at the time the proceedings were initiated in this House, that this Committee should get to work at as early a day as possible.

He would call the attention of the House to what took place on two dates—to the pressure brought to bear by this side of the House to have these proceedings hastened, to the admission of the hon. the leader of the Government that it was right and proper that these proceedings should be hastened, and to the fact that it was admitted by the House that there should be no reasonable delay in getting the Committee to work. If it was intended that the proceedings before that committee should not be commenced until some weeks after Parliament should rise, why did the Committee summon the witnesses, a list of which was given in by the hon. member for Shefford! Why were these gentlemen summoned at all? Why were gentlemen asked to come from a distance to attend the meetings of the committee last week if it was the intention from the first to postpone all examination till Mr. Abbott and Sir Hugh Allan should be present? The very fact of their being summoned without any objection being raised, showed that it was quite understood by the Chairman of the Committee and the whole of the Committee that the examination should proceed at once.

Subsequent consultation appeared to have led to a different result, and it was stated—he did not know if it were so, as he was not present at the meeting of the Committee—that the hon. gentleman at the head of the Government made his statement in the Committee room, and asked for this postponement; and he had also been informed that immediately after the statement of the hon. member for Shefford, the hon. member for Pictou (Hon. Mr. McDonald) drew the motion for postponement out of his pocket, written out and prepared, read it and submitted it to the Committee. (*Cries of "That is so" and "It is quite true."*) This showed that there had been a most marvellous coincidence—of course it was only a coincidence (*derisive laughter*)—of thought

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between the Premier and certain members of the Committee. Of course it was a mere coincidence but the people and the country could fully understand how it came. He could not help remarking upon it, and it was all the more extraordinary that there was evidently before that no intention to object to proceeding with the examination of witnesses.

It was not his object to do anything to prejudice any person against those on whom the charge had been made, or prevent that fair play which he trusted every member of this House would see extended to every one, and if any statement made by the hon. gentleman at the head of the government had gone to show that the examination of witnesses at present would have any tendency to prejudice his position, or that of his colleagues who were charged with him, he (Hon. Mr. Mackenzie) for one should not insist upon any such examination; but so far as the statement of the hon. gentleman went it could only be taken as proof that evidence will be forthcoming of which those who are absent have reason to be afraid.

Those who were not present at the beginning could be examined when they came, and if any witness examined before were required for the purpose of rebuttal, they could be recalled. Considering all the circumstances, surely it was necessary that there should be no delay, that there should be a speedy vindication of right and justice and that those who were interested in this matter should not be placed in a false position. If one of these witnesses were in such a position that his evidence should not be taken until confronted by some particular person, that could surely be so arranged. The evidence, after it had all been taken, had to be submitted to this House, this House had to pronounce upon it, and it had finally to be settled by public opinion.

It was of the last importance, in his opinion, that this investigation should be proceeded with without delay, and he was surprised at the plea put forward by the right hon. gentleman at the head of the government, and at the argument for fair play with which he appealed for the postponement. He could not help being surprised and shocked at other portions of the hon. gentleman's speech: at his charges and accusations against members of the Committee and the gentleman who brought this matter before the House. He thought that every one who knew anything of the hon. member for Shefford believed he would be the last man in this House to make any such charge unless he believed that he had good ground for making it. (*Loud cheers.*) It was quite possible, for anything he (Hon. Mr. Mackenzie) knew that that ground might not be sustained (*Ministerial applause*), but he was perfectly certain that the hon. gentleman would never make the charge unless he had the strongest reasons for believing he could establish it (*Cheers*). He (Hon. Mr. Mackenzie) thought the right course was to permit the examination to proceed at present, any witnesses they might desire being made subject to retention. He trusted this House would adopt such a course as would be in the interest of justice and fair play. He could only express his own desire that the proceedings, as originally intended, should be allowed to proceed, and that the hon.

gentlemen who compose the Committee should not be under the necessity of meeting again for the purpose of taking evidence while the portion of the session yet to come was to be spent in doing nothing.

An accusation brought by the hon. gentleman opposite was that his hon. friend behind him had endeavoured to have himself appointed a member of the Committee, in so far as it necessarily followed that the mover for a Committee was himself a member of it. There were two modes of appointing Committees. He saw the hon. gentleman opposite looking up the authority on the subject, he supposed, but he might tell the hon. gentleman that he was quite prepared for that and knew what line of argument he would adopt.

He referred to several English precedents on the subject, and said that he was aware that it was the intention of the hon. gentleman to move that the matter should be referred to the Joint Committee on Elections and have the Committee named by them, or that this House should do so, as was actually done in the end. These were the two courses that presented themselves to his hon. friend's mind, and the hon. gentleman at the head of the Government had been guilty of gross injustice towards that hon. gentleman in charging him with trying to have himself appointed a member of the Committee. He was satisfied that nothing the hon. gentleman opposite could say would in the slightest degree affect the position, social or political, of the hon. member for Shefford. (*Great cheering.*)

There were rumours current, and these rumours received a great amount of credence, that the Government had entered into a corrupt engagement regarding the Pacific Railway charter, and the hon. member for Shefford, whether these rumours were true or false, had rendered a great public service in bringing these matters to the notice of the House, because he was conscious, whether he failed or not, he would be subjected to the grossest and vilest abuse. The hon. gentleman opposite might as well have called the member for Shefford a liar in plain words (*Cries of "No, no,"*) as what he did call him. His language had been most insulting, and especially for a man in his position, unprecedentedly unparliamentary. (*Cheers.*) How did the hon. gentleman dare to make the assertion that his hon. friend might be entitled to Parliamentary credence, but to no other? Was that Parliamentary? Was that courteous? Was that the language of a gentleman and becoming the leader of this House?

He had known his hon. friend from Shefford for the last twelve or fourteen years, and no one who had had the pleasure of knowing him during that period, or during any period, could believe that he had even been actuated by dishonourable or revengeful motives, or that the disrespectful and foul language applied to him by the leader of the Government would cause him to stand one whit less in the estimation of this House and the country. (*Loud and Prolonged cheering.*)

Hon. Mr. DORION (Napierville) said he would move an amendment to the resolution before the hon. members were called

upon to vote, and he proposed to lay the facts of the case briefly before them. His object in addressing the House at this time was to justify his course as a member of the Committee and to bring the facts before the House as they appear. The motion which he would submit would be a recital of the facts, with the conclusion annexed that there should be no suspension of the Committee, which from the outset was not contemplated. That persons whose names appeared in the proceedings, or whose names had since appeared, were absent from the country, was perfectly well known when the hon. member for Shefford made his motion, and also when the leader of the Government moved for and appointed the Committee of Enquiry. Of course the House expected that the inquiry would be proceeded with without delay, and they approved of the course.

He recapitulated the various proceedings in connection with the Oaths Bill, and pointed out the action of the leader of the Senate with reference to it, remarking that though the leader of that House thought the Pacific Railway a matter of such light importance as not to be worthy of the consideration of the House, and moved that instead they should proceed with the next order, yet a little Bill of ten or twelve lines, containing only three or four short changes, was so very important that it must be printed in French before it could be read a second time, and must pass the ordinary stages in the ordinary way. This was all the more remarkable when it was recommended that many Bills of greater importance were passed through that House without being examined at all and with the title merely being read. He commented on the time that had thus been lost notwithstanding the profession on the part of the Government that they were anxious to get it through, and it was only on the 3rd of May that it was sanctioned. Already the Committee had met several times, and on one occasion the hon. member for Shefford was obliged to leave very unexpectedly. He met him in the lobby and he told him that he would send him a list of the witnesses he intended to call, in case that should be wanted in his absence.

Hon. Sir JOHN A. MACDONALD: Hear, hear.

Hon. Mr. DORION (Napierville): The hon. gentleman says hear, hear. Yes, he shall hear something more. I will tell him that I shall not shirk the responsibility. (*Loud cheers.*) I shall tell the whole truth, despite the foul and slanderous insinuations of the hon. gentleman. I will not be deferred from doing my duty, and if anything I have done deserves the censure of this House I shall bow to their decision. (*Cheers.*) I shall court the fullest enquiry, and shall not require two months for the purposes of bringing forward the evidence of my accomplices. (*Great cheering.*) If my character will not protect me from such foul insinuations I am unfit for public life and for the position I hold here.

He continued to say that he had also received a letter from the hon. member for Shefford, which was now on file, and he quoted its contents to show that there was nothing in it but the simple statement of fact. The hon. gentleman had promised to be present when the examination of witnesses took place, and he was here and ready when that time came. The hon. gentleman, he supposed, thought there was nothing wrong in his communicating with the

Chairman of the committee and two other members, but it was a scandalous thing for the hon. member for Shefford to communicate upon a mere matter of fact with either of the other two members.

He referred to the manner in which the leader of the Government, in his speech before the Committee, had foreshadowed their action; how that in making that application he had requested the proceedings to be postponed, how one member of the Committee pulled a motion out of his pocket, out and dry in the very terms foreshadowed by the leader of the Government; and how by the casting vote of the Chairman, it was decided accordingly. He quoted from the speeches of Hon. Sir John A. Macdonald on the Bill, when it was introduced, to show that the postponement was an afterthought. He (Hon. Mr. Dorion) never conceived that the Committee would not proceed as soon as they had the power, or that Hon. Sir Francis Hincks, who was ready and in attendance, would not be sworn and examined. There was no reason for the delay. Surely the hon. leader of the government did not suspect that the hon. member for Vancouver would not tell the truth. No member of the Committee had formerly pretended to see any reason for delay, but the committee apparently got new light on the subject.

They even went further, and proposed that not only should the Committee have their inherent power of excluding strangers, but they should have also the power of excluding members of the House. The very moment after, it was alleged as a reason for postponing the proceedings that Sir Hugh Allan, a stranger, and not a member of this House, should be present to watch and control the proceedings. He was opposed to having these proceedings secret and at the time entered his solemn protest against it; and he was glad that this House was not going to be called upon to sanction the creation of a second star Chamber, without any protection to the minority.

He searched in vain for a precedent in Parliamentary history for keeping back these proceedings at the beck of the accused. He quoted the case of Lord Portland in 1806, in regard to the India Bill, when it was asserted that the noble lord had offered a bribe to a member of the English House of Commons in order that he should vote for that bill; in which proceedings were taken without a moment's delay. If, as was declared so fiercely by the hon. leader of the Government, there was not the slightest foundation for the charge, why were they not willing to proceed at once, to show that the statement was incorrect and clear themselves of the foul stain that now hung upon their character as a Government? (*Hear, hear.*) He did not wish to prejudge the case at all; he did not know whether the charges would be substantiated or not, but it was due to the Government and to the gentleman who made the charges, and to the country, that at the earliest moment, the characters of the hon. gentlemen should be relieved from the imputation cast upon them.

The hon. gentleman might have spared his remarks respecting the member for Shefford. What had that gentleman done? If he believed the charges to be true, it was his bounden duty to call the attention of the House to them. (*Hear, hear.*) He calmly and in a dignified manner stated the charges he had to make. He would have

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been unworthy of his position as a member of Parliament if he, believing the information in his possession was true, had not laid the matter before the House. He had done his duty, and for doing his duty he was apprised in the severest manner by the leader of the Government, who declared he was not fit for honourable society. The hon. gentleman would not suffer by these aspersions. Every one who knew his high character and integrity was glad to associate with him at all times. (*Loud cheers.*)

With these remarks, he would place before the House the amendment, which he considered was a true narrative of the whole facts of the case. The amendment recited the statement of Hon. Mr. Huntington, and all subsequent proceedings in the House and Committee in connection with this matter, and wound up by declaring that, "Since the appointment of the Committee, when the unanimous vote of the House was that the enquiry should be actively prosecuted during the present Session, nothing had occurred to justify the proposed adjournment of the Committee to the 2nd July, but on the contrary the interests of the country imperatively demand that the enquiry should be prosecuted without further delay."

Mr. JOLY said the course of the government in this matter was certainly of a nature to take every one by surprise. First, the Committee was refused in silent contempt. The Minister of Justice refused to notice the accusation against the Government, but for some reason which it was not easy to explain, the silent contempt was dropped and the Premier himself asked the House to appoint a Committee. He referred to the action of the majority in the Committee, and said it was a most extraordinary thing to find the hon. member for Pictou (Hon. Mr. McDonald) coming to the Committee with a resolution cut and dried, and yet pretending to offer it because of the alleged admission of Hon. Mr. Huntington that the investigation could not be concluded at this time.

He adverted to the fact that the hon. gentleman had agreed to have witnesses summoned for that meeting, and yet refused to go on with their examination. When they were called of course the hon. gentleman did not know that the Premier was going to make so extraordinary a statement to the Committee as he did make. The question had been repeatedly before the House, and the Premier had never said that it would be useless to hurry the Oaths Bill, unless to have it assented to before prorogation, unless to have witnesses summoned, because the investigation could not proceed in the absence of certain gentlemen.

The conduct of the Government was incomprehensible to him. At one time they were apparently anxious to hurry the Oaths Bill through. Probably at that time they thought that witnesses could not be found to support the statement made by the member for Shefford; but the moment the Government began to see the danger, then there was delay—the Bill was delayed in the Senate, and finally enquiry was put off till after the session closed. The delay was a great wrong to the member for Shefford and to the Government themselves, because so long as the Government did not wash its hands of this matter, there would be a suspicion resting upon them and consequently to some extent upon the country also.

He hoped that the amendment of the member for Napierville (Hon. Mr. Dorion) would be adopted and that the House would insist that the enquiry should proceed without delay. (*Cheers.*)

Mr. ROSS (Middlesex West) on rising to address the House was interrupted by slamming of desks and other noises from the Government benches. He proceeded to say that he regretted very much that in his first session of the Commons of Canada he was obliged to confront circumstances involving very seriously either one member of the House or the Government. We had been taught to look at the representative body of the nation as affording an exhibition of the highest political honour, manliness and purity. If the charge made by the hon. member for Shefford was unfounded, then he was destitute of these principles of honour which should characterize public men; if it were not unfounded then the Government of the day was involved in serious guilt, which would be sufficient not only to drive them from office but to consign them to oblivion as public men.

The Minister of Justice (Hon. Sir John A. Macdonald) who so fiercely denounced the member for Shefford, claimed that all he wanted was British fair play; but the hon. gentleman was not always so anxious for British fair play; for instance in 1858, when by a shuffling of the cards he brought in a motion of want of confidence in the Government, who were not there to defend themselves (*cheers*) and by another shuffling of the cards put himself in office without an appeal to the people—was that an instance of British fair play? Was it an instance of British fair play when the Minister of Justice would not raise his little finger to bring to justice a man who was generally believed to be guilty of shedding innocent blood? (*Cheers.*) In the case before the House British fair play required not only justice to the Government, but also justice to the member for Shefford, and the people of the Dominion at his back. Suppose that when the Committee met on the 2nd of July it should be found that these charges were sustained, what would be the position of matters? The people of this country would be denied the opportunity of pronouncing judgment upon men who had been found guilty. Was that British fair play? How did the Minister of Justice himself act in connection with Sir Allan MacNabb's case? He denied the charges and at once demanded an enquiry.

He (Mr. Ross) considered it was only fair that the Committee should proceed. One of the witnesses was Hon. Sir Francis Hincks, and another was the Minister of Public Works. Surely their evidence could not prejudice the case against the Government. Other witnesses were men of high standing, and were interested in having the matter settled in the interests of justice and fair play. (*Cheers.*)

He likened the Secret Committee, which the Right Hon. Premier desired to have, to the Star Chamber, and expressed his great surprise that there were men in this day who desired to have investigations inaccessible and irresponsible to the public.

Mr. BLAIN rose to speak, and unseemly noises from the Government benches were continued. He maintained his ground

firmly, and was subsequently allowed to proceed. He went on to observe that the discussion had wandered from the point of issue, and pointed out that the enquiry was only into the circumstances connected with the granting of the charter. That being the case there was no reason why the enquiry should not proceed. If the Government were insecure they could suffer no possible injury by proceeding at once with the examination of witnesses friendly to them. If, after the examination proceeded, the Government, who had put themselves in the position of criminals in this matter, desired to call mere witnesses, the Committee might then adjourn to enable those witnesses to be procured. There was not a single argument advanced in favour of delay.

Hon. Mr. WOOD said he believed in the British doctrine that all persons are innocent until there was reasonable evidence of guilt, but we could not disguise from ourselves the fact that an hon. gentleman of this House, with great particularity, had charged the Government with what amounted to high crime and misdemeanour. The Government were more interested in this matter than the Opposition could be, and though the government had a majority at their back, he called their attention to a greater tribunal than this Parliament, the great tribunal of the people (*Cheers*).

He went on to refer to the Pacific Railway scheme, and declared that it was a delusion to suppose that a single dollar had been paid in by the Company to build this railway. The so-called deposits with the Receiver-General were sham deposits, and yet upon this absurd basis, a delegation was now in England trying to raise money to the extent of \$10,000 a mile for the whole length of the railway. Having undertaken to carry through this road scheme, the Government of course must have a majority at their back. The House would remember that the Government resisted the proposal of the member for South Bruce (Hon. Mr. Blake) to have an efficient election law. The election came on and the sluice gates were opened and the flood of corruption swept over the land. The people wondered where all the money came from, but when the rumours came out that the hat was passed round and \$300,000 raised, then it was all made plain (*Cheers and counter cheers*).

He reviewed the various stages of the investigation and said it was in the interest of the government themselves to have brought on the enquiry at once. He spoke in this matter as one interested in the welfare of the Government, and as such he warned them that the people were watching them, and would hold them to strict account. (*Laughter.*) The hon. gentleman might laugh, but in future he could point to this speech tonight and say, "There, I told you so." (*Loud laughter.*)

In reply to jeers and noises from the Ministerial side, he retorted that there were a number of gentlemen here who might be more profitably employed in exhibiting themselves in Barnum's museum.

He proceeded to denounce the scheme of the Government for the building of the Pacific, and said he would stake his reputation as a prophet—(*renewed laughter*) that this road scheme could never succeed. He ridiculed the idea that this House had no power to pass

the Bill to empower the committee to examine witnesses under oath. He argued that if either side would be prejudiced by the investigation proceeding now, it was the prosecution, because it would lead to the disclosure of evidence for the prosecution, and the defence could be prepared to meet it. He contended that if a man had corrupted his supporters with public money, that man would not only be prepared to suborn a witness, but he would be prepared to commit perjury itself. He did not think the Government would give anything by delay, and was in favour of the desire of the hon. member for Shefford (Hon. Mr. Huntington). He thought the desire for delay was not indicative of innocence.

Hon. Mr. ANGLIN on rising was met with an uproar from the Government benches. He said he was proud that he had been met on rising in such a manner, for it showed him that there were men opposite who were afraid of him.

Mr. CASGRAIN said he had a right to hear any member of the House, and the members had not a right to interrupt a speaker he desired to listen to. He hoped the hon. gentlemen would retire to another room if they did not want to listen.

Hon. Mr. ANGLIN on continuing, referred to the importance of the subject, and held that the whole House was at the bar of public opinion on its trial. They had to give fair play to the parties implicated. He urged them to look at the question impartially, and examine it thoroughly. The speaking on this most important subject came mostly from one side of the House, while discordant noises came from the other.

He then referred to the manner in which the resolution of the hon. member for Shefford was received. In referring to the silence of the hon. Premier, he said that silence gave consent, and he thought particularly so in this case. It was the only logical conclusion. The hon. gentleman had said no one had suggested to him the adoption of the course he took the following day; but it was well known that murmurs began to rise in the Government benches, many of the Government supporters being dissatisfied with the course taken. He showed that the hon. gentleman, after the committee was formed, raised objections to the mode of proceeding day after day before anything was done.

He traced the course of the bill respecting the examination of witnesses on oath, and he asked why the Governor-General should have been asked to come down specially in the middle of the session to give his consent to the Bill, when it was not intended to bring it into operation till after the adjournment. The waiting till Sir Hugh Allan and Sir George Cartier could be present, was not an afterthought. He had heard it rumoured that on Sunday the Minister of Justice was at the lodgings of the chairman of the Committee. At nine o'clock on the morning of the meeting of this Committee he was at his lodgings again. If this was not true, it was a matter he should deny in his place distinctly. He asked what was the object of the delay. The hon. gentleman would be able to examine witnesses and see as well Sir Hugh Allan and Sir George Cartier. He thought the reason was merely for the purpose of postponing the evil day,

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and he maintained that delay would be the policy to the end, when delay could be had no longer.

He said there was no reason why the hon. gentleman should have been present that day. Far better that the Pacific Railway should never be built, than that such a crime as this could go unenquired into. They should have pushed on the enquiry, with so great a load of suspicion resting upon their shoulders, that delay seemed to be their only salvation. He was glad to find that some gentlemen on the other side of the House were opposed to the hideous proposal to carry on the deliberation in secret. He held the silence of the gentlemen on the government side was in consequence of fearing their own consciences and judgments, and they dared not speak, and had not a word to say.

When the most important discussion of the session was proceeding, the majority of the government and their supporters were absent, and when they returned they would return to vote down reason and justice and declare against that which the people of this country would declare to be a frightful and hideous wrong. (*Hear, hear.*)

Mr. CUNNINGHAM objected to the spirit in which the debate had been characterized. There had been a display of passion and excitement, and he thought it would be right that this tribunal should sit away from so much passion and excitement. He would vote for the original motion.

Hon. Mr. BLAKE referred to the announcement made by the hon. member for Cardwell (Hon. Mr. Cameron) that he did not intend to move another resolution which the Committee had received should be submitted to the House for its sanction. He contended that it ought to have been communicated to the committee. He did not complain of the communication which had taken place with the government. He had said the only protection the minorities had was the protection of the public and it was necessary in such cases that they should have the public stand between them, so that there might be no suspicion of imputation of injustice; he therefore resisted the proposition that this should be a Secret Committee, and he rejoiced it had been withdrawn and that they would hear of it no more.

On referring to the speech of the member for Cardwell, he said he had no hesitation in expressing his opinion that the most important results which might be anticipated from the investigation would be entirely lost if the Committee were a secret committee. The protection the Committee would receive and the weight that would attach to its proceedings largely depended upon it being held during the actual sitting of the House, in order that the members of the House might have been enabled to have been present. The public would not be inclined to attach any very great weight to mere statements. They would insist upon judging upon the evidence and would form their own conclusions.

In alluding to the reluctance of the hon. gentlemen opposite to give evidence themselves, he showed that before the courts of

justice one of the most important points was giving the person accused an opportunity of giving evidence. He was always glad to avail himself of that privilege.

In reference to the delay of investigation, he did not think a case had been made out for such delay. Sir Hugh Allan, Sir George Cartier, and Mr. Abbott would not return any sooner than they were expected to return. The Minister of Justice (Hon. Sir John A. Macdonald) expected that the investigation would last about six weeks. If such were the case what was the cause for delay? The investigation might proceed, and the gentlemen from England would arrive by the time the witnesses had been examined. Objection was taken to the calling of Hon. Sir Francis Hincks, and it was claimed to be injustice that he should have an opportunity of indicating their honour, purity and innocence. That was the injustice they desired to be protected against. They desired to be protected against themselves. He held that in the interests of Constitutional government and public morality it was necessary that the earliest possible consideration should be given to these charges.

He deprecated the manner in which the Hon. Minister of Justice had referred to the hon. member for Shefford (Hon. Mr. Huntington) and the hon. member for Napierville (Hon. Mr. Dorion) and contracted the observations of the hon. member for Shefford with those of the hon. leader of the Government.

Respecting the statement of the leader of the government that he had not compelled the hon. member for Shefford to show his hand, he said that the hon. gentleman had said that the hon. member for Shefford was obliged to give his witnesses to the Committee, and in the same breath he said he did not compel him to give them. He then defended the absence of the hon. member for Shefford, saying that there was no necessity for his attendance, and explaining that he (Hon. Mr. Huntington) left the means required if the Committee proceeded. He felt it his duty to make the explanations as a member of the Committee, the proceeding of the Committee having been impugned and his own action having been impugned. He characterized Hon. Mr. Huntington's conduct as manly and straightforward. (*Applause.*)

The vote was taken on the amendment of the **Hon. Mr. DORION (Napierville)**, which was lost.—Yeas 76; Nays 107.

YEAS

Messrs.

| | |
|--------------------|-----------------------|
| Anglin | Archibald |
| Bain | Béchar |
| Bergin | Blain |
| Blake | Bodwell |
| Bourassa | Bowman |
| Brouse | Buell |
| Burpee (Sunbury) | Cameron (Huron South) |
| Cartwright | Casey |
| Casgrain | Cauchon |
| Charlton | Church |
| Cockburn (Muskoka) | Delorme |

De Saint-Georges
 Dorion (Napierville)
 Ferris
 Fiset
 Fournier
 Geoffrion
 Gillies
 Higinbotham
 Horton
 Jetté
 Laflamme
 Macdonald (Glengarry)
 Mercier
 Mills
 Pâquet
 Pelletier
 Prévost
 Richards
 Ross (Middlesex West)
 Ross (Wellington Centre)
 Scatcherd
 Snider
 Taschereau
 Thomson (Welland)
 Trow
 Wilkes
 Young (Montreal West)

Dorion (Drummond—Arthabaska)
 Edgar
 Findlay
 Fleming
 Galbraith
 Gibson
 Harvey
 Holton
 Huntington
 Joly
 Landerkin
 Mackenzie
 Metcalfe
 Oliver
 Paterson
 Pozer
 Richard (Mégantic)
 Ross (Durham East)
 Ross (Prince Edward)
 Rymal
 Smith (Peel)
 Stirton
 Thompson (Haldimand)
 Tremblay
 White (Halton)
 Wood
 Young (Waterloo South)—76

Masson
 McAdam
 McGreevy
 Mitchell
 Morrison
 Nelson
 O'Reilly
 Pickard
 Pope
 Ray
 Robinson
 Rochester
 Ross (Victoria)
 Savary
 Smith (Selkirk)
 Staples
 Thompson (Cariboo)
 Tobin
 Tupper
 Wallace (Norfolk South)
 White (Hastings East)
 Wright (Ottawa County)—107

Mathieu
 McDougall
 Merritt
 Moffat
 Nathan
 O'Connor
 Palmer
 Pinsonneault
 Price
 Robillard
 Robitaille
 Ross (Champlain)
 Ryan
 Shibley
 Smith (Westmorland)
 Stephenson
 Tilley
 Tourangeau
 Wallace (Albert)
 Webb
 Witton

NAYS

Messrs.

Almon
 Baby
 Beaty
 Bellerose
 Blanchet
 Brooks
 Burpee (St. John)
 Campbell
 Caron
 Chipman
 Coffin
 Costigan
 Cunningham
 Daly
 Dewdney
 Dormer
 Dugas
 Farrow
 Forbes
 Gaudet
 Gibbs (Ontario North)
 Glass
 Grover
 Harwood
 Keeler
 Kirkpatrick
 Langevin
 Lantier
 Lewis
 Macdonald (Sir John A.)
 McDonald (Cape Breton)
 Mackay

Archambault
 Baker
 Beaubien
 Benoit
 Bowell
 Brown
 Cameron (Cardwell)
 Carling
 Carter
 Chisholm
 Colby
 Crawford
 Currier
 De Cosmos
 Domville
 Doull
 Duguay
 Flesher
 Fortin
 Gendron
 Gibbs (Ontario South)
 Grant
 Haggart
 Hincks (Sir Francis)
 Killam
 Lacerte
 Langlois
 LeVesconte
 Little
 McDonald (Antigonish)
 McDonald (Pictou)
 Mailloux

The announcement was received with loud and enthusiastic cheers.

The two resolutions were then severally carried on the same division.

Hon. Mr. CAMERON (Cardwell) moved that the said Select Committee have leave to sit, although the House be not sitting at the time the said Select Committee met.

Hon. Mr. HOLTON said the motion involved a very important constitutional question, and he thought as it required consideration that it would not be passed then.

After a brief discussion it was decided to withdraw the motion.

* * *

MESSAGE FROM THE SENATE

The SPEAKER read a message from the Senate, with a number of bills

* * *

NAVIGABLE STEAMS AND RIVERS

On motion of **Mr. CARTWRIGHT** the amendments of the Senate to the bill for the protection of navigable streams and rivers were concurred in.

The House adjourned at 12.45 a.m.

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HOUSE OF COMMONS

Wednesday, May 7, 1873

The **SPEAKER** took the chair at 3.20 p.m.

Prayers

GENERAL ELECTION COMMITTEE

Hon. Mr. CAMPBELL presented the report of the General Committee of elections, respecting the names of the select committees to try the several petitions.

Messrs. McGreevy, Caron, Mills, Charlton and Prévost were sworn in to try the Jacques-Cartier election petition.

Messrs. Taschereau, Lacerte, Fortin, Burpee and Fleming were sworn to try the Maskinongé election petition.

Messrs. Bellerose, Béchard, Benoit, Forbes and Brooks were sworn to try the Portneuf election petition.

Messrs. Gibbs (Ontario South), Harvey, White (Hastings East), Brouse and Fournier were sworn to try the South Leeds election petition.

The petitions were then referred to the various committees, who were instructed to meet at eleven o'clock tomorrow.

* * *

NORTH PERTH ELECTION COMMITTEE

In regard to the North Perth Election Committee reported by the General Committee on Elections today,

Mr. MACDONALD (Glengarry) objected to the Committee on the ground that there had been an irregularity in the election of the chairman Mr. Savary.

Hon. Mr. CAMERON (Cardwell) after setting forth the law, recommended that the reports should be withdrawn by the Committee and an opportunity be thus given for the objections, which should have been made today, but for the fault of the Committee, no quorum being present, to be made tomorrow.

A long discussion followed, which was concluded by the withdrawal of the reports.

MESSAGE FROM THE SENATE

The **SPEAKER** announced a message from the Senate informing the House that they had passed, without amendment, the following bills:

An Act to amend the Intercolonial Railway Act.

An Act to amend the Civil Service Superannuation Act.

* * *

THE PENITENTIARY ACT

A message from the Senate was also received informing the House that they had passed an Act to extend the Penitentiary Act of 1868.

Hon. Mr. TILLEY moved the first reading of the above bill.—Carried.

* * *

RECEIVING REPORTS

Hon. Mr. BLANCHET presented the fifth report of the Committee on Railways, Canals and Telegraph lines, recommending that the time for receiving reports on Private Bills be extended to the 15th of May.

* * *

PACIFIC RAILWAY COMMITTEE

Hon. Mr. CAMERON (Cardwell) presented the report of the Pacific Railway Committee. He gave notice that he would move its adoption tomorrow, and intimated that he did not approve of everything in the report.

* * *

PRIVATE BILLS

Hon. Mr. BLANCHET moved that the time for receiving reports or Private Bills be extended to the 15th of May.—Carried.

* * *

SOREL COMMON

Mr. MATHIEU asked when the Government will give its decision upon the petition of the corporation of the town of Sorel,

submitted in 1871 to His Excellency the Governor General in Council, praying that the Common formerly held by the citizens of Sorel, but of which they were deprived some years ago, may be restored to them.

Hon. Mr. LANGEVIN said instructions would be given to the engineer to see whether anything could be done.

* * *

CHISHOLM'S DAM

Mr. KEELER asked if it was the intention of the government to remove the dam at Chisholm's rapids on the river Trent, which, by the flooding of a large area of land, has done very serious injury.

Hon. Mr. LANGEVIN said the intention of the Government was to cause all examinations to be made, and if the dam was not required it would have to be removed. If it was required the Government could not help it.

* * *

TRADE WITH THE SANDWICH ISLANDS

Mr. NELSON moved an address for the re-establishment of reciprocal trade between the Dominion of Canada and the Sandwich Islands.

He spoke of the great importance of these Sandwich Islands, and gave a short history of the Islands under the last two kings, showing that the United States had great influence in electing the last one, and were thus working to get the trade of these Islands. Canada would have to look forward to a time when the trade of the Pacific had got to be of very great importance to the country.

If the intention of the Government of Canada was to obtain a fair share of that trade, now was the time to make a commencement. Canada must not allow her southern neighbours to get ahead of her, as they were endeavouring to do. He had no statistics of the trade of these islands, but probably there were other gentlemen who would follow him who could give such statistics. He only wished to go into the subject in regard to its great merits. If he could only stir up this question by bringing it before the Government he would feel that he had achieved a great deal. (*Cheers.*)

Hon. Mr. TILLEY acknowledged the importance of this question; still he must say to the hon. gentleman that there was exceeding great difficulty with the extension of trade to these countries. The matter would receive the careful consideration of the government.

Mr. MILLS said he had not very clearly heard the hon. gentleman. Were they to understand that he was favourable to asking Her Majesty to give the Government power to negotiate a treaty with the Sandwich Islands? If so, he was becoming a convert to the views of the Opposition.

Hon. Mr. TILLEY remained silent.

Hon. Mr. MACKENZIE: Surely we are to have an answer to this question.

Hon. Mr. TILLEY gave no reply, and the motion was withdrawn.

* * *

DISMISSAL OF POSTMASTER

Mr. CASEY moved for the correspondence in relation to the dismissal of Phillip Linderman, Esq., postmaster of the village of Eagle. He proceeded to explain the facts of the case. A registered letter had been lost, and on an Inspector being sent down it was found in the office unopened. The matter was thought to be at an end, but subsequently the postmaster was dismissed. He found on reference to the Postmaster General's return that there were 63 cases of letters being lost and only two of the postmasters were dismissed without any investigation. In most of the cases, the loss was traceable to the neglect of the postmaster. The Postmaster had given dissatisfaction to no one, but he was a Grit, and that was the only offence of which he was proved to be guilty. If the Government were right in this case, they had been lax in the instances in which they had allowed the postmaster guilty of neglect to remain in office.

Hon. Mr. MITCHELL said if the statement of his hon. friend was correct, a grave mistake had been made, and it was a case which should meet with the disapproval of the House.

Hon. Mr. MACKENZIE said he was very glad to hear the proper and generous remarks of his hon. friend the Minister of Marine. The case which had been referred to by his hon. friend was not an isolated one. He referred to the Postmaster of Bothwell, who was an active political friend of the hon. gentleman opposite. For many years his office had been notoriously mismanaged, and petitions had been sent complaining of the gross mismanagement of his office. In spite of these petitions, no enquiry was even made into his conduct, and when he ultimately endeavoured to ascertain the reason that no enquiry had been made, he found that all the papers had been mislaid, and from that day to this he believed there had been no investigation made. He afterwards referred to the Sarnia Postmaster, who was allowed to continue in office notwithstanding irregularities which were known to have taken place in his office.

Hon. Mr. MITCHELL was surprised, and regretted that the Opposition should have taken this opportunity to make these charges against a department which was one of the best managed Departments in the Dominion.

Mr. BERGIN said the hon. Minister of Marine seemed to think that the leader of the Opposition had no right to criticise him. He (Mr. Bergin) did not know much about the management of the Department of Marine and Fisheries, but he did know that the Post-office Department was a perfect Augean stables, and he would be

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able to bring up proof of it tomorrow, when the whole matter was coming up for discussion.

Mr. CASEY said the hon. gentleman had stated that he had brought up no evidence to support his case. He had one piece of evidence which he would read. He proceeded to read a letter from the Deputy Postmaster-General, referred to, in which he stated that he was promised the postmastership by Mr. Munro, the Government candidate for West Elgin, if he and his father would not vote for Mr. Casey.

Mr. BEAUBIEN said that an employee of the Montreal Post Office had canvassed against him.

Mr. BEATY said a Post office employee had not only worked against him, but actually voted against him. (*Cries of "Shocking".*)

Messrs. MORRISON, ALMON and WRIGHT rose simultaneously, the latter wishing to move the adjournment of the House on account of a ball to be given by one of the citizens of Ottawa in the evening. The voices of all three were drowned by loud cries of "Six o'clock." in the midst of which,

Mr. CHIPMAN, who temporarily occupied the chair, declared it was six o'clock and the House at once rose for recess.

AFTER RECESS

PRIVATE AND LOCAL BILLS

After recess the following Bills were given second and third readings and passed.

Mr. BEAUBIEN—To incorporate the Labrador Company.

Mr. RYAN—To incorporate the Canada Investment and Guarantee Agency.

Mr. McGREEVY—To grant additional powers to the Quebec and Gulf Ports Steamship Company.

Hon. Mr. YOUNG (Montreal West)—To incorporate the Canadian and West Indian Royal Mail Steamship Company.

* * *

PRIVILEGE

Mr. EDGAR said before the business of the House proceeded, he would refer, with permission to a question of privilege. Were it merely a personal matter, he would not obtrude the question upon the House; but it was a matter that concerned a great many members of the House besides himself. There was a system there,

they all knew, which was adopted in practice in all Legislatures, of pairing amongst members. It was a privilege they were very glad to exercise and that system of pairing depended in that House upon the personal confidence existing among members.

With regard to this subject, something had occurred to which he would like to draw the attention of the House. The organ in Toronto representing the views of the gentlemen on the other side of the House, had made some very extraordinary charges with reference to some pairing done. On his part, it would be affectation to deny that the reference was to himself, and this was the language of some of those articles:—"Disreputable trick of the Opposition whip." This appeared as a heading in the Ottawa correspondence of the *Mail*, and a description was given of the pairing of two Government supporters on behalf of the Opposition. Not only on the 5th but on the 6th instant, it returned to the charge in an editorial, in which these words occurred: "One of the Grit whips paired off two members, though he was aware neither of them would vote for Hon. Mr. Mackenzie's motion. The snubbing he received we feel sure will prevent him repeating this dishonourable act."

On his own account, to a certain extent, and much more on account of all the members of the House, he wanted this matter explained, as it could be very briefly. A certain amount of party responsibility rested upon him in this matter. On the evening of Friday last, there was a division in that House, which the Government undertook to declare they accepted as a vote of want of confidence. Of course the members on both sides were looked after, and the hon. member for Kent, New Brunswick (Mr. Cutler) told him that he was with the Opposition, and asked him to get a pair for him more than once that evening. He also told the hon. member for Muskoka and the hon. member for Queens, New Brunswick (Mr. Ferris) that he was in favour of the Opposition, and asked them to see about a pair. The hon. member for Kent, it now appeared, with the strict impartiality with which he was characterized, promised the hon. gentlemen opposite that he would vote with them on the same occasion. He rose above mere party strife, and showed his strict impartiality by promising to vote on both sides. They might admire that conduct, but it was very likely to produce mistakes. Hon. members are ordinary mortals and could not appreciate the delicacy of this finesse. The result was that at the hon. gentleman's request he succeeded in getting him a pair.

He first paired him with the hon. member for Richmond, Nova Scotia (Hon. Mr. Le Vesconte) but, as the latter gentleman concluded to stay, the pair was off; and then he was asked by one of the members for Victoria, British Columbia to get a pair for the hon. member for Selkirk (Mr. Smith), and on mentioning this to the hon. member for Kent, he was perfectly satisfied. The member for Victoria afterwards asked him about the pair and he told him it had been arranged. In the meantime the hon. member for Selkirk had been paired with the hon. member for South Leeds (Hon. Mr. Richards) and he was told the pair could stand with the hon. member for Marquette (Mr. Cunningham), but the Minister of Marine and Fisheries (Hon. Mr. Mitchell) with whom he had a great

deal of intercourse on that subject of pairing, and with whom he got along very pleasantly, understood he was to have the vote of the hon. member for Kent, the result of which was a little unpleasantness, particularly with one right hon. gentleman.

He must say that the moment the Minister of Marine explained to his colleague the facts of the case, he made the fullest explanation, which was cordially accepted. Having said this much, he would ask the hon. members for Kent, Muskoka, Queens, Victoria, and the Minister of Marine and Fisheries, if the case was not as he had stated it. The matter was one worth occupying the time of the House with, as it bore upon the personal honour of the members. It was a matter which should be cleared up. He was sure it was not a personal matter, and even if it were he was sure there was no man on one side or other of the House that would desire a matter of this kind to hang over his head. (*Cheers.*) The article implied that he was unworthy of his position in that House and the reputation of a gentleman; and he would ask those gentlemen to confirm what he had stated. (*Hear, hear.*)

Mr. CUTLER said the hon. gentleman's conduct throughout the whole affair was honourable. For his own part, he admitted that at the time he did not understand what was meant by pairing (*laughter*), and he did not quite see the effect of it. He acquitted the hon. member for Monck of anything that was wrong or anything that was improper.

Hon. Mr. MITCHELL said as his hon. Friend from Monck (Mr. Edgar) had referred to him by name in relation to this matter, he felt bound to make a few observations in relation to it. His hon. friend had correctly recited the circumstances so far as the affair came under his observation, and he congratulated himself as representing the government in connection with this branch of the business, on being placed in connection with a gentleman who conducted the affairs of his Party in so satisfactory a manner to members on the Government side of the House.

Now, with respect to this particular case, the hon. member for Kent had explained that he did not understand the nature of a pair, which was the explanation he gave to him. When he found that hon. members had paired against one of the Government supporters, believing, as he did, that his constituency was favourable to the administration of the day, and knowing his friend had every confidence in the members of the Administration, he went to the hon. member and found he had paired with a gentleman on the Government side of the House. He therefore felt it a matter of duty to himself and the Administration to ask an explanation, which he did, and he received the explanation that the member for Kent (Mr. Cutler) did not understand the nature of a pair. (*Laughter.*) He might state to the House that the gentlemen from the Maritime Provinces had never heard of such a thing as a pair, certainly not a pair of this kind.

The hon. gentleman from Kent he found had misconceived the effect of a pair. Having explained the matter to the hon. member, he at once stated that he wished to withdraw it. He (Hon. Mr. Mitchell)

exonerated Mr. Edgar from having acted improperly in the matter. There was no desire on the part of any member of the House to take unfair advantages of the system of pairing. Misunderstandings necessarily would arise. Sometimes a gentleman would pair with two people. They would, as a matter of course, like to pair with one, as being more correct. (*Laughter.*)

Hon. Mr. CAMERON (Cardwell) asked the House through the Speaker to make some arrangement with respect to pairing. He had suggested that a register book should be kept, as was done in the House of Commons in England, by which any such explanations as those made would be obviated. With respect to this particular case, all he had to say was that any man who had known the hon. member for Monck, as he had done from his youth, would never require any one to confirm any statement he made.

The subject then dropped.

Mr. MILLS moved the further consideration of the proposed motion that the House do receive itself into a committee of the Whole to consider a resolution on the subject of the present mode of constituting the Senate. He objected to the appointment of the Speaker of the Senate by the government. It would just be as fair to appoint the Speaker of the Commons in the same way. He especially objected to the taking of gentlemen not formerly having seats in that body to fill the Speaker's chair, while the members of that House itself were passed over, as if they were unable to fill the position. He characterized the system on which the appointment was made as a stupid and unintelligible mimicry of the English Government and the English House of Lords.

He thought for the purpose of carrying out the system of Federal Government to its proper conclusion the Second Chamber ought to be elected by the Local Legislatures. This would counteract the tendency to create local prejudices and prevent the combination of two or three Provinces for sectional purposes. The present system was behind the age. The average age of the Senate representation, according to a calculation he had made, was the average length of six Parliaments.

Hon. Mr. CAMERON (Cardwell) advised the hon. member, as this was a very important matter, and as there were very few members present, to adjourn the debate for to-night. He thought it would be his duty to move an adjournment of the debate.

Hon. Mr. MACKENZIE objected to the adjournment and thought it little less than a wanton insult to the mover, the hon. gentleman knowing full well that that opportunity would in all probability be the last opportunity he would have of bringing the matter before the House. What was worse was that the hon. member had threatened to call upon the House to adjourn the debate if the hon. mover did not accept the proposal.

Hon. Mr. CAMERON (Cardwell) disclaimed any intention to offer any insult to the hon. member for Bothwell (Mr. Mills) and

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held that the hon. member for Lambton had misrepresented his meaning. He would withdraw his remarks, and would not go on with his motion that the debate be adjourned.

Hon. Mr. MITCHELL pressed the adjournment of this important question, which involved a change of the Constitution of the country. He thought it would be exceedingly impolitic to make the change proposed by the hon. member for Bothwell. The present Constitution had worked very satisfactorily, and he did not think the House would make that change. If the hon. member did succeed in passing this motion in the thin state of the House, he would look on it as a national calamity. The members of the Senate had performed their duties faithfully, and carefully watched the measures brought up.

Hon. Mr. BLAKE said his hon. friend had given his grounds for pressing this charge when he first brought up the matter the other day. He entirely objected to the business of the House being impeded by any social gathering no matter how respectable. For his part he desired that the debate should continue.

Hon. Mr. MACKENZIE supported the motion, and referred to the manner of appointment of the Senate of the United States, than which no better model could be adopted. He referred to the various systems in Europe, such as Great Britain, Sweden, Spain, and explained the various ways of appointing the members. He explained the duties that Senate had to perform. Our House had no peculiar duties and no particular rights. It was of the same nature as the House of Commons, and he did not think that at present it was constituted so as to represent public opinion in this country. It was well known that it was a sort of perfunctory body. This House arrogated all the power to itself, and Bills were carried through the Upper Chamber as brought in at one door, simply to be carried out at the other. There was a strong feeling throughout the country against the mode of the constitution of that House, and he was sorry for this, he having been a party to its establishment. He did not agree with many of his hon. friends around and behind him on this subject, some of whom were in favour of direct election by the people. What he would favour was election by the Local Houses.

He did not wish to say anything disrespectful of the Senate, especially against the gentlemen who composed that House. He did not blame the gentlemen, far from that, but the system. He thought some change was necessary. He reverted to the party character of the appointments, but he did not blame the Ministry for that, as all Administrations were equally liable to select the Upper House for their own political friends. He thought it necessary to give some reasons for his change of opinion and he would like to hear the hon. member for Vancouver (Hon. Sir Francis Hincks) give his opinion on the subject, he having given this matter a very great deal of attention and knowing how the system of selection operated in the old Province of Canada before the introduction of the elective system.

Hon. Mr. TILLEY said that in the framing of the resolutions for the Union at the Quebec Conference in 1864 the question of the constitution of the Senate came under consideration. In all the Provinces except Upper Canada they had had a nominative Upper Chamber, and the delegates from those Provinces expected that the Canadian delegates would wish to continue the elective system, but the delegates from those two Provinces were almost unanimous, after ten years trial of the elective system, in favour of the nominative system, and the Hon. George Brown in particular strongly advocated that system. The upper branch of the Legislature had in all important cases assented to the views of this House.

Until a sufficient reason was given for changing the Constitution, changes ought not be made. He pointed out that the appointments generally in Ontario and Quebec had been of members of the old Legislative Council. He thought no case had been made out in favour of the passage of the resolutions of the member for Bothwell.

Mr. BODWELL said that the Reformers of Ontario were entirely satisfied with the working of the elective principle in the Legislative Council, and had Confederation been submitted to them, they would strongly have opposed the nominative principle in the Senate. (*Hear, hear.*) It was true that Mr. Brown held a different view, but in this respect he differed from the great body of his party. He approved of the plan of electing Senators by the various legislatures, on the same principle as the Pacific Railway Committee had been chosen in this House lately.

He contended that in arguing for the Senate on account of the gentlemen who composed it, hon. gentlemen opposite were actually arguing for a return to the elective principle, because the great body of that House were at one time the choice of the people. According to his estimate, the people of Ontario not merely the Reform party, were opposed to the system of selection, and some hon. gentlemen opposite would, if they voted against the resolution, find that it was so.

Mr. MACDONALD (Glengarry) was one of those who opposed Confederation, and he was sorry to say he had seen nothing to cause him to change his mind. If there was anything to which the people of Ontario were opposed, it was the present constitution of the Senate. He complained that the eastern portion of Ontario, with 150,000 or 160,000 people, was almost entirely unrepresented in that body, while British Columbia had three and Manitoba four. He also complained of the two Chambers in New Brunswick, Nova Scotia, and Manitoba, which was a perfect farce, and entailed a great extra expense upon the country.

The Senate was filled up with the worn out and broken down political friends of the Government, men that had been rejected by the people, as was the case with Mr. Vidal, time and again. He thought he had much reason to complain against such treatment. He

charged the Government with bringing the Senate into contempt by the way they packed it with their own political hacks. He looked for no improvement under Confederation, so long as the Government had the power to fill the Second Chamber with men ready to do their work. He believed that Mr. Brown had favoured the present system at Confederation, but in that he differed from the rest of the Reform party, who merely agreed to it as a necessity of the moment. There was no man in Upper Canada for whom he had more respect than he had for Mr. Brown, but he was not bound by his opinion in this or any other subject. He hoped, now that Mr. Brown had seen the evils arising from the present system, he would turn round and help his political friends to rid the country of this grievance. He also defended the appointment of Mr. Vidal.

Hon. Mr. CARLING was astonished to hear the hon. member for Glengarry (Mr. Macdonald) say that by their appointments to the Senate the present Government were bringing that body into contempt. The only gentleman who had been appointed from Ontario, who had not been a member of the old Legislative Council elected by the people, or appointed by the Crown previous to Confederation, was the Hon. Frank Smith, and he thought a better selection than that of Mr. Smith could not have been made. He was quite sure the Government had carried out the original intention in the appointments that had made to the Senate.

Hon. Mr. HUNTINGTON said that the Senate was a mere receptacle for favourites, men who had been useful to the government. It was just a place for Government appointments, the same as in the Customs and other public departments. It was a place in which the Government patronage could be exercised.

He glanced at the circumstances connected with the constitution of the Senate, stating that in 1864 some of our politicians apprehended that Republicanism in the States was a failure, and it was during the feeling that prevailed on this subject that the nominative system was tolerated. This feeling of doubt and alarm co-operated with the efforts of Mr. George Brown and other politicians to frame the present constitution.

He (Hon. Mr. Huntington) condemned the government, and condemned the Government's abuse of their privilege in these appointments, which had been made on the principle of selecting men for political considerations. He concluded by strongly appealing for a reform in the present system, so as to secure the appointment to the Senate for the future of men who were elevated to the House from other than political considerations. He desired to have the elective system adopted and the principle of nomination abolished.

Mr. FLEMING said the principle of an elective Senate was one of the planks in his platform at his election, and the people of his country approved of it. He quoted from the speech of the Minister of Justice in 1865, in which that gentleman spoke of the evil of facts of the nominative principle in the Legislative Council. He referred to the satisfactory working of the elective principle in the Legislative Council from 1851 to Confederation, and declared that there was no desire in Ontario to return to the nominative principle;

and had Confederation been submitted to the people, this principle would not have been adopted in the Constitution of the Senate. The nominative principle was granted merely as a concession to the Lower Provinces; and at that time so great were the evils under which Ontario was suffering that the people were glad to make that concession for the sake of securing the relief that Confederation was expected to afford.

The condition of affairs that justified the hereditary system in England did not exist here, and it was absurd to attempt to introduce a system akin to that. He contended that while an elective Senate would represent the people, it would be equally effective in checking the hasty legislation of the Lower House. The hon. Minister of Marine (Hon. Mr. Mitchell) had talked as if they should not dare to discuss this question, as if it was pulling down the bulwarks of the constitution. The hon. gentlemen who advocated a change were just as loyal supporters of the constitution as any gentlemen opposite, and he apprehended if a change was to be made it would be made in a constitutional manner.

Hon. Mr. CARLING said that the understanding on this change in the Constitution had been that the members of the old Legislative Council should be the first to be placed in the Senate. This had been uniformly the course pursued in Ontario, and only one gentleman out of their number had been appointed, and he was a gentleman of the very highest standing.

Mr. MACDONALD (Glengarry) disclaimed having said anything personal with regard to any member of the Senate, and especially to the Hon. Frank Smith, who was a particular friend of his.

Mr. BERGIN said the feeling in the country was unanimously opposed to the present constitution of the Senate, whose members were not selected for their peculiar qualifications. He was satisfied that, if the Senate were an elective body there would not be a Corporals Guard returned to their seats in the House. He objected to the men who now occupied seats in the Senate, being the sieve through which public measures must pass. Ontario and Quebec which filled the Dominion Treasury were being swamped with the Lower Provinces, which found them a good milch cow and were draining them to their hearts' content.

If the disgraceful scenes which had occurred in the House last night, and another occasions were often repeated, they would not only sound the death-knell of the Senate, but would ring out the death-knell of the whole Confederation. (*Laughter.*) He strongly supported the motion.

Hon. Mr. CARLING said in his section, the people did not object to the Senate. He also objected to the remarks just made against the other legislative body.

Mr. BERGIN maintained his right to speak as he had done.

Mr. McADAM objected to the valuable time of the country being wasted with useless recriminations of this kind. He said the

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feeling against the Senate as now constituted, was not confined to the eastern section of Ontario, but in the district of which the hon. member for London (Hon. Mr. Carling) was a representative, he would find the feeling to be totally opposed to the present system, and this not from Reformers alone, but from Conservatives also. He gave the case of the Hon. Mr. Alexander, who, though a member of the old Council, had not been placed in the Senate. Then why should they go outside, as they had done in one particular case?

He further asked what the Senate had done since its institution. There was no measure of importance which it had rejected or amended, except the Insolvent law, a measure to which the people objected and which he felt ought to be abolished. Yet this was a measure to retain which they had exercised their powers.

Mr. OLIVER said that Hon. Mr. Alexander, who represented Thames division before Confederation, ought to have been appointed to the Senate instead of Mr. Vidal. The gentleman named, though a personal friend of his own, was not a political friend. The feeling of the people in his part of the country was opposed to the nominative system of appointing Senators, and the hon. member for London (Hon. Mr. Carling), popular though he was personally, could not go to a single rural constituency in Western Canada of a doubtful political character, which would elect him upon the principle of favouring a nominative Senate. He thought the action of the Senate last year in rejecting the Insolvent Law was objectionable, and he was sure he was representing Conservatives in his constituency as well as Reformers when he gave his vote for the motion. He thought some of the remarks of the gentlemen on the other side were in anything but good taste.

Hon. Mr. WOOD said the hon. member for Vancouver had said that the Senate was fairly constituted at the time of Confederation. He agreed with him. What did he think of a Ministry which had entirely departed from that principle ever since?

Hon. Sir FRANCIS HINCKS: I deny the statement *in toto*, and said the same arguments had been made against the Senate as had been used against the British House of Lords. He had been the leader of the Government which had introduced the elective system, which he had done with some reluctance. When he returned to Canada the nominative system which had been advocated by the Hon. Mr. Brown had been adopted. He then maintained that the Senate did not pass their measures in the hurried and careless manner in which it had been said. They were well acquainted with the proceedings in this House, and the feeling of the country on public questions, and they were, he considered, a most useful part of our system. Their action with regard to the Insolvent law was a great argument for their continuance, as he desired to see that law continued for another year at least.

Mr. CHISHOLM said it was unfair to have so many senators selected from Toronto. He defended the Senate, however, urging that they were guardians of the public rights, and were one of the main safeguards of our Constitution.

Mr. PALMER said that we had not had the necessary experience of our Constitution to fit us to judge whether a change were desirable, and to violate our charter was a course of action he was not at present prepared to follow.

Hon. Mr. TUPPER said this proposition involved a most objectionable consideration by a change in the Constitution, and should not be attempted unless such a change was positively proved to be necessary. According to the statements of hon. gentlemen opposite, the Hon. George Brown had trampled on the wishes of the people of Canada, using the power of his position to make the Senate nominative when they desired it to be elective.

He had further evidence that hon. gentlemen opposite were not representing the Reform Party of the country. These gentlemen had taken the Hon. Mr. Mowat, who had been one of the parties to this change, from the bench and put him at the head of the Ontario Government. He had no hesitation in saying that the Senate well represented the energy, ability, wealth and the influence of the country, as well as the feeling of the country. In appointing the Hon. Mr. Vidal the Government appointed a gentleman who represented a larger part of country than that mentioned by the hon. member for Glengarry (Mr. Macdonald). That was the only instance that could be given in Ontario by hon. gentlemen opposite. The other appointment referred to in that Province was one which it was found necessary to make to represent the Catholic minority. In relation to the appointment in the Eastern Townships, referred to by the hon. member for Durham, did he not represent the wealth and the industry of the country, and was that not a reason for his appointment? An objection had been made that no Party should be appointed to the Senate who had been rejected by the people. Had not some of the greatest political leaders in this country and England been rejected again and again? Had not Mr. Gladstone been rejected more than once? If Mr. George Brown was elected to the Senate, would hon. gentlemen opposite say that that was not a satisfactory appointment because he had been rejected by the people? He disclaimed the idea put forward by the hon. member for Glengarry (Mr. Macdonald) and endorsed that of the hon. member for Cornwall (Mr. Bergin) that Confederation had not been attended with the most beneficial results to the country. (*Applause.*)

The division was then taken on the motion, which was rejected: Yeas, 46; Nays, 61.

YEAS

Messrs.

| | |
|------------------------------|-----------------------|
| Bain | Bergin |
| Blain | Bodwell |
| Buell | Cameron (Huron South) |
| Casey | Charlton |
| Cockburn (Muskoka) | Cutler |
| Delorme | De St. George |
| Dorion (Drummond—Arthabaska) | Fiset |
| Fleming | Fournier |
| Geoffrion | Gibson |

Holton
Huntington
Laflamme
Mercier
Mills
Pâquet
Pelletier
Pozer
Richards
Ross (Prince Edward)
Rymal
Smith (Peel)
Taschereau
Wood

Horton
Killam
Mackenzie
Metcalf
Oliver
Paterson
Pickard
Prévost
Ross (Middlesex West)
Ross (Wellington Centre)
Scatcherd
Stirton
Wilkes
Young (Waterloo South)—46

NAYS

Messrs.

Baby
Beaubien
Benoit
Brooks
Burpee (St. John)
Campbell
Chisholm
Colby
Crawford
Domville
Duguay
Fortin
Gendron
Gibbs (Ontario South)
Harwood
Lacerte
Lantier
Little
Mailloux
Mathieu
McDougall
Mitchell
Nelson
Pinsonneault
Price
Ryan
Scriver
Stephenson
Tobin
Webb
Witton—61

Baker
Bellerose
Bowell
Brown
Burpee (Sunbury)
Carling
Coffin
Costigan
Cunningham
Dugas
Farrow
Gaudet
Gibbs (Ontario North)
Grover
Hincks (Sir Francis)
Langevin
Le Vesconte
McDonald (Cape Breton)
Masson
McAdam
McGreevy
Moffatt
Palmer
Pope
Robitaille
Savary
Staples
Tilley
Wallace (Norfolk)
White (Hastings East)

* * *

MUSKOKA

Mr. COCKBURN (Muskoka) moved the second reading of the Bill to amend and readjust representation in the House of Commons. He explained that the object of the Bill was to define more clearly the boundaries of Muskoka. Last election the

returning-officer appointed by the Government pretended, for party purposes, that he could not understand them, and the object of the bill was to make them so plain that they could not be mistaken. The effect would be to enfranchise certain electors who were excluded from voting last election.

Hon. Mr. TILLEY requested him to allow that Bill to stand till the Minister of Justice (Hon. Sir John A. Macdonald) was present. The second reading was accordingly postponed.

* * *

SECOND READINGS

Hon. Mr. MITCHELL, in absence of **Hon. Mr. CAMERON (Cardwell)**, moved the second reading of the bill to amend the law relating to bills of exchange and promissory notes. Carried.

Mr. COLBY moved the second reading of the bill to amend chapter 58 of the consolidated Statutes of the late Province of Canada.—Carried.

The bill was referred to the Committee on Banking and Commerce.

On motion of **Mr. CARTER**, the bill to authorize the incorporation of Boards of Trade in the Dominion was read a second time and referred to the Committee on Banking and Commerce.

Mr. TOBIN moved the third reading of the bill to regulate the rate of interest in the Province of Nova Scotia.—Carried.

The bill was referred to the Committee on Banking and Commerce.

Mr. SAVARY moved the second reading of the bill respecting interest and usury in the Province of Nova Scotia.—Carried.

The bill was also referred to the Committee on Banking and Commerce.

The House adjourned at one o'clock.

* * *

NOTICE OF MOTION

Mr. BERGIN—On Friday next—Address to his Excellency the Governor General for a return showing the name or names of the Agent or Agents appointed by the Government of the Dominion during the past year to induce immigration from the South and West of Ireland to this country, with copies of all instructions to, correspondence with, and reports from such Agent or Agents.

HOUSE OF COMMONS

Thursday, May 8, 1873

The **SPEAKER** took the chair at 3.15 p.m.

Prayers

RETURNS PRESENTED

Hon. Mr. LANGEVIN presented a return of copies of all claims preferred against the Government for the losses sustained by the breaking of the booms at the mouth of the Madawaska River during the season of 1871; also, all evidence taken bearing on the conduct of John Harvey, slide master at that place.

Also a statement containing a description of all Naval Reserve Lands in Ontario held by the Dominion Government, with the amounts received by the Dominion government for rental, etc.

* * *

EXPLANATION DELAYED GOVERNMENT INTERFERENCE IN ELECTIONS

Hon. Mr. LANGEVIN had intended today to make a statement in reference to the charges brought against him by the hon. member for Napierville (Hon. Mr. Dorion) in respect to the Chicoutimi and Saguenay election, but learning that the hon. member for Napierville was unfortunately ill and unable to attend in his place today, he had determined to defer his statement until that hon. gentleman was present.

* * *

RETURNS PRESENTED

Hon. Sir JOHN A. MACDONALD presented a return to an address, asking for a copy of a memorial praying that the town of Collingwood be made an independent port of entry.

Also, a return of moneys received in the Port Stanley harbour.

Also, a return to an address for a communication made to Louis Riel, and others, in the Province of Manitoba, respecting an amnesty.

* * *

ASSUMPTION OF PROVINCIAL DEBTS

Hon. Mr. BLAKE rose to ask a question in respect to two orders upon the paper—one respecting the Northern Railway Company,

and one respecting the debts of the Provinces. He understood that a communication from a Provincial Government interested in the latter subject had been addressed to the Government. He asked that this communication should be submitted to the House.

Hon. Sir JOHN A. MACDONALD said that he had no doubt that the communication would be submitted by the hon. Minister of Finance, to whose Department it belonged.

* * *

LIEUTENANT-GOVERNORSHIP OF NOVA SCOTIA

Hon. Mr. MACKENZIE said that it was known from public rumour that the Hon. Mr. Howe had been appointed Lieutenant-Governor of Nova Scotia. He saw it stated in the Nova Scotian newspapers that Sir Hastings Doyle, the late Lieutenant-Governor, had surrendered his commission, and had left the country. His own impression in regard to the matter was that the moment the hon. gentleman received the appointment he ought to have resigned his seat here, and a new writ ought to have issued. That course was not followed. At the present moment he was either acting or about to act as governor, and his county remained unrepresented in this House and no steps had been taken to procure this representation in any way. This matter required some explanation from the leader of the Government.

Hon. Sir JOHN A. MACDONALD had not the slightest objection to give the explanation desired. The commission and appointment of Sir Hastings Doyle, by arrangement with him, expired on the sixth of May, the day on which he sailed for England. No appointment could therefore have been made until the day on which he surrendered his commission. It was intended by the government to offer this appointment to the Hon. Mr. Howe, and it was so offered to him, but before the time mentioned no appointment could have been made.

The hon. gentlemen said that his impression was that the moment it was suggested that Hon. Mr. Howe should be made a Lieutenant-Governor, he should have retired from this House. He (Hon. Sir John A. Macdonald) thought he should be able to show the hon. gentleman that this was not in accordance with British precedent, and he thought that it would be well to settle a general principle in relation to this matter on British precedent. Earl Mayo was for a year spoken of as Governor.

Hon. Mr. MACKENZIE: He was not a member of the House of Commons.

Hon. Sir JOHN A. MACDONALD said it was well to have the whole matter discussed, and he thought he would be able to show

that, in accordance with English precedent, the mere fact of an office being placed at the disposal of a member did not, in any way, vacate his seat.

Hon. Mr. BLAKE: But an agreement to accept it does.

Hon. Sir JOHN A. MACDONALD said he agreed that they ought to settle the principle, and settle it in a way not exceeding the English precedents. Hon. Mr. Howe's commission was issued two or three days ago, and had been transmitted to him. He would move for a new writ today.

The matter then dropped.

* * *

QUEBEC CENTRE ELECTION

Mr. KIRKPATRICK presented the report of the Select Committee appointed to try the Controverted Election of Quebec Centre, informing the House that at the request of the petitioners the Committee had extended the time for receiving the list of voters objected to until Friday, the 9th of May.

* * *

OFFICIAL INTERFERENCE IN ELECTIONS

Hon. Mr. MACKENZIE said, in pursuance of a notice he had given formerly, he took this opportunity to bring the case of Mr. Griffin, Post office Inspector for the Western District of Ontario, who interfered in the late election at Welland, before the notice of the House.

Hon. Sir JOHN A. MACDONALD: How does the hon. gentleman move it now? This is a Government day.

Hon. Mr. MACKENZIE said he moved it as a question of privilege. Besides, the last day when he brought the matter under the attention of the Government, and proposed to make his motion, it was objected that he was springing a mine upon them, and he was promised to have an opportunity of bringing it up again, whether he could do so as a right or not.

He proceeded to say that Mr. Griffin, in his capacity as inspector, as a part of his duty had to see that the postmasters discharged their duties, and that the rules and regulations of the Post Office Department were carried out. It was well known that the Act provided that the postmasters in cities and towns shall not in any way interfere with or vote in elections, but that postmasters in country places or villages not incorporated as towns, shall be at perfect liberty to act as they pleased in reference to political matters. It was also known as a matter of fact that during the recent elections postmasters in towns and cities did take a very prominent part, and did make themselves very active political partisans. They canvassed, on behalf of Government candidates, and even presented

themselves as voters and voted at elections. The Postmaster at Kingston, he was informed had done so.

Mr. BEAUBIEN: Hear, hear.

Hon Mr. MACKENZIE: The hon. member for Hochelaga said "Hear, hear." He quite understood how that was, because he had mentioned the other day that a Post-office clerk in Montreal had interfered with his own election. He did not think there was any provision in the Act, however, which prohibited Post office clerks from taking part in elections. It merely referred to postmasters. It was quite clear, as he had stated, that country and village postmasters were perfectly free as to the use they make of their political influence and suffrage, so long as they did not neglect their duties, and of course they were equally at liberty to place these at the disposal of any political party they chose.

In this case there was no dismissal for what Mr. Griffin thought it his duty to do by way of interference in reference to the election of Welland. He did not know that that official had any instructions from headquarters to send this notice to the Postmaster at Allenburgh, or to any other postmasters who had received notices of a similar nature, and so far as he understood the circular was sent round in a general sort of way. He did not, therefore, complain against the department, but against this official; and he had expected, when he brought the matter under the attention of the Government, that they would take such measures as would prevent such an interference in future; but as the Government had declined to do so, and as he had a just ground of complaint, he felt it his duty to present the matter to the House, and ask them to pronounce upon it.

He quoted from Griffin's letter, and pointed out that he endeavoured to coerce him to vote one way or else not interfere at all, intimating in the plainest possible terms that if the postmaster in question entertained feelings hostile to the present Administration, he must either suppress them or stand to the consequences. If the intimation had been not to take any part in the election at all, and if such intimation had been given to all alike, there might be the excuse that it was desirable in the public interest that all officers of the Government should take no part in elections; but here it was plainly indicated that this was not what was desired. If he did not take part with Dr. King, he must not take any part.

He was surprised that the hon. gentlemen opposite should for a moment defend this action, and he pointed out that if they did so they were doing what could not but result in the American system. He was much mistaken if the people of this country were not opposed to such a system, and if the Government were in favour of this system, and were prepared to defend this action, the sooner the country knew it the better. (*Hear, hear.*) He pointed out that country Post-offices were sometimes keenly sought after not because of the emolument which attached to them—as a rule that was not worth having, but because it placed them in a position to enable them to better transact their own business.

He also reminded the hon. gentleman that one time, when he had himself the distribution of Post-office patronage in his own county, he did not bestow it upon political friends alone, but upon those who he thought and knew would give the greatest satisfaction to the people of the district. Neither had he ever required any political services at their hands in return for these appointments. He had in his possession several other letters of a similar nature to that he had already read, and to which he now directed the attention of the House. The Post office Inspector had adopted exactly a similar course in 1867. The contest in Welland was supposed to be a very close one, and every vote was wanted. It was no wonder that it should have been so, seeing that this hon. friend from that county had been opposed on the hustings by no less than five Cabinet Ministers. He was glad to say that in this case the letter had failed in its purpose, and that the receiver had replied to it decidedly and definitely enough, and acted according to his conscience, in spite of the remonstrance. There were others, however, who were not gifted with the same amount of moral courage, and who would not expose the attempts to coerce them, lest it should cost them their positions.

He proposed to move a motion which would elicit an expression of opinion from this House upon the subject. Besides, it was proper at this time that the country should know the basis upon which the government were willing to rest their defence of their own course, whether they were inclined to sell in question the propriety of such proceedings, and whether they entirely approved of them. It appeared that some words were reported in several newspapers as having been used by him with reference to the Postmaster at Woodstock. This was a misrepresentation, as he had made no allusion to him whatever in that speech. It was simply a mistake in the newspaper reports.

Before he sat down he would also call attention to a remark made at that time by the hon. member for Hastings East (Mr. White) that he (Hon. Mr. Mackenzie) had, while acting as Minister of Ontario in the absence of the hon. member for Bruce South (Hon. Mr. Blake), caused a Commission issued for a certain gentleman to be put in the Commission of the Peace to be rescinded, because that gentleman was a political opponent, and that Mr. Holden, the Opposition candidate, had boasted that he had caused that to be done. He (Hon. Mr. Mackenzie) had given that statement a simple denial at the time, but he had since had a telegram from Mr. Holden on the subject. It was as follows:—"I see in Mr. White's remarks, as reported in a despatch from Ottawa in today's *Mail*, that he refers to me as being his authority for the statement that you made use of a certain transaction for electioneering purposes. That is untrue. I never saw you until after the man had been returned. The man was objected to as unfit in every respect." This was a despatch from Mr. Holden, and he (Hon. Mr. Mackenzie) had simply to say that the hon. member for Hastings was in error and some newspapers had stated that he allowed the hon. member's statement to pass unchallenged, which was also untrue.

Mr. WHITE (Hastings East): Will you allow me to see the document?

Hon. Mr. MACKENZIE: Certainly. He then moved the following resolution—"That it is highly criminal of any Minister or Ministry or other servant of the Crown, to use the power of their office in the election of representatives to serve in Parliament, and that any attempt at such influence will at all times be resented by this House, as aimed at its own dignity, honour, and independence; that Gilbert Griffin, Esq., Post office Inspector for the Western District, during the late election for Welland, by his letter to James Rannie, Postmaster at Allanburgh, in the followings words:—

"Post-office Inspector's Office, London, Ont., 16th November, 1872.

(Private)

"Dear Sir,—Allow me to drop you a word of caution with respect to your conduct in the election now coming off in Welland. So long as it suits your interest or convenience and you remain postmaster, you cannot with propriety take any part against the Government, whose servant you are. If you cannot support Dr. King take no active part against him, and give no grounds of complaint against yourself. Answer how this is.

(Signed)

"Gilbert Griffin,

"Post Office Inspector.

"J. Rannie, Esq.,

"Postmaster, Allanburgh."

He did attempt to use such influence in the said election, and that the said Gilbert Griffin deserves the censure of this House". (*Cheers.*) He said the motion was couched in nearly similar terms to one carried in the English Parliament on a similar subject. (*Cheers.*)

Mr. FARROW: Am I to understand that this resolution applies to officers of the Ontario Government as well as to those of the Dominion? (*Hear, hear, and laughter.*)

Mr. WHITE (Hastings East) repeated what he had before said that when he left for home from the returning officer's office Mr. Holden had told him that he had got Mr. Reed's commission returned to show him that he was to use his influence for the Opposition candidate instead of Mr. Bowell. He would leave the denial to the people of Hastings, whether Mr. Holden or himself stated the truth. Mr. Holden had said the man was not qualified for the position. The position that he held as Clerk of the Court would qualify him for the other position, and he had yet to learn that Mr. Reed's abilities were not equal to those of Mr. Holden. He (Mr. White) could rise above this petty opposition of post-office matters. He believed that everybody and every officer should have the right to vote as his conscience dictated. Previously to coming

down here he had met Mr. Walbridge, the late Speaker of this House, who had asked him what course he intended to pursue in Ottawa. He had answered that he would support the Government if they continued to pursue their present course. Mr. Walbridge had said, so far as he was personally concerned, if he was in the House, he would support the Right Hon. Sir John A. Macdonald and Mr. Alexander Campbell, and Mr. Walbridge had also said that when that Government lost their influence because of the policy they pursued in building up the country, the Opposition would be stepping into some two-penny half-penny postmaster. Had we not an example of this today.

The hon. member for Lambton (Hon. Mr. Mackenzie) should not forget that when he held office for a short time one of his associates sent a man up to a certain township to corrupt the people. He should not forget that he had dismissed a guard because he was not up early enough. He should not forget that a Commission was taken away from a man for his political feelings. The hon. gentleman thought this country should worship him, there was one thing sure that it would not. He would have to change his policy before he would follow him.

There was no department of the Government so well and honestly managed as the Post office Department, and he would always stand up for the management of it. The speaker knew that there was a postmaster in his own district who opposed himself, and when certain parties applied to the Postmaster-General to have him dismissed the reply was that he was a good postmaster, and would not be dismissed. As far as Mr. Griffin was concerned, he remembered when he was inspector of the district he represented, he was always ready, willing, and anxious to discharge his duty for the good of the Post Office Department.

If this motion was carried, the hon. mover of it would do an injury to the Department and the officers of it. He might say that in Hastings North everyone of the postmasters worked against the Government, and not one of them had been removed. He had the right to vote, and why should he wish to take that right from another.

Hon. Mr. TUPPER said in reference to a matter which had been mentioned, and which bore on the present one in question, he held in his hand a letter signed by Mr. G. Griffin, and addressed to the Postmaster-General, to the following effect:—

“Post Office Inspector’s Office,

“London, Ontario, 2nd May, 1873.

“My Dear Sir,

“In the House of Commons on the 28th ult. Mr. Mills, the member from Bothwell, is reported to have said that Mr. Hancock, Postmaster of Ridgetown, had been warned by the Post Office Inspector that if he voted at the time of the local election for Mr. McKellar it would not be for his interest. I enclose the *Globe* report of what Mr. Mills said, and I enclose a letter received today

from Mr. Hancock denying Mr. Mills’ statement *in toto*. I wrote to the Postmaster at Ridgetown, and told him that whilst it was not intended to prevent his voting for whatever candidate he pleased, or to influence his vote in any way, he should take care not to parade his political principles against the Government whose officer he was. If you consider it necessary will you please set the matter right.

“Yours respectfully,

“Gilbert Griffin,

“Post Office Inspector.

“To Hon. A. Campbell,

“Post Master General, Ottawa.

The Postmaster at Ridgetown wrote as follows:—

“Ridgetown, Ontario, 1st May, 1873.

“Dear Sir,

“Yours of the 29th ult to hand. In reply, I beg to say that you did not write to me as stated in the Toronto *Globe* of the 29th of April. You wrote to me and said that it was reported that I was taking an active part in the elections. You said that your letter was not intended to prevent me from voting or to influence my vote, but to show that I had no right to parade my political principles against the Government, and you doubtless remember that letter. What appears in the *Globe*, I presume has come from what was said to me by W.H. Nelles, who lives in or near London, at the time Messrs. Glass and Kirby were candidates. Mr. Nelles was here canvassing in their interest, and strongly solicited my vote, which I refused to give. He said that it would be greatly to my interest to vote for these gentlemen, as Mr. Glass could do a good deal for me. When he found that he could not prevail on me to vote in their favour, he wished me to promise that I would not vote at all. I would not promise, but I did not vote then nor since.

“I am your obedient servant,

“L.L. Hancock, P.M.

“To Gilbert Griffin, Esq., Post Office Inspector, London.

“P.S.—I noticed what was said in the *Globe*, and contradicted it at once.”

He (Hon. Mr. Tupper) had also a memorandum by Mr. Griffin, Deputy-Postmaster-General, in relation to the question of the removal of certain postmasters which had been brought before the House. It was as follows:—

“Lanark, Ontario.

“Mr. Galbraith, M.P. — Complaints were made against Mr. W. Robertson, Postmaster of Lanark, that when persons came to the

Lanark Post Office to deposit money in the Post Office Savings Bank, he had on several occasions dissuaded them from so doing, and had induced them to lend him the money by promising a higher rate of interest than the Post Office allowed; that money had several times been entrusted to him for money orders which he had denied receiving, and that public confidence in him as postmaster was impaired. The above charges were publicly investigated in the Municipal Hall of Lanark by the Post Office Inspector, assisted by the Reeve of Lanark, and on a careful consideration of the proceedings and result of the investigations the Postmaster-General came to the conclusion that the conduct of the Postmaster had been such as to engender suspicion and want of confidence in the management of the Lanark Post Office and was injurious to the service, and that it had therefore become expedient to remove Mr. Robertson from the postmastership of Farran's Point, Ontario."

"Mr. Archibald: The attention of the Postmaster-General was in January last called to a memorial which stated that Mr. John Farran, postmaster of Farran's Point was engaged in milling operations in a neighbouring township, and had, for a long time past, ceased to give his personal superintendence "to the affair", and that the office had been twice burned down whilst in charge of the person to whom he had delegated it. Finding, upon enquiry, the statements to be correct, the Postmaster-General considered it to be his duty to place the office on a better footing and appointed Mr. James Roddy, of Farran's Point, to be postmaster in the room of Mr. Farran, Eagle, Ontario."

"Mr. Casey, M.P.: Enquiry as to the supposed dismissal of Philip Linderman from a postmastership. There must be some misunderstanding in this case. No such dismissal took place, for there had been no postmaster of that name."

"W.H. Griffin, Deputy Postmaster-Inspector."

The eulogium which had been passed on the Postmaster-General and the administration of his Department by the member for Hastings East (Mr. White) would, he believed, be received as a deserved eulogium. The *Globe* newspaper, notwithstanding its avowed and unqualified hostility to the Government had, during the present session, alluded to the great ability with which the Post Office Department was managed, and he thought hon. gentlemen opposite would admit that if there was a department which was managed in a way to entitle it to the confidence of Parliament and the country, it was that presided over by the Postmaster General.

He thought the House would agree with him that the member for Lambton had placed a very heavy superstructure on a very slender basis, and had offered the very smallest ground on which the House could reasonably affirm a proposition pronouncing that a criminal act had been committed on the part of the Government. He should consider it a very great misfortune if the American system of a rotation of office, with which the hon. gentleman had threatened them, were to be introduced in this country, but stronger cases than this would have to be produced before the House would conclude that there was anything which pointed in the slightest degree in that

direction. This Government had been substantially in power since the first of July, 1867, and had the hon. gentleman attempted to show throughout the Dominion a single instance of a man being dismissed from office for his political opinions? The country was filled with office holders who were using their influence in opposition to the Government. (*Hear, hear.*)

It was notorious that the great Province of Ontario was filled with postmasters who considered that the first duty they owed to their country was to become the agents of the *Globe* newspaper, and who used their offices as places in which to caucus the opponents of the Government and advise the means by which it should be broken down.

In Nova Scotia it was the same, and the Minister of Public Works when he went down to an election, was met on the hustings by a postmaster who denounced him in the strongest language. That man was postmaster still, and this latitude had been allowed throughout the country without any action being taken against it, except by means of a proper and friendly suggestion such as that contained in Mr. Griffin's letter. It was not seemly for an officer under the Government of the day to come out and take active energetic part against that Government. (*Hear, hear.*) If one man was allowed to do it another should have the same privilege, and what would hon. gentlemen say if a change of Government took place tomorrow and the deputy heads of departments, the men on whom they would have to rely, met them on the hustings when they presented themselves for re-election as Ministers and denounced them as unfit and unworthy to take these positions.

Where was the line to be drawn? Everyone had the right to exercise the franchise freely, but every sense of justice revolted against Government *employees* taking an active part against the Government. That was all that was contained in that letter. An election had taken place in Welland, and the hon. gentleman had alluded to his presence there. When he heard that the member for Bruce South (Hon. Mr. Blake) was to be present at the nomination, he felt that he could not shrink from accepting the invitation to meet that gentleman. The time was occupied in discussing the general questions of the day, and he only remained on the nomination day. Great as his compunctions were at going into the constituency, he should feel still greater compunctions now that he had more acquaintance with the member for Welland (Mr. Thomson). He believed that that hon. gentleman would be the last to complain of this letter from Mr. Griffin. He supposed Mr. Griffin had been informed that the Postmaster was taking an active, conspicuous part, in opposition to the Government candidate. It was undesirable in the interest of the country that public confidence in public officers should be lost, and if they became active partisans, besides simply voting, that confidence would be destroyed. There had been a case of suspicion that letters had not been forwarded with the same promptitude on one side as on the other. It might be only suspicion, but it was undesirable that even a suspicion should exist.

He believed that if the hon. member for Lambton (Hon. Mr. Mackenzie) would only take off his partisan spectacles he would

see that this letter was not such as to demand the censure of the House. Mr. Griffin did not say you must vote for Dr. King, or you must not vote for Mr. Thomson. He left the man free as air as far as his vote was concerned. He simply wished him not to abuse his position by coming out and denouncing the Government of which he was a subordinate officer. Take the case of a private employer. He had no right to prevent his men from voting as they pleased, but if one of them came in the hustings and denounced him as unfit to serve in Parliament, would not everyone say he ought to be dismissed.

Hon. Mr. MACKENZIE: I would not.

Hon. Mr. TUPPER said he believed the member for Lambton would be the first in such a case to find someone to fill the place of his employee. The hon. gentleman had said that this letter intimated that postmasters were bound not to give a vote against the Government. There was no such intimation, but the hon. gentleman thought that unless there were, he had no case. He had no case at all. What right, he said had the inspector to coerce the postmasters to vote for Dr. King. Again he travelled out of the letter. There was no effort to coerce, no intimation, that they should withhold their vote from Mr. Thomson, but only a caution against taking a violent and unseemly part against the Government. A defiant answer had been sent, so the hon. gentleman stated, but with what result. Had this defiant reply elicited the ire of the Government? Was not the party postmaster today as he was when the letter was written?

He would conclude by moving an amendment, which he thought, considering the late period of the session and the amount of important business yet to be transacted, every member would see the propriety of. He moved "that all the words after "that" be expunged, and the following words inserted instead thereof:—"That this House do now proceed to the order of the day."

Mr. CARTWRIGHT said the hon. gentleman had only met one half of the case put by the hon. member for Lambton (Hon. Mr. Mackenzie). His complaint to a large extent was that while public officers were strictly forbidden to interfere in favour of Opposition candidates, they were decidedly encouraged to interfere in favour of Government candidates. He was very much opposed to the American system of rotation in office, but the remedy against that was, while allowing officers to vote, to prevent them from otherwise interfering one way or the other in the elections. It was not desirable that the House should encourage any officer of the Government to interfere either for or against the Administration of the day. He was aware that there was considerable difficulty in dealing with postmasters, many of whom were poorly paid for their services, but we were extending the post office system and making the postmasters bankers to a certain extent, and it was undesirable that they should take an active part in elections.

He considered this letter of the Inspector meant that the Postmaster was entirely welcome to aid the Government candidate, but he must not under any circumstances, encourage the Opposition candidate. While he could not go the entire length of the resolution

of the member for Lambton, he thought the Government ought to add to their standing regulations some explicit declaration that it was the duty of all public servants, while having full liberty to vote as they pleased, to refrain from otherwise interfering in one way or the other in elections. He would like to hear the opinion of the Minister of Justice on the subject.

Mr. JOLY said it could not be controverted that the Government had a right to expect from its officers that they should not take any active part against them. He thought it would be well, as they were about to pass an election law, that a law might be enacted that would prevent civil service servants from taking part either on one side or the other.

He had prepared an amendment to the amendment which he would move, and which was as follows:—"That all the words should be struck out after "instead thereof," and the following substituted: That in the opinion of this House it would be advisable to amend our election law so as to provide that all officers employed in the Civil Service be prevented from voting or taking an active part in the elections of members of this House."

The hon. Minister of Customs (Hon. Mr. Tupper) had referred to the state of things in Nova Scotia, when Government officials took a very active part against the Government candidates. This he considered was a great evil. He did not think Government officials ought to have a right to interfere, as they had, against the Government. He was of opinion that public officers ought to be neutral in our political struggles. He showed that the hon. member for Lambton (Hon. Mr. Mackenzie) did not desire that any official should be censured, but that the House should acknowledge the principle that Government officials should remain neutral in our election contests.

After quoting from an eminent English authority, who was averse to the interference of Civil Service servants in active politics, he proceeded to describe the evils of the American system. He concluded by moving his amendment.

The SPEAKER ruled that the amendment to the amendment was out of order, as the amendment of Hon. Mr. Tupper was equivalent to a motion for the previous question, and no amendment could be moved till it was disposed of.

Mr. CASEY said that the Minister of Customs (Hon. Mr. Tupper) had been mistaken in supposing that Philip Linderman was the Postmaster he referred to. Mr. Mowbray was the party and Mr. Linderman was his assistant. There was a mistake, however in putting the name of Linderman instead of Mowbray as the Postmaster. Mr. Griffin's letter, in his opinion, was a warning to the Postmaster not to work against the Government candidate but he might work for him.

He approved of the proposed amendment of Mr. Joly, but while the law allowed postmasters to vote, they should not be interfered with at all. Nothing would more tend to destroy public confidence in public servants than the knowledge that they were constantly in

receipt of communications from their superior officers which would tend to warp their public conduct. There had not been the slightest proof adduced that this postmaster had taken an active part in the election further than exercising their franchise. The Government of the day were servants of Parliament and if it was wrong for Government officials to take part in elections against supporters of the Government, it was equally wrong for them to take part against their opponents. With regard to his own county, there were only two postmasters in it who voted for him, and the one who regarded the office as of any consequences had been dismissed. He might reply to some other remarks of the Minister of Customs, but really there was no more replying to him than to a whirlwind or a clap of thunder, or some other natural phenomenon. (*Laughter.*)

Mr. GLASS said that if the Post Office Inspector of London, on the hypothesis of the hon. member for Lambton (Hon. Mr. Mackenzie) had a right to vote, he had also a right to exercise his influence, and he, therefore, in his quality of a voter, had a right to write a private letter to one of the postmasters, asking him not to use his influence. It was a common thing for public officials all over the country to oppose the Government candidates. He alluded to one gentleman in the town of Sarnia who had long held, and still held, an office under the Government, who published a newspaper in the Opposition interest.

There were various men all over the Province in the employ of the Government who opposed the Government at the elections. He merely adverted to these cases to show that the Government had not used their position and power to cause any man to vote against the dictates of his conscience. He might also say that a number of postmasters had opposed him strenuously at the late election. Of this he did not complain, but he contended that it was one of the strongest proofs of the impartiality of the Government.

He further contended that if Mr. Griffin, a gentleman who had filled a high and responsible position with such propriety as to win for him the respect of the community were told that he had been guilty of high crime and misdemeanour in doing what he had done, it would be a great injustice.

Mr. BOWELL said that country postmasters had undoubtedly a right to exercise the franchise in the manner they thought fit. If the hon. gentleman opposite would carry out the principles which they had today enunciated, in the Provincial Government which they controlled, he would perhaps be willing to strain a point in going in the direction indicated by them.

But the hon. gentleman knew well that there was not an official of the Government of Ontario who at the last election had not been actively engaged against gentlemen who supported the present Government of the Dominion. In the very town in which he lived, the Clerk of the Peace was a member of the Reform convention. The hon. member for Lambton (Hon. Mr. Mackenzie) would no doubt say that this was all right; that the Clerk of the Peace was an

official of the Provincial Government, and had therefore a right to interfere in Dominion elections.

He (Mr. Bowell) could not thus understand it. If the principle were right in one instance it was right in the other. They knew also that to those Sheriffs, Registrars and other officials, who had become candidates in favour of the administration, a gentle intimation had been sent informing them that if they persisted in their course they would be dismissed, while others who opposed the Government were allowed to go on.

He then proceeded to defend the statement of the member for Hastings East (Mr. White) in reference to a certain telegram. That telegram, he was told, was just one of those productions which would emanate from a lawyer. He meant no disrespect to the profession because they knew just how to put a point in such a manner as would admit of any interpretation. As to the substance of the telegram he knew that the concluding statement which it made, that the gentleman referred to was unfitted for the position of a Justice of Peace, had not one shadow of foundation, and the man who made the statement knew in his heart that it was not true. The hon. member for Lambton might not have known of this, but it was told to that hon. gentleman afterwards at any rate that the commission was sent back because he (Mr. Bowell) had something to do with the appointment, and the parties who had induced the hon. gentleman to mend the commission back were determined to show that no man could be appointed in that Township who was not recommended by them.

Hon. Mr. BLAKE said it was undesirable that a large class of postmasters should be deprived of their political functions. The remarks of the member for Lennox (Mr. Cartwright) respecting the other public officers were utterly inapplicable to postmasters. The Government had no idea of restricting the franchise in respect of public officers. That was evident from the fact that in the Election Bill before the House many classes of officials were qualified to vote who, under the existing law, were disqualified.

Then these too had to deal with the question before the House in that light. There was no time in his Parliamentary career in which he was called upon to give a vote with so much reluctance as today. He was a friend of the gentleman referred to, and he would be glad if his sense of public duty would allow him to vote for the motion of the Minister of Customs. He did not feel that he was called upon to do more than express in a very few words the reason for the course he thought it his duty to take. He considered the letter written by Mr. Griffin was calculated to exert an influence over the subordinate officer in the direction of limiting his franchise. He believed that such a use of the powers of office came within the ancient declaration of the House of Commons, which was made the ground work of the resolution of the hon. member for Lambton (Hon. Mr. Mackenzie) and he could not either directly or indirectly negative that primary proposition, which had stood unreversed by the Commons of England for so long a time.

Mr. MILLS referred to the Ridgetown case, and said he was quite prepared to prove positively every statement he had made in this regard. In referring to the question before the House, he said the hon. Minister of Customs (Hon. Mr. Tupper) had asked where they should draw the line. He (Mr. Mills) reminded the House that the law had drawn the line, and where the law had drawn the line it should be permitted to remain. If the Government were dissatisfied with that line, why did not they come down to Parliament and say so?

He called the attention of the hon. Minister of Justice (Hon. Sir John A. Macdonald) to the fact that when the question of giving the customs officers of Nova Scotia the power of voting was under consideration, the position taken was that it would be unworthy of the Government to influence any class of the electors, and especially a class that would be in such a dependent position.

He went on to contend that the letter which had been referred to by his hon. friend was not of a private character. The Post Office Inspector had no right to coerce any elector, and the position taken in the matter by the Administration was indefensible, and quite opposed to that assumed by the leader of the Government when he gave the Customs house Collectors of Nova Scotia and New Brunswick the right to vote. The hon. gentleman had spoken in high terms of the personal character and standing of all the gentlemen appointed postmasters, but he could inform that hon. gentleman that the postmaster at Wilkesbury was charged with acts the grossest and most disgraceful, and officers had been made to establish the charges. A large proportion of the people had ceased to go to the Post-office altogether, and yet no notice had been taken of all this by the Government. The hon. gentleman had no right to suppose such an officer highly respectable, nor to assume that he was discharging his duty properly.

As for Mr. Griffin, that gentleman had abused his trust and the motion of the hon. leader of the Opposition proposed that he should receive the censure of this House therefore. (*Cheers.*)

* * *

ADDINGTON ELECTION COMMITTEE

Mr. CARTER presented the report of the select Committee appointed to try the Addington election case, requesting leave to adjourn till Tuesday next.

Mr. CARTER moved that such leave to adjourn be granted.—Carried.

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

AFTER RECESS

Mr. THOMSON (Welland) resumed the debate. He would not have brought up any motion on the subject himself, although he

thought the principle contended for by the hon. gentleman who did move in it was a very good one. He quite believed the gentleman charged was guilty of a moral wrong, but when he (Mr. Thomson) received the nomination of the Reform party in Welland, and when he declared that he came out under Reform principles, he knew that he had a right to expect that he would be opposed. He did not at all expect that he would be without opposition, and that a great many means would be used to prevent his return, therefore the opposition he received did not put him much out of temper, and after the result he was of opinion that it would be an awful big job to bring up all the persons who had made charges against him. (*Hear, hear.*) He thought it was just as well to let them alone.

He did not say that to take anything away from the effect of the remarks of the hon. member for Lambton (Hon. Mr. Mackenzie) and the hon. member for Bruce South (Hon. Mr. Blake). When these gentlemen, the leaders of the Reform party, found out the gentlemen on the other side committing a public wrong, they had a perfect right to attack them. He only meant to say that so far as he was personally concerned, if the subject had to come up in any event, he would have preferred that they had chosen some other place than the county of Welland.

The visit the hon. gentleman opposite had paid to the county of Welland was one of which he had something to be thankful for. (*Laughter.*) It had given true character to his election, and on that account he could easily pardon it. (*Laughter.*) As one of the benefits derived, he might point out that when he took his seat in this House everybody knew him, and said this was Thomson of Welland. If it did make the election a little more spicy and a little more expensive—(*laughter*)—he for one was perfectly satisfied with the result, and entertained no ill-feeling. (*Hear, hear.*) If these gentlemen ever did him a similar favour again from what he had seen of them here, he would say it would just be a game of pitch-and-toes whether he seduced them over to his side or they seduced him over to theirs. (*Loud laughter.*)

However, he had got a good seat on this side of the House, and as he liked to see the smiling countenances of the hon. gentlemen opposite, he would keep it. As long as there was nothing contrary to his reason of his principle in them, he would always support the measure proposed on this side of the House, he therefore supported the motion of the hon. member for Lambton. He was of opinion that if it were possible that the public service could be conducted without these officers interfering in elections, it would promote good feeling in the country.

He was aware that to all appearance some of the officers on the Welland Canal made it a part of their duty to study political economy, but they had so very little influence that he did not think they had been able to do him very much damage. He thought Mr. Griffin was quite wrong in this case, although he was personally so well pleased with the effort of the visit of the Government, and with the papers they had been so careful to distribute, that he really wanted to show no ill-feeling towards them. (*Cheers.*)

Mr. ARCHIBALD asked whether papers had been brought down relating to the dismissal of the postmaster at Farran's Point.

Hon. Mr. TUPPER would see that the papers were brought down. It was stated by the hon. Minister of Customs that one great ground for his dismissal was that he was owner of a great saw mill. It might be a very heavy charge, no doubt it was a grave cause of complaint, but it was strange that no complaint was made of his absence until after the general election. He complained that the postmaster's name had not been furnished, with a statement of the charges against him, which were only now learned from incidental information. His successor had been appointed and the office transferred within a fortnight of the time he had first heard anything about the intention to remove him. He should like to see the same principle applied all round—applied to Ministers themselves as well as to Postmasters, and he should like to know how often they were absent from their posts and how often they had transacted their business through a substitute.

Mr. COCKBURN (Muskoka) said letters were reaching him daily complaining of the gross interference with public servants in this respect. He said that in one village in his county, they could not find a postmaster, and they proceeded to appoint a person living ten or twelve miles from the village. The negotiations were still pending. He contended that, in a free country like this, they should avoid the adoption of American institutions. He had communicated the statement made to him in the letters he had received, but he had received no answer.

Mr. BAKER said hitherto we had only heard of interference of Postmasters against the Opposition, but he could tell the House that if the hon. member for Lambton (Hon. Mr. Mackenzie) had many admirers in Ontario among the Postmasters he had one admirer in the County of Missisquoi. The Postmaster of Bedford had worked against him, and had imported a man from New York to run against him. The same man had advanced \$6,000 to his opponent, and had taken a mortgage on that opponent's property, which he held to this day. So much for the purity of Grit Postmasters in the County of Missisquoi. That was at his first election, two years ago. At the general election last summer that Postmaster was again on hand and brought out a man from Montreal, who had such a mint of metal that it was expected he would carry the day for his backers; but he was unsuccessful. That postmaster was the sole petitioner against the sitting member. He could not get another man in the county to be the other surety, and had got a member of this House to do so. The postmaster was not dismissed, and he had not thought it worthwhile to make any complaint. He dare say this was the first the Government had heard that his opponent was an officer of their own.

Mr. JONES deemed it only his duty to state the manner in which the Government exercised the patronage of the Post Office in his county, with a view, he supposed, of injuring his election. The patronage was taken out of his hands. The emoluments amounted to about \$15 to \$20 a year. A petition, signed by a lot of boys, was got up to take the patronage out of his hands, and the result was an

overwhelming majority to him. He was of opinion that the law should remain as it is. At the same time he agreed with the opinion that it would not be the duty of postmasters to take any active part in political matters, nor imitate the American system.

Mr. ROSS (Prince Edward) said he had defeated the deputy members and members of the Government who interfered in his election, and he would be able to defeat them again.

Mr. THOMSON (Welland) complained of the manner in which the patronage of his county was taken out of his hands for his opposition to the Government, and described the indignation of his constituents at that course, which he maintained was the means of obtaining for him at his last election a large majority of votes. He complained of the appointment by the Government of one postmaster who was totally unfit for his position, and showed that the petition for his appointment was signed principally by children at school.

Mr. MACDONALD (Glengarry) was convinced that the present course adopted by the Government was driving Canada rapidly into the American system. If the power of voting were given to Civil Service officers, they ought to be free and uncontaminated in the exercise of their franchise. He thought they ought rather to prevent the Civil Service servants from voting than endeavour to coerce them in the exercise of their votes. They were being driven day by day into the American system, but he did not desire to see it brought into this country.

Mr. GALBRAITH thought the question was whether the deputy heads of the Post Office had a right to interfere with the votes of postmasters or not. If postmasters had votes they had a right to exercise them without direction from deputy heads or any one else. He was prepared to vote for the hon. member for Lambton's motion.

Mr. HARVEY said this was a case in which the rights and liberties of the people were deeply concerned. With regard to the Post Office department he considered it perhaps as well managed as any other department, but that would not prevent him criticising improper transactions in connection with that department. He referred to the interference with postmasters in the local election of 1871. A person came into the riding for the purpose of ascertaining how the postmasters were going to vote, and he had been told by some of them that an attempt was made to coerce them to vote against the Reform candidate. If the House allowed this interference to go on, a great blow would be struck at the franchise of the people.

Hon. Mr. MACKENZIE thought a good many gentlemen opposite had misunderstood his motion. He did not object to the postmasters taking part in political affairs. What he complained of was the attempt to prevent them from exercising their political rights. He had shown that this Inspector, who had absolute control over hundreds of post-officers, had set himself deliberately to infringe upon the liberties of postmasters. He was disposed to allow individual officers considerable latitude, but it was the duty of the

House to censure the attempt of a superior officer to use the influence which his official position gave him to coerce those under him.

That was the question before the House and the Government had not ventured to meet it directly, but had moved an adroit amendment to avoid a direct vote. However, the postmasters would now learn from this discussion that the Inspector had no more power than themselves, and that if the Government dismissed them for political reasons their special cases would be brought up in Parliament.

Mr. BROUSE while approving generally of the management of the Post-office Department, would vote for the motion. He recalled the instance of the Grenville South election, in which a barrister rushed into a certain house at Brockville and read a telegram signed Right Hon. Sir John A. Macdonald, in these words, "Resign your office; vote for Shanly and save the south Riding of Grenville" (*Laughter*). He (Mr. Brouse) did not believe that hon. gentleman had sent that telegram, but he had correctly related the instance.

The House then divided on **Hon. Mr. TUPPER'S** amendment, which was carried, Yeas 103, nays 70.

YEAS

| | |
|-----------------------|-------------------------|
| | Messrs. |
| Archambault | Baby |
| Baker | Beaty |
| Beaubien | Bellerose |
| Benoit | Blanchet |
| Bowell | Brooks |
| Brown | Burpee (St. John) |
| Cameron (Cardwell) | Campbell |
| Carling | Caron |
| Carter | Cartwright |
| Chipman | Chisholm |
| Coffin | Colby |
| Costigan | Crawford |
| Cunningham | Currier |
| Cutler | Daly |
| De Cosmos | Dewdney |
| Domville | Dormer |
| Doull | Dugas |
| Duguay | Farrow |
| Flesher | Forbes |
| Fortin | Gaudet |
| Gendron | Gibbs (Ontario North) |
| Gibbs (Ontario South) | Glass |
| Grover | Haggart |
| Harwood | Hincks (Sir Francis) |
| Jones | Keeler |
| Killam | Kirkpatrick |
| Lacerte | Langevin |
| Langlois | Lantier |
| Le Vesconte | Lewis |
| Little | Macdonald (Sir John A.) |
| McDonald (Antigonish) | McDonald (Cape Breton) |
| McDonald (Pietou) | Mackay |
| Mailloux | Masson |
| Mathieu | McAdam |
| McDougall | McGreevy |
| Merrit | Mitchell |
| Moffatt | Morrison |

Nathan
O'Connor
Palmer
Pope
Ray
Robitaille
Ross (Victoria)
Savary
Smith (Westmorland)
Stephenson
Tilley
Tourangeau
Wallace (Norfolk South)
White (Hastings East)
Wright (Ottawa County)—103

Nelson
O'Reilly
Pinsonneault
Price
Robinson
Ross (Champlain)
Ryan
Smith (Selkirk)
Staples
Thompson (Cariboo)
Tobin
Tupper
Webb
Witton

NAYS

Messrs.

Archibald
Béchar
Blain
Bodwell
Brouse
Cameron (Huron South)
Casgrain
Cockburn (Muskoka)
De Saint-Georges
Edgar
Findlay
Fleming
Galbraith
Gibson
Hagar
Higinbotham
Horton
Jetté
Laflamme
Macdonald (Glengarry)
Mercier
Mills
Pâquet
Pelletier
Richard (Mégantic)
Ross (Durham East)
Ross (Prince Edward)
Rymal
Scriver
Snider
Thompson (Haldimand)
Tremblay
White (Halton)
Wood
Young (Waterloo South)—70

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SALARIES OF LIEUTENANT-GOVERNORS

Hon. Sir JOHN A. MACDONALD moved that the House go into Committee to consider certain resolutions on the subject of additions proposed to be made to the salaries of the Lieutenant-Governors of the different Provinces of the Dominion and others, including increased indemnity to members.

Hon. Mr. HOLTON considered the system of indemnifying members as exceedingly vicious. It offered to members a direct

pecuniary inducement to abandon their duties in Parliament. He reviewed the old system and contended that both it and the new one offered a direct advantage to members to cut the session down to as short a time as possible, after the 30 days prescribed as the length of a session for which the full indemnity is paid. This he considered a most vicious principle, and it was one we had copied from the State of New York and other States of the Union. All the really important measures of the present session had not yet been touched, and the very worst results of our system became apparent in the way in which measures were hurried through without due consideration.

He did not feel disposed to find fault with the increased indemnity and the increase of salary to judges, but he begged to enter his protest against the present scheme of indemnity introduced by Sir George Cartier in the old Province of Canada, and one which had operated very unsatisfactorily, and yet the hon. gentleman proposed to perpetuate, to aggravate and to intensify the system in its worst sense in the future. The principle upon which the indemnity of \$600 was fixed was a service of 100 days at \$6 per diem. He advocated the return of that principle.

He had no objection to the proportion in which it was proposed to raise the indemnity of members being paid at so much per day; that is to say, he did not think that \$10 a day would be at all too much. At the average length of the sessions, however, the emolument at the proposed rate would be at the rate of \$30 per day, which he did not think the electors would think either right or proper, but on the contrary, entirely beyond the bounds of propriety.

Mr. JONES said the hon. member for Châteauguay was accustomed to spend a great deal of the time of the House on points of order and he did not think it was fair to charge them with the motives which he had charged them with. He said that that hon. member had made his money by contracts with the government of the old Province of Quebec, and it did not become him to speak as he had done. He charged him with being afraid of his constituency in opposing this motion.

He could not sit in this House and hear the imputation which had been cast upon the members of the past. He said that the system of a sessional allowance had acted viciously upon the members. This he denied. Sessions had lasted for three months, and yet members had been present at the end of the session. Members had sat as patiently and listened to what they might think nonsense. (*Hear, hear and laughter.*) He had never known of a case in which important and necessary measures had not been passed.

He thought that members had never been benefited by sessional allowance, but there had been rare cases in which members had benefited from contracts, which, owing to their influence, they had been able to obtain. Perhaps had the sessions of Parliament been a little shorter these men would not have had so many opportunities of exercising their influence.

Mr. MACDONALD (Glengarry) said it did not become the hon. member for Leeds and Grenville (Mr. Jones) to make any remarks about the hon. member for Châteauguay, seeing that the

old Parliament of Quebec had been engaged a long time in enquiring into a case in which the hon. member himself was concerned in reference to a contract. He was perfectly satisfied with the amount now paid, and he did not think that it should be charged against any person always returned by such large majorities as he had been with being afraid of his constituents. He thought the members were sufficiently paid for all the good they did, and for his own part he did not want more, and was much opposed to the principle.

A VOICE: Give it to the poor, then.

Mr. MACDONALD (Glengarry) continued to say that what he gave to the poor he would give out of his own pocket, and not out of the funds of the country. (*Hear, and cheers.*) He, however, was quite in favour of increasing the salaries of the gentlemen of the Treasury Benches and the gentlemen of the Judicial Bench. He considered the members were paid a sufficient sum, and he would vote against the resolutions.

Mr. JONES complained of the reference made to him by the hon. member for Glengarry (Mr. Macdonald). He (Mr. Jones) never had had a contract under the Government. He might say that when an administration was in power to which he was opposed they had appointed a commission to enquire into his conduct. This commission had sat with closed doors and had brought in a report in which certain false charges had been made against him. After the general election which followed and when another administration was in power to which he was opposed, a committee had been appointed to inquire into the charges made against him and had made a report entirely exonerating him. The hon. member for Glengarry knew these charges to be false. He was surprised that the hon. member had had the decency to repeat charges which he knew to be false.

Mr. JOLY found no fault with the resolution so far as the judges and public servants were concerned, but he was opposed to the principle upon which the vote would be distributed.

Hon. Mr. MACKENZIE said it might be better for the hon. member to withhold his remarks until the leader of the Government gave the explanation of the principle of the resolution, which he promised he would when the second stage would be taken.

Hon. Sir JOHN A. MACDONALD said it would be more convenient to discuss the resolutions in Committee.

Mr. JOLY continued to say that the addition to the salary of public officers was necessary, but he objected to the principle and he did not think that the Government could ask the House to vote upon the whole sum of \$700,000 without giving the details without a violation of constitutional principle. Leaving the details of distribution to the heads of departments would open the door to favouritism and unfair play. He referred to the officers of the library and the House messengers, who were fewer in number, had more work to do, and only about one half the pay they had before

Confederation. Everything had risen so much in price that a rise in salary was a necessity, and because these men were poor, that was really no reason why they should not be considered. He also approved of the rise to the gentlemen on the Treasury Benches.

Mr. MERCIER protested against the measure for the salaries of the members. The present state of the finances did not justify this additional expenditure. While he opposed the increase, he would submit gracefully to the will of the majority and draw the increased indemnity. There was a distraction in the salaries of the members which he could not approve of. The judges residing in the country were under greater expense than those living in the cities, and their duties were even heavier.

Hon. Sir JOHN A. MACDONALD said that in reference to the equalization of the salaries of the different Provinces, that this equalization would not be finally settled until Prince Edward Island joined the Union. The present resolutions had been drawn up for the purpose of meeting the exigencies of the present case. He thought it would be believed that the Civil Service of all grades and classes, including the Minister of the Crown, were not sufficiently paid. The first resolution affected the Lieutenant-Governors of the different Provinces, and it proposed to add \$2,000 per annum to their salaries. When all the salaries of the Lieutenant-Governors were fixed, it would be remembered that it was generally remarked that the salaries were insufficient. In alluding to the office of Lieutenant-Governor, he thought it was a highly honourable one. It was the reverse of remunerative. He had ascertained from several Lieutenant-Governors of the different Provinces, that although they had a full and high appreciation of the honour, it was pecuniarily a loss to them. The country was in such a financial position that they ought not to expect Lieutenant-Governors to be at a loss.

Hon. Mr. CAMERON (Cardwell) hoped that another matter would not be lost sight of, but that the question of the salaries of the Minister of the Crown would be taken up. (*Hear, hear.*) He could understand their not touching the question until the House had decided the salaries of other public officers; but while the Government were touching this question of salaries, which would receive the sanction of the country as well as the House, they must not think that the members of the House on one side or the other had forgotten the position that the gentlemen on the Treasury Benches, of whichever Party occupied, and of the necessity that their salaries should be increased in the same proportion as those of other public functionaries. (*Hear, hear.*)

Hon. Mr. ANGLIN thought that, even with the increase, the Lieutenant-Governors would not find their salaries sufficient to live in the style they were expected to keep up, and thought it would be advisable to allow the salaries to remain as they were, that Lieutenant-Governors should not be expected to live in a big house, and in state. At present a poor man could not accept a Lieutenant-Governorship, and he did not think the additional pay proposed would be adequate.

Mr. PALMER was in favour of the resolution.

Mr. FINDLAY did not think the resolution was consistent with the position they occupied, and that the increase was an unprofitable arrangement.

The resolution was carried.

Hon. Sir JOHN A. MACDONALD next moved the resolution relating to the salaries of judges of the different Provinces. This, he explained, would not affect the salaries of the Chief Justice of British Columbia and one of the puisne judges, which were fixed by the Imperial Parliament, and were of a liberal character.

In reply to Hon. Mr. Holton, with regard to the Ontario Judges receiving an additional \$1,000 by an Act of the Ontario Legislature,

Hon. Sir JOHN A. MACDONALD said he thought from the beginning that the \$1,000 voted by the Legislature of Ontario to the judges was unconstitutional, and had caused it to be disallowed. He had also grave doubts as to the constitutionality of the provision made to remunerate the Superior Judges as Judges in Court of Appeal, although he did allow it to be sanctioned. If this Act of the Ontario Legislature were to be repealed, it would be for that Legislature to do so itself. He did not say that it would be so, but he threw it out as a suggestion, that the Governor General, in appointing any judges in future, should look only the Dominion government for remuneration.

Hon. Mr. RICHARDS (Leeds South) did not see why the Province of Ontario should not be allowed to pay her judges \$1,000 extra if they pleased.

Hon. Mr. BLAKE called attention to the salaries of the judges of British Columbia, and thought all the salaries should be fixed by statute now, so that there should not be any difficulty at the next time a vacancy concurred.

Hon. Sir JOHN A. MACDONALD agreed that the suggestion was good.

Hon. Mr. ANGLIN also objected to the judges of New Brunswick and Nova Scotia being paid only \$5,000, while the judges of British Columbia were to be paid \$6,000. This was placing them in a position of inferiority.

The Clause was then carried.

On the third resolution, referring to the Quebec Judges,

Hon. Sir JOHN A. MACDONALD explained its working and application, saying that it was proposed to raise the salaries 25 per cent.

Messrs. TREMBLAY and **FOURNIER** spoke in French upon the resolution, the latter referring to the case of the non-resident judge, with whom the recent difficulty took place.

Hon. Mr. LANGEVIN, in reply to Mr. Fournier, said it was the intention of the government not to interfere with the present scale of

salaries. The salaries would be taken as they at present stood and augmented in the following manner:—Those of \$5,000 would be augmented by an addition of 20 per cent, and all the other by 25 per cent.

The resolution was then carried.

On resolution fourth,

Hon. Sir JOHN A. MACDONALD explained that it was intended to make the salaries of junior County Judges in Ontario and New Brunswick \$2,000 to begin with, and after three years \$2,400. They would also require \$200 for travelling expenses.

Hon. Mr. BLAKE regretted that the appointments of county judges were not such as were in his opinion judiciously made. He did not believe the policy adopted with regard to these judges was a sound one. He pointed out that the responsibilities and importance of the duties on the judges of different counties varied greatly and he did not think a uniform salary should be paid to all the judges indiscriminately. He thought a simple and plain test of the importance of the duties of a county judge was population, and one which would answer all practical purposes. He recognized the necessity of retiring allowances in order that judges physically unable to perform their duties might be relieved of the duties which had become irksome. He objected to the appointment of a junior judge simply because the senior judge was unable in consequence of infirmities to perform his duties.

Hon. Sir JOHN A. MACDONALD considered that the Government could not constitute itself a judge as to whether the County Judge was able or not to perform the duties; and therefore a general principle ought to be adopted.

Mr. GLASS was of opinion that the salaries should be regulated by population, and he thought if the salaries were not advanced in proportion to population that the expenses should be increased. He hoped the government would remember the resolution in this report.

Mr. CAMERON (Huron South) did not consider population a safe basis for the regulation of salaries, although he thought it absurd to place all the judges on the same footing with regard to salary. He said the County Judges, in smaller districts had often more work than those in larger districts. He advocated a larger increase to the salaries of County Court Judges. The hon. gentleman continued attacking the appointment of a certain judge.

Hon. Sir JOHN A. MACDONALD said that he would not discuss the character of a Judge on a question of salary. If the hon. gentleman had any charge to make, let him take the responsibility of bringing it up in a regular way. It was a disgraceful thing for the hon. member to attack the character of a Judge on a side wind.

Mr. CAMERON (Huron South) said he had called the right hon. gentleman's attention to the matter before the appointment was made.

Hon. Sir JOHN A. MACDONALD: Yes, the hon. gentleman did. He wrote to me, and he had no right to write to me.

Mr. ROSS (Prince Edward) referred to the vacancy in his county, and pointed out the difficulties under which they laboured. He argued upon the Government the necessity of making the appointment at once.

Hon. Mr. ANGLIN alluded to the decision not to increase the salary of County Judge of St. John, New Brunswick. On this gentleman as extraordinary amount of labour of importance devoted, and he did not consider that his present salary at all remunerated him for his arduous duties, and he maintained it was insufficient for a lawyer of his standing.

After some further discussion the resolution was passed.

Hon. Sir JOHN A. MACDONALD moved the fifth resolution respecting retiring allowances, and explained that a County Court Judge could not retire upon an allowance until after fifteen years servitude.

The resolution was carried.

The sixth resolution was that the increase and change proposed in the foregoing resolution should take effect from the 1st of January.—Carried.

Hon. Sir JOHN A. MACDONALD moved the seventh resolution respecting the increased indemnity to members of the Senate and House of Commons. It provided that the sessional allowance to members shall be \$10 per day if the session be less than thirty days, and if the session extended beyond thirty days, \$1,000. He explained the reason for proposing the increase, and said that whatever his original opinions might have been upon this subject, he now considered that the indemnity should be increased as suggested.

Hon. Mr. HOLTON regarded the scheme itself as essentially vicious.

Mr. WILKES was at a loss to know why the 30 limitation was referred to, as he found that the average length of the sitting of Parliament for the last eight years had been 70 days. He suggested that the figures 60 should be substituted for 30, by which a reduction from \$14 a day to \$10 would be effected.

He also suggested that absentees should be fined \$12 per day.

Hon. Sir JOHN A. MACDONALD explained that the thirty days limitation was adopted in view of the possibility of the Government being defeated or resigning. Under these circumstances the House might adjourn in five days, and without this provision they would be entitled to the whole indemnity of \$1,000.

Mr. DOMVILLE moved that no money payment beyond travelling expenses be made to members of the Houses of Parliament.

A VOICE: Second-class.

Hon. Mr. ANGLIN was not in favour of the resolution, but he considered it would be useless to offer opposition to it.

A few observations from Mr. Mills,

Hon. Sir JOHN A. MACDONALD moved the eighth resolution; that it was expedient to increase the salaries of the Speakers of the House of Commons and Senate to \$1,000 per annum.—Carried.

The next resolution was that it was expedient to appropriate the sum of \$75,000 to enable His Excellency the Governor General to readjust the salaries of the civil servants in Canada for the year beginning the first of January 1873.

Hon. Mr. MACKENZIE thought they ought to be informed of the appointment to be made to the different services. He was also of opinion that if they could devise some means of keeping down the number of civil servants in the different Departments, that had been increased by the pressure of political friends, the work would be done much more efficiently.

The resolution was carried.

A discussion then followed upon the increase of the salaries of the Minister in which several members expressed themselves in favour of such an increase.

The last resolution was that it was expedient to appropriate the sum of \$2,500 to effect a readjustment of the salaries of the officers and servants of the Senate, and the sum of \$5,000 to effect a readjustment of the salaries of officers and servants of the House of Commons.—Carried.

The Committee rose and reported the resolutions.

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MESSAGE FROM THE SENATE

The SPEAKER read a message from the Senate transmitting bills and amendments to bills, in which concurrence was asked.

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MILITIA AND DEFENCE

Hon. Mr. LANGEVIN moved the second reading of the bill from the Senate respecting militia and defence.

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INSPECTION OF STEAMBOATS

Hon. Mr. MITCHELL moved the first reading of the amendments made by the Senate to the Act respecting the inspection of steamboats.

FIRST READING

Hon. Sir JOHN A. MACDONALD moved the first reading of the bill from the Senate respecting offenses against the person; also, the first reading of a bill to make better provisions to prevent the desertion of seamen.

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SALARIES OF MINISTERS

Hon. Sir JOHN A. MACDONALD gave notice that tomorrow he would move the House into Committee on a resolution respecting the salaries of Ministers of the Crown.

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NEW WRIT

Hon. Sir JOHN A. MACDONALD gave notice that he would move tomorrow that a new writ issue for the electoral district of Hants for the election of a member in the room of the Hon. Joseph Howe.

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THE ATLANTIC CABLE COMPANY

On motion of **Mr. THOMSON (Welland)** the bill to incorporate the Canada Atlantic Cable Company was passed through its various stages.

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PILOTAGE

On motion of **Hon. Mr. MITCHELL**, the bill respecting Pilotage was read a second time.

* * *

CONTROVERTED ELECTIONS BILL

In answer to Hon. Mr. Mackenzie,

Hon. Sir JOHN A. MACDONALD said that tomorrow his hon. friend wished to bring up some important financial resolutions. The Controverted Elections Bill was not quite finished by the Committee last night, but it might be considered to be virtually passed by Parliament.

The House adjourned at 2 a.m.

May 9, 1873

HOUSE OF COMMONS

Friday, May 9, 1873

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

Prayers

PETITION

Mr. BEATY presented a petition from the Trades Union of Toronto, praying for amendments in the Act respecting Trades Unions.

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THE LIBRARY

Mr. JOLY presented the report of the Library Committee, recommending an increase of salary to the employees in the Library.

Hon. Mr. BLANCHET said he was authorized by the Library Committee to suggest the desirableness of having busts made of the late Messrs. Baldwin, Papineau, and D'Arcy McGee to be placed in the Library.

Hon. Mr. MACKENZIE said he hoped the matter would not be brought up, as something unpleasant would arise.

Mr. MACDONALD (Glengarry) complained of the increase of expenditure in the library for useless books.

Mr. GRANT repudiated the statement of the member for Glengarry. The library contained the leading works of literary men on both sides of the Atlantic. He thought the expenditure in this direction was of the highest importance. (*Cheers.*)

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PROHIBITORY LIQUOR LAW

Mr. BODWELL presented the second report of the Select Committee on the Prohibitory Liquor Law question. The committee urged on the House some action to meet the wishes of the petitioners.

On the motion of **Mr. BODWELL**, the report was referred to the Printing Committee.

JACQUES-CARTIER ELECTION

Mr. MILLS presented the report of the Committee on the Jacques-Cartier election, asking leave to adjourn till the second Wednesday of next session.

On motion of **Mr. MILLS** leave was given accordingly.

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BANKING AND COMMERCE

Hon. Sir FRANCIS HINCKS presented the report of the Committee on Banking and Commerce.

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GENERAL ELECTION COMMITTEE

Hon. Mr. CAMPBELL presented the report of the General Committee on Elections, with the names of the members selected on the following Election Committees:—

Northumberland East: Right Hon. Sir John A. Macdonald, Messrs. Staples, Wood, Pearson and Webb.

North Perth: Messrs. Chipman, Macdonald (Glengarry), Tupper, Wilkes and Savary.

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QUEBEC CENTRE ELECTION

Mr. KIRKPATRICK presented the report of the Quebec Centre Election Committee asking leave to adjourn until the 15th of August.

On motion of **Mr. KIRKPATRICK** leave was given accordingly.

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MASKINONGÉ ELECTION

Mr. BABY (Joliette) presented a report of the Maskinongé election Committee asking leave to adjourn till the 2nd of September.

Permission was granted in accordance with the report.

PORTNEUF ELECTION

Mr. BROOKS presented a report of the Portneuf Election Committee asking leave to adjourn till the 2nd of September.

The Committee were granted leave accordingly.

* * *

PLIMSOLL'S SHIPPING ACT

Mr. KILLAM asked if the government had taken or intended to take any steps with regard to Mr. Plimsoll's Bill relating to the Shipping Law before the British Parliament. He considered that the Bill would operate to the disadvantage of the Canadian shipping.

Hon. Mr. MITCHELL said his attention had been called to the course public opinion was taking in relation to the great loss of life from unseaworthy ships in England, and to Mr. Plimsoll's Bill on the subject, and fearing some legislation should be adopted by the Imperial Government which would affect Canadian shipping, even before he had seen Mr. Plimsoll's Bill he had caused a report to be drawn up to be submitted to her Majesty's Government requesting that nothing should be done to affect Canadian shipping until the Canadian Parliament should have an opportunity of expressing an opinion upon the whole question.

He had been waited upon by a delegation from the St. John Board of Trade and several leading men from the Maritime Provinces, regarding his own Bill. If Mr. Plimsoll's Bill became law, it was quite true it would very seriously affect Canadian shipping property, and it was his intention to ask Her Majesty's Government to exempt Canadian shipping from the provisions of that Bill if it became law, which he did not think it would.

One of the Bills on the paper, and which he hoped to reach today, would contain a proposal for establishment of a Canadian Lloyd's, and if the House should adopt the suggestion, he proposed that this Government should ask the Imperial Government to place it upon the same footing as British Lloyd's, so far as regards our own shipping. (*Hear, hear.*)

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THE LACHINE CANAL

Hon. Mr. YOUNG (Montreal West) enquired whether it was the intention of the Government to relieve the present crowded state of the Lachine Canal by constructing new basins on it.

Hon. Mr. LANGEVIN said the Government intended to build not only a basin on the Montreal side of the canal, but also a large basin on the other side of the canal in connection with the improvements at the new entrance to the canal, and tenders would be called for immediately for this work.

BET ROOT SUGAR

Mr. JOLY before the Orders were called, asked that the Orders should be allowed to stand, and that he should be allowed to bring up the resolutions in respect to beet root sugar.

Hon. Mr. TILLEY said that he hoped to reach the resolutions today. The Government, however, desired to proceed with several bills sent down by the Senate.

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THE RAILWAY ACT

Hon. Mr. LANGEVIN moved that the bill entitled —“An Act to Amend the Railway Act” be referred to a Committee of the Whole. He desired that the bill should be referred to the Committee in order to incorporate in it certain provisions in a bill introduced by the hon. member for Ontario South (Mr. Gibbs).

The House went into Committee, **Hon. Mr. CAMPBELL** in the chair.

The Committee rose and reported the bill as amended.

The amendments were read a first and second time, and the bill was read a third time and passed.

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GAS INSPECTION

Hon. Mr. TUPPER moved the House into Committee on the bill to provide for the inspections of gas and gas meters.

Several amendments recommended by the Committee on Banking and Commerce were introduced.

The bill was adopted.

The Committee rose and reported. The amendments were read a first and second time, and the bill was read a third time and passed.

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PILOTAGE

Hon. Mr. MITCHELL moved the House into Committee of the Whole on the bill respecting pilotage.

Hon. Mr. YOUNG (Montreal West) said that it was very difficult to introduce a bill which would suit everybody, and he recognized the efforts that the Government had made in order to meet the necessities of the country; but this was a measure which was very necessary in the interests of the country, and required that it should be based upon a sound principle. The measures that had been brought forward respecting deck loads, lighthouses and pilotage were all measures in which the whole country were interested. They were all measures tending to reduce the cost of

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transportation to the producers and to the consumers of this country. It was on this ground alone that he would make any remarks upon this bill, the details of which he would not discuss at present. The principle of the measure, he thought, was entirely incorrect.

He then gave a history of the pilotage measures which the country had, showing that in 1849 the Cauchon Act had been introduced, which had worked very well indeed. In 1860, however, another bill was introduced which incorporated the pilots and brought in the principle of share and share.

There was no room for emulation among the pilots, each being paid alike for their services.

This principle was entirely unsound, and existed in no other country. It was believed by the mercantile community that it had acted injuriously upon the commerce of this country, and tended to increase the rates of insurance. So much was this the case that in 1864 a petition had been presented against the bill by the shipmasters trading to Quebec. In the same year the shipowners of London had presented a similar petition, and later, a memorial had been presented by Lloyds. He did not mean to say that losses would not occur under the best system that could be devised, but he should mention just a few losses that had resulted from this system. He then proceeded to read the details of several wrecks that had occurred. The effect of all this had been to increase the rates of insurance to a very large extent.

He should like the Minister of Marine to read a letter which he (Hon. Mr. Young) had been informed by telegraph had been sent to him by the Montreal Board of Trade.

Hon. Mr. MITCHELL had not got the letter with him, for the reason that he did not think it necessary, inasmuch as the President of the Montreal Board of Trade had come to Ottawa, and after half an hour's conversation with him (Hon. Mr. Mitchell) and with the Deputy Minister of Marine he had become so convinced of the propriety of the disposition of the bill that he had withdrawn his opposition to it.

Hon. Mr. HOLTON said his hon. friend had made a very strong argument, but he knew it was no use, as the hon. Minister of Marine and fisheries seemed determined to carry his measure through without any reference to the mercantile portion of this House. He (Hon. Mr. Holton) knew that it would be so long as the hon. gentleman refused to refer the Bill to the Standing Committee on Banking and Commerce. He would leave the whole responsibility on the head of the hon. gentleman himself.

Hon. Mr. MITCHELL: When Mr. McLellan, President of the Montreal Board of Trade, first arrived in the city he went to an hon. member and asked him to oppose the bill. The gentleman asked him if he has seen the Minister of Marine, to which he replied that he had not but intended to do so. Within two hours he returned to the hon. gentleman and asked him not to oppose the bill; that after the

explanations that he had received, he thought that the bill was fair enough and that he withdrew his opposition to it.

After some further remarks by Hon. Mr. Young (Montreal West),

Hon. Mr. HOLTON complained that the mercantile interests were neglected in the bill and said when Mr. McLellan had spoken to the Hon. Minister of Marine and Fisheries he had not seen the Bill, and had only had personal explanation from that hon. gentleman in regard to its provisions. He (Hon. Mr. Holton) had afterwards, at Mr. McLennan's own request, forwarded him a copy of the bill, and he was aware that the gentleman referred to had not yet withdrawn his objection to the principle opposed by the hon. member for Montreal West (Hon. Mr. Young).

Hon. Mr. MITCHELL said the President of the Board of Trade had said that the bill was unobjectionable and had gone to the member for Perth North (Mr. Daly) and asked him to consider what he had said against the bill as unsaid. It was a remarkable thing that to a bill with so many clauses, involving so many interests, this was the only objection made by all those who had spoken on the subject. He admitted that the clause to which there was objection was a very important one. He believed the open system would create an amount of trouble. He considered that about as fair provisions were embodied in this bill as any measure he could prepare. There were very great concessions to the mercantile communities on the bill.

Mr. LANGLOIS cited many provisions in the present pilot laws which did not exist in the former law, and which he said would make the service of pilotage more effective. He defended the bill.

Mr. RYAN expressed himself in favour of the competitive system. The bill was a concession to the mercantile community. He showed that the member for Montreal West had expressed himself in favour of the bill, but had said he could not vote for it on account of Party exigencies.

Hon. Mr. MITCHELL moved that the Committee rise and report progress and ask leave to sit again.—Carried.

Mr. MILLS moved that when the House rose at six o'clock, it stand adjourned until 7.30 to allow an Election Committee to sit.—Carried.

The House then adjourned at six o'clock until 7.30 p.m.

AFTER RECESS

MARITIME WAREHOUSING AND DOCK COMPANY

Mr. DOMVILLE moved the consideration of the amendments made by the Senate to the bill to incorporate the Maritime

Warehousing and Dock Company.—Carried. The amendments were concurred in.

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MARITIME EQUIPMENT COMPANY

On motion of **Mr. DOMVILLE**, the amendments made by the Senate to the bill to incorporate the Maritime Railway Equipment Company were concurred in.

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WARRIOR MOWER COMPANY

On motion of **Mr. BROUSE**, the amendments made by the Senate to the bill to incorporate the Warrior Mower Company were concurred in.

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LACHINE HYDRAULIC COMPANY

On motion of **Mr. BEAUBIEN** the bill to incorporate the Lachine Hydraulic Company Works, and to grant certain powers thereto, was read a second time.

The House then went into Committee on the bill, adopted it, and reported it to the House, and the bill was read a third time and passed.

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MESSAGE FROM THE SENATE

The SPEAKER read a message from the Senate announcing the passing of several bills; also, transmitting an Act to remove doubts as to the Dominion Lands Acts, and also the amendments to the bill from the Commons incorporating the Royal Canadian Insurance Company.

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DOMINION LANDS

Hon. Mr. LANGEVIN moved the first reading of the bill from the Senate to remove doubts as to the Dominion Lands Act.—Carried.

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ROYAL CANADIAN INSURANCE COMPANY

Mr. YOUNG (Waterloo South) moved the concurrence of the House in the amendments made by the Senate to the bill to incorporate the Royal Canadian Insurance Company.—Carried.

PILOTAGE

On motion of **Hon. Mr. MITCHELL**, the House went into Committee again on the Pilotage Bill.

Mr. RYAN said he had seen the President of the Board of Trade of Montreal, who had expressed himself in favour of the bill as legislation in the right direction, and he (Mr. Ryan) was therefore prepared to vote for the bill. He thought that it was unfair for the hon. member for Montreal West to attribute the wrecks which had occurred to the present system of pilotage. They were, he thought, due rather to matters which had been provided against by the legislation of the present session, such as deck loads and improper loading at the port of Montreal. He drew the attention of the hon. member to the fact that two steamers were lost last season within a gun-shot of Montreal harbour. He of course favoured the competitive system of pilotage, but believing that it would have been impossible this session to have carried a bill which should have contained this principle, he would vote for the present bill.

Mr. FOURNIER said that in supporting the bill, as he intended to do, he would do so altogether apart from political considerations, but in the public interest. He opposed the views of the member for Montreal West, believing that the introduction of competition would be a mistake.

Mr. JOLY agreed with the previous speaker in almost every point, and went on to show that the law had only been known to have been departed from in one instance.

Mr. FORTIN said that the pilotage in the St. Lawrence was the longest, the most difficult, and the most dangerous in the world. This was easily understood, when he stated that for the whole distance, from Bic to Quebec, there was not a single place of safety or refuge, and the only anchorage that was to be found was in the stream.

Pilots had, before they could take a branch, to go through an apprenticeship of seven years. They had, besides, to go three times to Europe as seamen before the mast, and they had to pass a very strict examination as to the character of the river. After all this preparation a man frequently made but \$450 a year, being less than an ordinary day labourer got on shore. The system now in existence was not merely fanciful. It was based upon sound principles. He pointed out the hardships under which pilots had laboured during the existence of the Act of 1849. He contended that instead of the present system being unsuitable to the mercantile community, it was the best that could be devised for the navigation of the St. Lawrence, though it might not do for New York, or for the Thames, or the Mersey.

He thought that the fact of 36,125 captains of vessels having testified to the efficiency of the pilots by giving certificates, against 36 who had reported unfavourably, was sufficient proof of the efficiency of the present system.

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Mr. Fiset supported the bill.

Mr. Killam thought the principle advocated by the hon. member for Montreal West (Hon. Mr. Young) was not calculated to benefit the good pilots. He denied that the pilotage on the St. Lawrence was as dangerous as the hon. member for Gaspé (Mr. Fortin) had said. He thought, if the principle advocated by the hon. member for Montreal West was incorporated in the bill, it would be very acceptable.

Hon. Mr. Young (Montreal West) deprecated the idea that the navigation of the St. Lawrence was dangerous. He adverted to the necessity of the lighting of that river through its whole length. He would like to see pilots making \$1,200 to \$1,400 a year, and the merchants were willing to pay it. The Council of the Board of Trade were in favour of the competitive system, and protested against the bill without that system being embodied in it.

Hon. Mr. Mitchell called on the member for Perth North (Mr. Daly) to state what he knew about Mr. McLennan's visit to Ottawa on the subject of this bill.

Mr. Daly said he had had a conversation with Mr. McLennan on his arrival from Montreal. He was opposed to the bill, and asked him (Mr. Daly) to assist in opposing it. He told Mr. McLennan that if he saw the Minister of Marine and Fisheries, and offered any amendments, he was sure the Minister would try and meet his views, as he was anxious to meet the views of all parties. He had afterwards seen Mr. McLennan, who told him that he was perfectly satisfied with the amendments made by the Minister of Marine and Fisheries, and if it was not a success, it would be the fault of the Trinity House of Quebec, but the Trinity House was under the Government, and they could thus perfect the bill.

Mr. Mackay said the system of share and share alike would not be allowed to exist in Nova Scotia by the pilots. He opposed the clauses exempting steamers in Nova Scotia from compulsory pilotage, and moved that part three and part five in the Act be struck out. He read a letter from a gentleman of experience in shipping matters, who objected to portions of the Bill.

Hon. Mr. Mitchell stated, in answer to Mr. Killam, that pilotage respecting vessels under 250 tons remained the same for the St. Lawrence, but in winter ports the matter was left to the local authorities.

Mr. Doull thought this bill ought not to be hurried through without an opportunity being given to the parties interested to express their opinions on the subject. He advocated a reference of the bill to the Committee on Banking and Commerce.

The Committee rose and reported the Bill with amendments.

Mr. Mackay withdrew his motion.

The Committee rose and reported the bill as amended.

MANITOBA CUSTOMS DUTIES

On motion of the **Hon. Mr. Tupper**, the amendments made by the Senate to the bill to make further provision as to the duties of customs in Manitoba and the North-west Territory, were concurred in.

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THE ST. LAWRENCE CHANNEL

On motion of **Hon. Mr. Tilley**, the amendment by the Senate to the bill to make further provision for the improvement of the St. Lawrence between Montreal and Quebec was concurred in.

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PLIMSOLL SHIPPING BILL

Hon. Mr. Mitchell moved the House into Committee on the Bill in relation to shipping and the registration thereof. He explained that the object of the Bill was to make universal the measurement and registration of vessels. The latter position of the bill was rendered necessary by the Plimsoll legislation, which was viewed with disfavour in Canada, and he proposed to establish a Canadian classification of vessels which the British Government would be asked to recognize, so as to preclude the necessity of the classification in Lloyd's required by Mr. Plimsoll's Bill.

Hon. Mr. Anglin pointed out the importance of the Bill, and he thought it should have been referred to the Committee on Banking and Commerce, where it would have received a careful consideration before being submitted to the House. He called attention to a certain provision in the law with regard to the registration of mortgages on vessels which he was of opinion would tend to frauds and shut out creditors.

Hon. Mr. Mitchell did not think the objection was a good one. This provision was generally inserted in similar Acts and he was of opinion it would not tend to the encouragement of frauds, as the parties could, on application to the registry office, obtain all the information they required. He said that on concurrence he would have no objection to amend the Bill in any manner that would add to its completeness.

Hon. Mr. Wood pointed out that this law would come into conflict with the law of Ontario. He thought the bill would have to go to the Committee on Banking and Commerce, and after consideration be probably abandoned altogether.

Mr. Mills agreed with his hon. friend from South Brant (Hon. Mr. Wood). He thought that as long as a vessel was on the stocks it should be treated legally as a house would be, but once that vessel was put afloat, it would be subject to maritime jurisprudence.

Hon. Mr. WOOD said this House was deprived of jurisdiction in the Province of Ontario by the law passed by the local Legislature giving a lien over ships until such time as wages and all materials used in building were paid. If that were law, then this House could not legislate otherwise.

Mr. PALMER contended that this Parliament had the paramount right in everything concerning shipping and insolvency laws, and therefore this was within its power.

Hon. Mr. ANGLIN hoped the consideration of the question would be deferred. Although he did not think that the provisions of the Bill were very objectionable, all persons in the House and country engaged in shipping had not had an opportunity of examining the Bill, and he thought they should.

Mr. KILLAM thought there had been ample opportunity for full examination of the Bill, and he was of opinion that they really had examined it pretty fully.

The other clauses of the Bill were then passed; and, on the question of the adoption of the 26th clause,

Mr. MILLS asked the serious consideration of the Minister of Marine to the question of mortgages as affecting Ontario.

Hon. Mr. MITCHELL said the same provisions were had in Ontario already.

Mr. MILLS said it was so, but when was the law passed? Why, before Confederation. At the time of the union of the Provinces there was a division of power and this matter, so far as ships under construction were concerned, clearly came under the jurisdiction of the local Legislature. The attention of the law officer of the Crown must first be drawn to this matter more particularly. He ought to have been in his place to give that opinion now.

Mr. TOURANGEAU said he had sent copies of the Bill to gentlemen concerned in his constituency, and as he had not had time to receive a reply from them, and as there were several provisions in the bill on which he would require their opinion before he assented to it, he hoped it would be postponed for the present. There were some amendments he would also propose.

Hon. Mr. MITCHELL said this could be done on motion for concurrence.

* * *

HARBOUR DUES

Hon. Mr. TUPPER moved for leave to introduce a Bill entitled An Act to repeal chap. 86 of the law of British Columbia, respecting harbours and harbour dues, and to regulate licences for vessels employed in coasting and the inland navigation trade.

The Bill was read a first and second time and passed through Committee, and was fixed for third reading tomorrow.

* * *

THE INSOLVENT ACT

Hon. Mr. TUPPER moved the second reading of the Act to continue for a limited time the Insolvent Act of 1869.

* * *

MILITIA AND DEFENCE

Hon. Mr. LANGEVIN moved the second reading of the bill to extend the Act to amend the Act respecting militia and defence. He explained that the object of the bill was, first, as to the calling out of the militia. Under the present law, magistrates could not call out the militia except in case of an actual riot. The amendment would permit of the calling out of the militia in order to prevent a riot, when there was good reason to believe that a riot was likely to occur. The object of the second clause in relation to Court Martial was, that the Governor, acting for Her Majesty, might delegate his power to act in a case of this kind; but no officer of Her Majesty's Regular Army could sit upon a Court Martial.

Hon. Mr. MACKENZIE thought the powers conferred upon magistrates, who in this new country were not always men of education—not even always of great discrimination—by the Bill was tremendous. He entirely objected to the Bill, but if it were bound to pass this House, it could not pass in the present form. If it were deemed necessary to give this power, he thought the requisition should have to be made by more than one magistrate, and there should be at least three or four. If this were not done, it might be found that some foolish magistrate would entail unnecessary expense upon his municipality, when he had taken it into his head that a riot was likely.

Hon. Mr. LANGEVIN said that in many instances the militia had been called out when no riot had occurred, and when the action taken by the magistrates was illegal. There was a recent case in a local election in the city of Quebec, when danger of riot was imminent. The magistrates had called out the militia, and they were perhaps liable for so doing, as no riot had occurred. This shewed, he thought conclusively, that the exercise of that power, which in this case was illegal, had been beneficial, and that it was necessary. The argument that magistrates were many of them unfit to perform their duties applied to all their functions. This House was not here to legislate on the supposition that its laws were to be administered by incompetent men.

Hon. Mr. MACKENZIE said the hon. gentleman had given an instance in which he said the action had been beneficial, and he had no doubt that in some rare instances such was the case, but the hon. gentleman must remember that they were not here to legislate for exceptional cases. He entirely objected to the bill, but if the bill had

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to pass through the House, more safeguards must be provided. It must be provided that action could only be taken by the three or four or more magistrates.

Hon. Mr. BLANCHET thought the amendment a wise one, and he felt that it would in many instances prevent riot and bloodshed.

Hon. Mr. McDONALD (Pictou) said that it appeared to him that the question raised by the hon. member for Lambton (Hon. Mr. Mackenzie) was one of expense. He, however, doubted the question of the constitutionality of conferring upon civil magistrates the higher power of calling out the civil force. He thought that there could be very little danger in granting to magistrates this additional power, and that it would be very likely to prevent serious rioting and bloodshed. The stupidity or otherwise of magistrates should not come up here.

Mr. MILLS suggested that the Local Governments should be authorized to legislate in this matter, and let their magistrates, in case they thought it necessary, have the benefit of the services of the Dominion military authorities. Civil magistrates had already the power necessary for the preservation of peace.

Mr. HIGINBOTHAM said he thought, if the proposal was simply to give power to magistrates to call upon militia office in case they thought a riot was impending, it was quite right and he would vote for the Bill in its present form.

Hon. Mr. MACKENZIE said he objected to the Bill itself, but since the hon. Minister in charge of the Bill was willing to take some of his objections into consideration, he would not oppose this stage, but he warned the hon. gentleman that the Bill was out of order. It could not originate in the Senate properly.

The Bill was then read a second time.

* * *

THE PENITENTIARY ACT

Hon. Mr. HOLTON said this Bill was subject to the same exception as the former one. It could not properly originate to the Senate because it involved the expenditure of money. He hoped, however, that there was not going to be exceptional legislation for New Brunswick, as the Local Governments in other Provinces paid for this expenditure, that is to say, for prisoners sent down for short terms of incarceration.

Hon. Mr. TILLEY said a joint Penitentiary was being erected for New Brunswick and Nova Scotia, and this was merely to extend this privilege for another two years.

The motion was then carried.

* * *

SHIPPING OF SEAMEN

Hon. Mr. MITCHELL moved the second reading of the bill to amend the Acts respecting the shipping of seamen, from the Senate.—Carried.

The House went into Committee on the bill, rose and reported.

* * *

DESERTION OF SEAMEN

Hon. Mr. MITCHELL moved the second reading of the bill to provide more effectually against the desertion of seamen.

Hon. Mr. MACKENZIE said that the provisions of the bill were very extraordinary. It was provided that the right of appeal against a magistrate's decision should be taken away. He could see no reason why the seamen should be deprived of this right.

Hon. Mr. MITCHELL said that the state of the crimping system at Quebec was such that strong measures were required. It was found that seamen were brought up, and appealed against the decision of the magistrates, abundant money being supplied by the crimps, and thus before the appeal could be taken the ship was away and the seamen generally escaped.

After some discussion,

Hon. Mr. HOLTON suggested that, in the interests of humanity—

Hon. Mr. MITCHELL: Yes, humanity. Those poor specimens of humanity who had been kept here until two o'clock this morning, and were now here again until one o'clock tomorrow morning. (*Cheers and laughter.*)

The bill was read a second time.

On motion of **Hon. Mr. MITCHELL** the House went into Committee, rose and reported the bill.

The House adjourned at 12.45 a.m.

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HOUSE OF COMMONS

Saturday, May 10, 1873

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

Prayers

AFTER ROUTINE

INDIAN AFFAIRS

Hon. Mr. LANGEVIN submitted returns relating to Indian affairs in British Columbia as moved for.

* * *

THE LIBRARY

Mr. JOLY moved that the recommendations of the Library Committee respecting the salaries of the officials be adopted. Increases in salaries would be adjusted by the Speakers at both Houses.

* * *

VENTILATION OF THE HOUSE

Mr. BROUSE presented a report of the Committee appointed to inquire into the causes of so much sickness among the members of the House. He also presented certain drawings referred to in the report of sanitary arrangements. He remarked that the principal cause was want of ventilation. The sewers are too large to be flushed, and impure air was generated in them and forced back.

It was proposed to bring warm air in from the top of the building instead of from below as at present, and to construct a fan underneath to create a current for carrying away impure air. One gentleman on the Committee brought in a minority report showing, before anything was done in the way recommended by the report, the desirability of converting the building presently being erected for a library into a chamber for the Commons.

Hon. Mr. CAMERON (Cardwell) condemned the practice of introducing cold air to the House through underground passages, where it was necessarily foul and polluted.

Mr. CARTWRIGHT said that the atmosphere in the committee rooms was not only injurious to health but foul to the taste.

The report was adopted, and order to be printed.

* * *

ELECTION COMMITTEES

The following were sworn in to try the following contested elections:—

Rimouski—Messrs. Holton, Pelletier, Stirton, Archambault, Lantier.

Perth, N.R.—Messrs. Chipman, Macdonald (Glengarry), Tupper, Wilkes, and Savary.

* * *

THE PACIFIC RAILWAY ACT

Hon. Mr. BLAKE asked if the Government were going, before the prorogation of the House, to give an answer as to whether they intended to bring in a measure to sanction the fifteenth clause of the Pacific Railway Act.

Hon. Mr. TILLEY promised an answer on Monday.

Hon. Mr. BLAKE: Ah yes; that has been the story all along—to-morrow, to-morrow.

* * *

SUPPLY

Hon. Mr. TILLEY moved the House into Committee of Supply.

In answer to **Hon. Mr. Holton**,

Hon. Mr. TUPPER said **Right Hon. Sir John A. Macdonald** was in bad health, and by his (**Hon. Mr. Tupper's**) advice had not come to the House today.

Hon. Mr. HOLTON said he thought it very unfortunate that the hon. gentleman who led the House in the absence of the Prime Minister should not be in a position to answer the question of the hon. member for South Bruce (**Hon. Mr. Blake**) respecting the intention of the Government as to the Pacific Railway charter. The hon. gentleman would remember that a fortnight ago the House was promised an answer on that question after the arrival of the first English mail. There had been several English mails during that time, yet there were asked further to postpone the matter till Monday.

What he desired to call attention to was that one item of the supplementary estimates for the present year which had not been passed was with reference to the Pacific Railway grant, which could not be proceeded with until the information desired was given, and any other items that could be passed were of such small importance that it was not worth while moving the House into Committee specially for them. The House was not in a position to discuss the Pacific Railway matter at present.

Hon. Mr. TILLEY said they did not propose to take the matter up just now. There were quite a number of resolutions on the paper, some of which were of considerable importance, as the hon. gentleman would see, and would be likely to create a considerable deal of discussions. They proposed to discuss the Supplementary Estimates of next year.

Hon. Mr. BLAKE said he extremely regretted he did not get more information before expressing his views on the subject. The Pacific Railway contract contained a clause upon which it was hoped a good deal of discussion should take place, that is with reference to the price of land and other provisions, expressly made subject to the sanction of Parliament. If this Parliament did not sanction these provisions, it was quite obvious that the Company should have power to refuse to implement their contract.

The charter was not practically in force, because some of its most vital clauses must have, and did not yet have, the sanction of Parliament. The charter was granted on the 13th of January, with a view of having the scheme floated in England, and accordingly shortly afterward several gentleman concerned did proceed to England for that purpose. Parliament, too, had not been called together at the proper time, merely for the purpose of having the scheme floated before they were called upon to sanction that portion of the charter, and accordingly the Government made sure that the promoters of the scheme were safely over the Atlantic before the House met. They had been and now were engaged, as we had been told, in endeavouring to arrange with the British public to float bonds to the amount of forty thousand dollars per mile, issued upon the credit of this enterprise.

It seemed to him the burden of duty of the Government at the earliest moment, having passed this charter shortly before the nominal time of the meeting of Parliament, and not having called Parliament together for a considerable period afterwards, and the corporation had then taken steps to bring it before the public—it seemed to him it was the duty of the Government to submit to Parliament such legislation as was necessary in order to implement that contract, and have the verdict of the House upon that contract. It was their bounden duty to this House, it was their duty to the country, it was their duty in their own interest as well as to the British public, if they expected that the British public were prepared to invest in this scheme, to have put themselves in a position to implement their contract.

Let us assume that the corporators are succeeding or have succeeded—what was the position of this House in regard to that contract? They should be told, as we had been told dozens of times

since Confederation, that we have got a Treaty by which we were morally bound and from which we could not depart. There was a clause in the charter which we are told this House had power to reject, but yet which they actually could not if they would, were the corporations successful in England. The Government had proceeded on the faith of this policy being adopted by Parliament, and of course so did the corporations, and that before this Parliament had expressed any opinion upon the subject at all. Now, he said, that under these circumstances one of the tried measures which the Ministers ought to have laid upon the table was a measure relating to this clause, upon which discussion could have taken place, as well as upon the charter itself.

What had been the course of the Minister with reference to their legislative Acts? They announced two measures in the Speech from the Throne, one relating to the Controverted Elections and Election bill, and a few other minor measures with reference to Controverted Elections Bill, the principle of which was not disputed by the Opposition. It has been disputed by the Government. They had resisted it, and they owed their places to that resistance; but they brought in a Bill now, because public opinion was so strong in its favour that many of the Ministerial supporters, in order to secure their election, were obliged to declare themselves in favour of it. They brought in a Bill with certain objectionable provisions at so late a period, that when it was announced by the Premier that he expected to adjourn the House this day week it had not yet passed through Committee of the Whole, and when the consideration of those objectionable features would be resumed they had no idea. Then how did the election Bill stand? It was introduced early by a flourish of trumpets, but more than a month passed after that before it was printed and it had not yet passed its second reading. The third measure of the Government was that with reference to the construction of the Pacific Railway, and they were told that whether it should be brought forward or not depended upon the negotiations in England. It was important that the House should determine upon this particular clause before the negotiations came to a head, but yet day after day they were put off with excuses, and now, when they were told that they were within a week of adjournment, they were told that they would be informed next Wednesday whether this Bill was to be introduced or not.

It did seem to him that the course of the Government with reference to this legislative measure, particularly one with reference to the construction of the Pacific Railway, was discreditable, and productive of the very worst results to the interests of the country.

Hon. Mr. TUPPER said that at this period of the session, with the large amount of public business to be performed within the short period that remained, the hon. member for Bruce South (Hon. Mr. Blake) ought to have had some regard for the exigencies of the public business in occupying the time of the House as he had done today. The hon. gentleman complained of that which no statesman had ever complained of, namely, the adoption of his own policy.

He (Hon. Mr. Tupper) contended with regard to the two measures, that of Controverted Elections the election law, the

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government had not changed their views, but the government had always held that the time had not arrived when these questions could be satisfactorily dealt with, and had promised that they should be introduced when the country was ready for them. It, however, ought to be a matter of congratulation, and not for complaint, that the government had been induced to introduce a measure recommended by the Opposition, but those measures were not urgent, and crude measures on these subjects should not be passed. The government had, however, taken the very important step of laying them before Parliament for discussion and before the country for consideration, and he did not think either of these measures would be at all prejudiced, or the public interest at all injured, by the fact of the most ample opportunity being afforded for their consideration.

As far as the election law was concerned the Government had not adopted the principle of the hon. member for South Bruce. Why, where did he get the law of simultaneous polling? Ontario got it from the Province of Nova Scotia, the only Province of the Dominion that, for years, had tried that system and had established its value.

Hon. Mr. WOOD: It was suggested by the Reform Party twenty-five years ago.

Hon. Mr. TUPPER: Then why did not the Reform Party who were in power twenty-five years ago make it the law of the land? The fact was that of the various Governments that had been in power the present Government was the first to bring down such a measure. (*Cheers.*)

But now about the Controverted Elections Law. Was the hon. gentleman aware that a personal and political friend of his (Hon. Mr. Tupper's) own introduced the same law in the Nova Scotia Legislature, and the reason that was not the law of the land today was that the Party which the hon. gentleman claimed as being in accord with himself rejected it. So in this respect also he was happy to say the hon. gentleman only borrowed, he would not say the bill for he might have improved it, but the principle, from a personal and political friend of his (Hon. Mr. Tupper's) own.

This matter of the Pacific Railway was one of the most important questions that had even been submitted to the Parliament of Canada, and the hon. member for South Bruce exercised all the great ability he possessed, and his Party did everything it could do to obstruct and embarrass that measure on its passage through the House. Parliament had differed from him, and decided by an overwhelming majority that it was in the interest of the country that the work should be undertaken. What followed? The hon. gentleman went to the country, and his friends used the mode Parliament had adopted for carrying out this work as the great stalking-horse to bring himself and his Party into honour, and the country rang with denunciations of the Government and its policy in relation to that work. As Parliament decided against him, and the country decided against him, did he think it was patriotic after the policy of the government had been ratified by the people to

endeavour at a most critical time in the history of Canada to create obstructions in regard to this work. The Opposition had made constant onslaughts on the Pacific Railway contract, and they expressed their desire to crush and break down the undertaking and destroy the means by which they hoped to obtain the money. He believed that was the source of inspiration for all these onslaughts made on the government at both ends of the building. Under the circumstances, the hon. member opposite might have accepted the statement of the First Minister, that he did not think it wise to bring that question before the consideration of Parliament while matters were in their present condition in regard to the negotiation by which this country might confidently hope would be brought the millions of foreign capital into Canada required to the contract of our Pacific Railway. (*Cheers.*) The hon. gentleman opposite might, at this period of the session, have found some other ground than that of the policy on the Canadian Pacific Railway upon which to lecture the Administration. (*Cheers.*)

Hon. Mr. BLAKE: Will the hon. gentleman name the occasion on which I have debated the question of the Pacific Railway? I deny that I debated it at all this session.

Hon. Mr. TUPPER said he believed the whole object of discussion of the gentlemen opposite was to break down the character of the Administration of the country and of gentlemen on the other side of the Atlantic, who were endeavouring to raise money to build the road. The hon. gentlemen opposite, having failed in the last Parliament in defeating the Government, they attempted to do so by these discussions. When a statement was made the other night by an hon. gentleman opposite which was intended to destroy the reputation of the Government, and which sent a thrill of horror through the country, it was cheered to the echo by the gentleman opposite.

Hon. Mr. BLAKE: As the hon. gentleman has not answered my question it is due to myself, by way of explanation, to say positively that the hon. gentleman could not answer it. There was no occasion before this hour on which I have said one word with reference to the Pacific Railway Charter, except to put a question to the first Minister whether he intended to bring down a measure to sanction this clause of the charter or not. I have just one word more to say. Thank God, the character of Canada does not depend upon the character of the Government of the day.

Hon. Mr. MACKENZIE referred to the statement of the Minister of Customs (Hon. Mr. Tupper) that no statesman could complain of his political opponent introducing his measure and said he could point to many instances where prominent statesmen in England had censured the conduct of a Minister taking up the measures of his opponents to which he had personally been opposed. The Conservative party of England had made ground of complaint against Sir Robert Peel that he had introduced the Radical measures of their opponents. What was the complaint against Disraeli by Lord Salisbury, but that Disraeli had, when in power, become a more ardent Radical than those to whom he was opposed were when in power. Lord Salisbury had characterized

those who bring in measures of their opponents merely to obtain power as simply political adventurers without political character and standing.

They know that a certain gentleman in Nova Scotia brought in a measure into the Legislature of that Province that was entirely opposed to the principles of the party that he led. They knew that that hon. gentleman, in order to escape from the dilemma into which his conduct placed him, had since Confederation claimed that he never was Conservative at all, but all the time was really a Liberal, although connected with and leading the Tory party. The hon. gentleman seemed to think that measures that were delayed by the Government were not urgent, and were merely introduced for the purpose of being exhibited. He complained that his hon. friend should object to those measures not being pressed because he (Hon. Mr. Tupper) characterized them as crude measures. Well, if they were crude the House was prepared to fashion them into something like proper shape.

The hon. gentleman asked why, if the Liberal party were in favour of simultaneous polling, did they not carry it into effect by legislation. In 1864 the hon. member for Napierville (Hon. Mr. Dorion) carried a Bill through the Lower House providing for simultaneous polling, but one of the hon. gentleman's leaders, Sir George-É. Cartier, managed to smuggle it in the Upper House, which the late J.S. Macdonald on that occasion characterized as a *refugium peccatorum*. That was a reason why the measure did not become law.

Hon. Mr. TUPPER asked if the Senate was not elective at that time. (*Ministerial cheers.*)

Hon. Mr. MACKENZIE said his hon. friend was not half as shrewd as he thought he was. There were in the Upper House at that time a certain number of elected members and a certain number of nominated members. Had it been left to elected members alone the measure would have become law. (*Opposition cheers.*) He was under great obligation to the hon. gentleman for recalling that matter to his memory.

They were accustomed to extraordinary statements from the Hon. Minister of Customs for what he lacked in argument he always made up in declaration, but tonight they had more than usually extraordinary statements from that gentleman, mainly that hon. gentleman on the opposite side, especially the member for Bruce South (Hon. Mr. Blake) had used all their ability in opposing the Pacific Railway scheme, while the fact was they had entirely forbore—and perhaps it would have been in the public interest had they not done so—they had forbore discussing questions connected with the Pacific Railway scandal till the Government sought the other night to choke off enquiry, and then they confined themselves strictly to the matter that was before the House, and exercised discretion and reticence that no Government ought to expect from an Opposition under the extraordinary circumstances which existed. If the forbearance which the Opposition had exercised towards the Government was not agreeable to the hon.

gentleman, he dare say they could meet his views in another direction. He dare say that if the hon. gentleman insisted upon their discussing this matter, the gentlemen on the Opposition side would be found equal to the occasion.

The hon. gentleman had said it was not wise or patriotic to discuss this subject in this most critical period of the history of Canada. How was it critical? Was it critical merely because the position of the Government was critical? Was the country to fall because those gentlemen were tottering? Was it to be supposed that because his hon. friend the Minister of Customs, felt himself now in an awkward position, the whole country must live or die with him? He had great respect for the abilities and powers of the hon. gentleman, but he was under the impression that if the country were to lose his services, sorry as they all would be, the country would survive the calamity, and would get on probably much as before.

Mr. MILLS: And a little better.

Hon. Mr. MACKENZIE said he could not say that, because if he did so he might be accused of uttering unwise and unpatriotic sentiments. (*Laughter.*) According to the gentlemen opposite, all the wisdom and all the patriotism consisted in going it blind and giving undeviating and unhesitating support to the Administration. The hon. gentleman had told the House for the first item that the negotiations now going on in England by the delegates of the Pacific Railway company promised to be successful. He (Hon. Mr. Mackenzie) was glad to hear it, but was it not remarkable, if that were the case, the Government were now asking for a half million to carry on the surveys, seeing that the charter provided that the Company were to pay for the surveys? If the Company were to raise money at once, what necessity was there for making them this advance?

The hon. gentleman had stated that when Hon. Mr. Huntington made his statement to the House they on the Opposition side cheered him to the echo. That was not correct; that statement was made in solemn silence. Not a man cheered it in the House. Every person felt that it was a statement that was to put the gentlemen opposite upon their trial, and that before a word should be said on his aide it was for the Administration to declare what course they would take in the matter.

The hon. gentleman had further stated that the Opposition were inspired last year by a desire to obstruct the progress of the Pacific Railway. They had heard too much of this empty, vapid, and he might almost say, stupid declaration. How could the hon. gentleman venture to charge 70 or 80 members of Parliament with deliberately obstructing a measure that for many years they had declared their anxiety to promote? They were as anxious to have the road as the gentlemen opposite could be. They made no objection to the construction of this road. They only offered such amendments as they believed to be in the interest of the country both with respect to the settlement of the lands and the control which Parliament should exercise over the Company. They confined themselves strictly to that, and he was amazed that a gentleman in the position of a

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Minister of the Crown should come here and wantonly to make these charges day after day against a body of gentlemen at least as patriotic as the hon. gentleman or any of his colleagues could claim to be. (*Cheers.*)

Hon. Mr. MITCHELL held that the historical illustrations of the hon. member for Lambton did not apply in this instance.

Hon. Mr. MACKENZIE said the hon. Minister of Customs (Hon. Mr. Tupper) had said no statesman complained of his views being taken up and completed by their opponents.

Hon. Mr. MITCHELL said that was the statement he made. Who was it who found fault with Mr. Disraeli for doing this? It was Lord Salisbury, a member of the same Party. The Liberal Party should not object to their views being taken up by the Conservative Party, and no Conservative Party should object to their views being taken up by the Liberal Party.

Hon. Mr. WOOD denounced the principle of the Government in opposing measures when brought forward by the Opposition and afterwards introducing the same measures to keep themselves in power. He understood the Minister of Marine and Fisheries (Hon. Mr. Mitchell) to have advocated that doctrine.

Hon. Mr. MITCHELL said the hon. gentleman had misunderstood him.

Hon. Mr. WOOD said that if he understood anything of parties and politics, such a policy was exceedingly demoralizing, and a prudent and honourable statesman, who had any regard for his political reputation, would not adopt such a course. He pointed out that simultaneous voting was in vogue in the United States many years before it was considered in Nova Scotia. The Minister of Justice had hitherto always opposed simultaneous voting. His principal ground for doing so was that it might exclude from Parliament some of the best and ablest men.

After alluding to the trial of controverted elections by a judge, he said he thought the election law had expired, and that there would be no election law if one were not passed this session. He alluded to the backward state of both Bills, and remarked that they were told they were checking the business of the House in calling attention to these measures. Did the hon. gentleman say he was going to send the members away without passing those measures, or any of them?

Hon. Mr. TUPPER said it would be utterly hopeless to look for such a result if day after day hon. gentlemen took up the time of the House as it was being taken up then.

Hon. Mr. WOOD believed that the same game would be played as was played during the last Parliament. An election law was promised, but at the end of the session they had no election law. If they had to sit there until next September, these measures should be taken up and passed. He maintained that the Pacific Railway charter was a total departure from the scheme as laid down to that House

and the country. It was never understood that it would be optional for the Company to take land a mile in width along the line, where the land was not of a fair average quality, and the residue from the valley of the Saskatchewan. He maintained that the best lands in the Northwest were to be given to the Company, and this was not understood by the House or the country. If 50,900,000 acres of the best lands were to be taken, there would be precious little left for free grant settlement. (*Hear, hear.*)

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NORTHUMBERLAND EAST ELECTION

The members appointed to try the Northumberland East controverted election case were then called on to be sworn in.

Hon. Mr. TUPPER explained that Right Hon. Sir John A. Macdonald, not being well, was unable to come out today, and that Mr. Pearson had been suddenly called away on account of the death of his child.

Hon. Mr. CAMPBELL moved that the 75th section of the Controverted Elections Law be read.

The CLERK of the House having read the section,

Hon. Mr. CAMPBELL moved, in accordance with the section, that Right Hon. Sir John A. Macdonald and Mr. Pearson, having been appointed to serve as members to the controverted election case of Northumberland East, and not having attended in their places in one hour after the hour of four o'clock, be taken into custody.—Carried.

Hon. Mr. CAMPBELL also moved that the swearing of the Committee be adjourned till the next meeting of the House.—Carried.

Hon. Mr. TUPPER asked if the former motion was not extraordinary. Perhaps hon. gentlemen who understood the practice better could explain.

Hon. Mr. HOLTON explained that the Sergeant would merely have to report that these gentlemen were not in the building.

The matter was dropped.

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PACIFIC RAILWAY

Hon. Mr. WOOD resumed. There was actually not a single dollar of guarantee yet deposited, and when the hon. gentleman spoke of the honour and political reputation of those who composed this Company, he would simply ask him to reply what was that worth, seeing that these gentlemen and the Government were just now standing under a charge, the investigation into which they had bucked, delayed, postponed, and procrastinated to such an extent

that the parties would necessarily believe them in some way implicated.

But the important matter was with respect to the lands of the Northwest, to which he had referred the other evening. If we waited until Sir Hugh Allan, or this Government or any Government, could construct a railway to these lands from Ottawa before we took measures for their settlement, that would be equal to postponing that important work for fifteen or twenty years. Instead of this principle, which had been proposed for the construction of that great railway, he was of opinion that it would be far better for men to lay down their political proclivities and strifes and see if this railway could not be better and less expensively built without Sir Hugh or anybody else, and be themselves responsible for every dollar expended. This was a proposition worthy of consideration and worthy of discussion.

The hon. member for Lambton (Hon. Mr. Mackenzie) had said he would be delighted if Sir Hugh Allan had succeeded in negotiating the Pacific Railway bonds. He (Hon. Mr. Wood) should like to know in the first place into whose hands these bonds had fallen before he rejoiced anything about it. The paid up capital was a perfect sham, for not a dollar of it had been collected by the Minister of Finance. He contended that the sums said to be deposited in certain banks were a sham and a farce; that so far as the drawing of the amounts named was concerned it could not be done for probably 10, 15, 50, not, possibly, for 100 years, and so far as the persons in whose names the sums deposited were concerned, they could never be drawn. He would challenge any hon. gentleman in this House to say that he was wrong. Not one dollar of security was deposited in connection with the whole scheme. (*Hear, hear.*)

The hon. member said he would be glad if Sir Hugh Allan were successful. He (Hon. Mr. Wood) would say, on the other hand, that it would be a sad day for Canada if he were. This country would then be pledged to this scheme, and if the country were to furnish money, we needed no Sir Hugh Allan and all this array of so-called capitalists to live upon the public purse of the country, while pretending to enable the country to construct a great railway. (*Cheers.*)

Hon. Mr. TUPPER said, as was usual, there was a question of fact in dispute between himself and the hon. member for Lambton. He quoted from the speech of Hon. Mr. Huntington (Shefford), as reported in the *Globe* in proof of his (Hon. Mr. Tupper's) statement. He was perfectly satisfied his hon. friend must have failed in recollection of the circumstances, as very likely he must have been occupied with something else when the statement was made.

Hon. Mr. MACKENZIE said he was not occupied with anything else at the time, and very well remembered the circumstances. When Hon. Mr. Huntington made the statement referred to members on this side did receive it with cheers and he believed he was himself among those that cheered, but that did not affect his statement today in the least.

Hon. Mr. CAMERON (Cardwell) said in reference to the Bill referred to by Hon. Mr. Mackenzie as thrown out of the Senate in 1864 by a nominated majority, that it was carried on the second reading by a majority, and he was sure its abandonment was carried by the motion of two hon. members, with regard to whom he was sure the hon. gentlemen would not say they were in the nominated majority, namely, Messrs. Letellier De St-Just and Ferguson Blair. (*Hear, hear.*)

Hon. Mr. MACKENZIE said the second reading was carried by a majority of elected members and, although he felt quite sure the hon. member for Cardwell did not intend to deceive the House, he had to some extent done it. The Bill referred to was thrown out on the last day of the session, when the usual slaughter of the innocents took place in the ordinary way—that is, on the motion of the gentleman who had charge of it. He had himself had something to do with bills of which he had charge before this time, and the same thing would be seen at the end of this session in many cases.

Hon. Mr. TUPPER asked if the hon. gentleman would explain how the elected members did not carry the Bill, seeing they had a majority in its favour.

Hon. Mr. MACKENZIE said it was because Sir George Cartier and his party kept opposing every stage of the Bill, and talking against time until the last moment, when it became impossible to pass it.

* * *

SUPPLY

The subject then dropped, and the House went into Committee of Supply on supplementary estimates.

Mr. YOUNG (Waterloo South) pointed out that the fact of two sets of supplementary estimates coming down in one year, very materially altered the prospects held out by the Minister of Finance, whose statement did not give a correct idea of the financial position of the country. The hon. gentleman had stated that the revenue would be \$21,740,000, that the expenditure would be \$20,826,849, leaving a surplus of over \$900,000. These supplementary estimates however, put an entirely different face upon the matter, and according to his calculation, with the addition of these supplementary estimates, instead of a surplus they would find themselves in deficit of \$898,000. The amount of these estimates, as he understood it, would be \$1,336,158, and there would be in all probability a second supplementary estimate for the year.

He argued that the Minister of Finance had no right to expect the revenue to keep increasing as it had done for the past few years, during which time an enormous number of public works had been going on throughout the country, and the continued increase of expenditure was not safe, and would lead to the same financial difficulties as were experienced in the old Province of Canada under similar circumstances.

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Hon. Mr. TILLEY argued that the supplementary estimates were accounted for in his financial statement, and that the matter would just be according to that statement. He reminded the hon. gentleman that he had counted upon the income from Inland Revenue and Customs not being much greater this year than last. He referred to the Intercolonial Railway, upon which the additional income would effect a considerable saving as opposed to the expenditure on that work. He also pointed out that although there would be some additional expenditure upon property for the Custom house site at Montreal, there would also be considerable income from the portions of the property disposed of to the Harbour Commissioners.

The House went into supply on the Supplementary Estimates for the year ending 1874.

On item \$78,843.20, for the purchase of land required for an examining warehouse at Montreal,

Mr. MACDONALD (Glengarry) asked what programs had been made with the Customs Warehouse at Montreal.

Hon. Mr. LANGEVIN said that the land was purchased some years ago for the Custom House, but afterwards it was found that it would be more advantageous to purchase the building of the Royal Insurance Co. The property was purchased at a fair price, and the Government thought that with the consent of the House the building would be utilised for a Custom House. A portion of the land included in the purchase would be reserved for the erection thereon of an examining warehouse. Another portion would be sold to the Harbour Commissioners, and five or six lots would remain. The Government, he added, would absolutely make profit in the purchase.

Hon. Mr. YOUNG (Montreal West) testified to the excellent purchase made by the Government.

After some remarks by Hon. Mr. Holton,

Hon. Mr. TILLEY said he questioned whether the Dominion Government had ever made such an excellent purchase as that referred to.

* * *

ADJOURNMENT

Mr. KIRKPATRICK moved that when the House rises at six o'clock it do stand adjourned till 7:30 p.m. to allow an Election Committee to sit.—Carried.

It being six o'clock the House adjourned in accordance with the motion.

AFTER RECESS

Bill to incorporate the Montreal Investment Company was read a second time and passed through committee, read a third time and passed.

Also a Bill to incorporate the Oshawa Board of Trade on a motion of **Mr. GIBBS (Ontario North)**.

On motion of **Hon. Mr. MITCHELL** an Act in relation to shipping and registration was read a third time and passed.

On motion of **Hon. Mr. MITCHELL** the report of the committee of the Whole on the Pilotage was concurred in.

On motion of **Hon. Mr. MITCHELL** the Bill respecting the shipping of seamen was read a second time and referred to Committee on Banking and Commerce.

On motion of **Hon. Mr. TILLEY** the Act to extend the Penitentiary Act of 1868 was passed through Committee of the Whole, read a third time and passed.

On motion to go into Committee of Supply,

Mr. JOLY wished to draw the attention of the House and the Government to a matter in which he was sure that he would have the sympathies of all hon. gentlemen. Every one now knew of the courage and benevolence displayed by the Rev. Mr. Ancient at the wreck of the ill-fated steamship *Atlantic*. Everyone knew that he risked his life in trying to save the lives of the unfortunate passengers. Every one knew that after having saved them, he clothed, fed and housed them. Every one knew that with his own hands he dug graves for those who had perished, that with his own hands he put the bodies in the graves, and having interred them, he read over them the funeral services of his church; and he thought that it must have been a great consolation to the friends of those so untimely cut off, that decent sepulture was thus given to them.

He thought, therefore, that after having read in the American papers, in how high esteem the reverend gentleman was held in that country, and what had been done in New York, where a subscription had been taken up to build a church for him and his people near the site of the terrible accident, with a view to give expression to the regard in which his gallant services were held; hon. gentlemen must be desirous of doing something to express the appreciation in which such gallant conduct and devotion was held by this House.

This case was first brought before the House by the members from Nova Scotia, the hon. members for Halifax (Mr. Almon and Mr. Tobin) and Guysborough (Hon. Mr. Campbell) and they having

done what it was their right to do, he thought it remained for the members from the other Provinces to take the case up.

If Nova Scotia was proud of Rev. Mr. Ancient, the whole Dominion ought also to be proud of him, for he belonged to the Dominion, and the Dominion being proud of Mr. Ancient, they ought also to be proud of the thousands of other brave men contained within our boundaries. Let us, therefore, show our appreciation of such conduct, let hon. members forget those party strifes, which at times burned so bitterly, and meeting as friends, join hands over a matter in which their feeling must all be the same—one of delight in such a man as this—and a desire to give him some reward; and thereby would it be known to those other brave and noble men who were amongst us that such conduct would not go without appreciation in this Parliament. (*Cheers.*)

Hon. Mr. CAMPBELL thought that the House and country was under an obligation to the hon. member who had just sat down, for the manner in which he had brought this matter under the notice of the House. This was a subject which did not refer to Nova Scotia alone, but was one which concerned the character and interest of the whole Dominion. He held in his hand an extract from a newspaper giving an account of the meritorious conduct of Rev. Mr. Ancient, and it came from the person whose life was saved.

He then read a graphic account of the rescue of the second officer of the *Atlantic* by Rev. Mr. Ancient. Now, although this paper referred to the very heroic conduct of Rev. Mr. Ancient, he (Hon. Mr. Campbell) thought there were others whose conduct on the melancholy occasion referred to was deserving of some notice on the part of the House and the Government.

The people who live on the coast where the *Atlantic* was wrecked, were for the most part engaged in the fisheries, they had poor homes, and their lives were constantly in their hands in the prosecution of their avocations; but whilst their homes were poor, their hearts were warm and the hospitality which they displayed on this occasion was worthy of recognition by the House and by the country. Their scanty store of food and clothing they shared with the survivors, and the sufferings that these people underwent were shared by the poor people on the coast. He thought that some acknowledgement should be tendered to the rev. gentleman, but that some substantial reward should also be given to these people who had behaved so well.

Hon. Mr. MITCHELL said that reference having been made in Parliament to the loss of the *Atlantic*, and to Rev. Mr. Ancient, whose name had been so prominently associated with the rescue of the second officer of the *Atlantic*, and reference having also been made to the meritorious and hospitable conduct of the people on the coast, he thought that it was his duty to say that the Government, with himself, appreciated the duty that was imposed upon them of noticing in a becoming manner the action of the rev. gentlemen, and of the people. He had been pleased when his hon. friend the other

day put a notice upon the paper, because he thought that the House and country must approve of giving reward to men of this sort.

During the last two years since the Government had entered upon the system of giving rewards for the saving of life, it had been his great aim to let the whole world know that wherever aid was given, not only in our own waters, but in any part of the world to the seamen of Canada, that the Government had always marked any gallantry of conduct, or any brave effort in a suitable manner, and he was glad to say that Parliament had always seconded their efforts in this direction. He would therefore say that suitable steps would be taken to convey to Rev. Mr. Ancient an acknowledgement of his gallant conduct as well as to the people on the shore. (*Cheers.*)

The House then went into Committee of Supply, and passed the item of \$2,800 for maps for the use of the Railway Committee.

On item of \$10,000 for Geological Survey and Observations,

Mr. JOLY said he had received communications from gentlemen concerned in mining, who wanted to secure copies of a very valuable map got up by the Geological Survey, but had not been able to procure copies. He would like to know whether that map was going to be published by the Government.

Hon. Mr. TILLEY said he would make enquiries to see whether it could be done without too much expense,

The item then passed, as did also the items of \$500 for grant to Marine Hospital, Kingston; \$1,000 for a building to be used as a hospital at Arichat, Nova Scotia and \$298 for militia pensions.

On item of \$250,000 for deep water terminus at Father Point, Intercolonial Railway,

Hon. Mr. LANGEVIN explained that it should have been marked a re-vote.

The item passed, as did the following:—

Construction of new offices at Moncton, workmens' dwellings, branch and sidings, et cetera.; Intercolonial Railway, \$99,000

Snow sheds and fences, Intercolonial Railway, \$40,000

Pacific Railway survey \$500,000

Railway wharf (Dalhousie) \$6,000

Spring Hill Branch Line (Intercolonial) \$6,000

On the item \$12,000 for Rideau Canal,

Hon. Mr. LANGEVIN explained that the grant was for two bridges over the canal one to cost \$2,000 and the other \$10,000; the township council would have to give a like sum.

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The item passed, as also item for removal of chains and anchors, in the St. Lawrence River \$10,000.

On item \$25,000 for dredge to remove slabs, et cetera, in the Ottawa River,

Hon. Mr. LANGEVIN said the item was to provide a dredge to remove the bars that had been created in the Ottawa River, and which could not be removed by an ordinary dredge, the cost of working the dredge he explained, would have to be met out of the ordinary vote for dredges.

Mr. WRIGHT (Ottawa County) said that the special object of this grant was to improve that portion of the Ottawa River which would enable the logs in the Gatineau to be brought down. He stated that this Gatineau River had contributed a very large sum to the revenue of the Dominion. While other rivers had been improved, this one had not.

Hon. Mr. LANGEVIN in answer to some remarks from Mr. Fournier (Bellechasse), said the intention was not to tax the lumberers of the Ottawa for this purpose; the government could not enforce a tax before the law prohibiting the throwing of slabs and saw dust into the river came into force. He hoped in the course of two years the Government would be able to make the river as navigable and free from obstructions as it used to be. The want of a dredge on the Ottawa River, had been felt very much; and last summer one had to be taken from the St. Lawrence to work near Grenville.

After some remarks from **Mr. MACDONALD (Glengarry)**, in which he spoke of the valuable trade of the Ottawa,

Mr. CURRIER said the two channels of the Gatineau, which had been opened some years ago, had been gradually filled up by the sand, and to a very small extent by the slabs. The dredge which was asked for by the grant would be used to deepen these channels. In the interest of the lumber trade the channels would have to be deepened. The revenue from the boomage alone of the Gatineau River must be \$15,000 at least.

Hon. Mr. LANGEVIN, in answer to Mr. Casey, said the dredge was for the purpose of removing slabs that had accumulated in the Ottawa River, and which had caused bars to be formed.

Mr. CASEY thought the vote was virtually for the improvement of the Gatineau River, though ostensibly for the improvement of the Ottawa River.

Hon. Mr. LANGEVIN said a statement of his had never before in his Parliamentary experience been questioned. He reiterated that the dredge was for the Ottawa River.

After further discussion, the item passed.

Mr. MILLS called attention to the condition of the Sydenham River, and to the fact that he presented a numerously signed petition

for the improvement of this river. He did expect this year that an appropriation would have been made for this purpose.

Hon. Mr. LANGEVIN said that since the petition was presented, he had not had his attention called to the subject, but he would see what could be done in that direction.

Hon. Mr. ANGLIN enquired how the Dominion Government were called upon to erect the Government House in Manitoba. The other Provinces provided their own Government Houses.

Hon. Mr. LANGEVIN explained that at Confederation the other Provinces had residences for the Governors erected already, but Manitoba had not. This expenditure was for the purpose of staking repairs on the house presently used, which would be leased from the Hudson Bay Company for such a period as might be necessary, until such time as a Government House would be built.

Mr. MACDONALD (Glengarry) hoped that this sort of thing would be put an end to. If this system of doing for the Provincial Governments what they ought to do for themselves were continued, there was no saying what it might come to.

Hon. Mr. LANGEVIN said that the house and grounds for these residences in the other Provinces were handed over by this Government to the Provincial Governments, there was nothing of this kind done in Manitoba.

Mr. MACDONALD (Glengarry) said that was because there were no houses of that kind to transfer.

Hon. Mr. MITCHELL said the hon. gentleman seemed to forget that Ontario had actually got the Government House and Lieutenant-Governor's residence from this Government.

Hon. Mr. MACKENZIE said it was nothing of the kind. The hon. gentleman did not know, surely, that these houses and grounds were erected at the expense of Ontario many years before Confederation.

Mr. CUNNINGHAM said the hon. member for Glengarry (Mr. Macdonald) had hoped he would see no more of this sort of thing. He would tell that hon. gentleman that he would require to see a good deal more if Manitoba were continued under the terms under which she had been admitted into Confederation.

After some further conversation the item was passed.

Mr. ROSS (Prince Edward) said that while he did not object to the grants to the Cobourg harbour, he pointed out that the grants to other harbours along that coast were altogether insufficient, and in some cases no grant was given at all where it was very much needed. He particularly referred to the harbours of Port Hope and Picton, which had been neglected.

Mr. ROSS (Durham East) pointed out the difference between the importance of the shipping trade of Cobourg and of Port Hope,

which received such a different treatment from the Government. The number of vessels and steamers entered last year at Cobourg was 506 vessels, with a tonnage of 52,455, while the number entered at Port Hope was 1,227, with a tonnage of 163,957. It would be seen from a comparison of the above figures that three times more trade was done at Port Hope harbour than at Cobourg. Why, then did the Government treat them so differently by giving \$25,000 for the improvements of the Cobourg harbour and not a single penny for the Port Hope harbour?

He would inform the House that the inhabitants of Port Hope expended \$300,000 on that important public work, and it was actually the only safe harbour of refuge that a vessel could run into with safety in a storm between Toronto and South Bay, and the only money spent on that important work by the Government was the paltry sum of £1,000 in 1857 and 1858. If his information was correct the Government constructed the Cobourg harbour, and afterwards sold it to the Cobourg Corporation, without much value received in any way, in 1806. The mariners of all the inland lakes petitioned the Government of that day for a grant of money to further improve the said harbour of Port Hope and the Government did allow the interest of the town of Port Hope on their debt for 1866 and 1867 for that purpose, and it was expended upon that work; but in the settlement the other day with the Ontario government that amount of interest was charged back to the Port Hope debt, and in justice to the public a sum ought to be put on the supplementary estimates for such an important work as this. This ought to be done for the safety of life and property.

They only want a small grant to complete this work, and to make it one of the finest and safest harbours of refuge on the island lakes. The sum of \$12,000 to \$15,000 would be sufficient.

He had spoken several times to the Minister of Public Works and had several communications with him, with a map of the said harbour got up at his own request by one of the harbour Commissioners on a visit to this city with a petition of that Board, and the hon. gentleman promised to lay the matter before the Council, yet he did not see any amount in the supplementary estimates for this work. He would ask how this was.

Hon. Mr. LANGEVIN replied that a deputation came to him, of whom he thought the hon. gentleman was one, about Port Hope harbour, and he believed he promised to the hon. gentleman to submit to his colleagues a proposition regarding the matter. He had done so, but they could not see their way to do so, at all events this session. He intended during recess having an engineer sent to visit the different places to which he had made promises on behalf of the Government, and that engineer would call at Port Hope and collect such information as would be necessary to enable him (Hon. Mr. Langevin) to make a report, which would be submitted to his colleagues.

On the item of \$6,000 for Port Albert harbour, Lake Huron,

Mr. CAMERON (Huron South) contended that a grant should have been given for Bayfield harbour. He adverted to an instance in his election campaign in which his opponent read a telegram from the Minister of Public Works, declaring that if he (Mr. Cameron) was elected no grant would be given for Bayfield harbour, whereas if they elected his opponent the grant would be given. He at once declared that telegram to be a forgery, because he did not believe the Minister of Public Works would make such a threat, however he was elected, and strange to say Bayfield got nothing while Port Albert received a grant.

Mr. SNIDER pointed out the injustice of giving so large a grant as \$15,000 to Meaford, while Owen Sound, a much more important harbour, got nothing. His hon. friend from Grey East (Mr. Flesher) was able in one session to get this grant, while he who had been six years in Parliament could get nothing for it. The difference was that his hon. friend supported the Government, while he felt it his duty to oppose them. That made all the difference with the present government. It was quite evident that they went upon the principle of supporting their friends and refusing everything to the constituencies represented by their opponents. Were he to support the government he had no doubt he could get \$20,000 for Owen Sound, but he could tell them they had not money to purchase his vote. (*Cheers.*) He would sooner see Owen Sound harbour dried up than vote against his conscience, but he would remind the Government that this money they were spending was not theirs, but the people's and that it should be spent fairly in the interest of the whole people. (*Cheers.*)

Mr. FLESHER contended that Meaford harbour needed improvements very badly, and that the proposed expenditure would be in the public interest.

Mr. SNIDER wished his hon. friend to point out what different position Meaford harbour was in this year from last year, yet last year his application for a grant was rejected on the ground that if it was given and such harbour recognized as the Dominion property, the Maritime Provinces would be down upon the Government with hundreds of similar applications.

Hon. Mr. Le VESCONTE said the Government had neglected his county altogether, though he was one of their supporters. He instanced St. Peter's Canal as a work needing public expenditure thereon.

Mr. GILLIES was surprised to hear the remarks of the last speaker, seeing that half of the amount voted for harbours was for harbours in the Maritime Provinces. He directed attention to the importance of improving the harbours on Lake Huron, particularly in reference to the trade with the Northwest. He noticed that \$10,000 was asked for Kincardine and \$6,000 for Invarhuron, while not a cent was to be given to Port Elgin. The people of that place had expended \$7,000 on the harbour, and the county of Bruce had given them \$5,000 more. They had thus shown their willingness to

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help themselves, and they were entitled to some consideration from the Government. He quoted from the trade returns of that port, showing that the trade was quite large enough to bring the harbour within the Dominion's jurisdiction, and to settle in the public aid. He hoped the Minister of Public Works would yet, late as it was, consider the matter and ask a small sum for Port Elgin, sufficient to build a pier, so that the Sarnia line of steamers might call there.

Mr. BURPEE (Sunbury) said the Government had reason to pray that they might be delivered from their friends, for the organs of the Government had proclaimed that they would go upon the principle of spending the public money only where the people supported the Government. If such were the policy of the Government, they deserved the severest condemnation. He had no complaint to make, but he would like to hear a distinct repudiation of that policy by the Government.

Hon. Mr. TILLEY said the Government could be judged by the results of their policy. He would instance one case. The hon. member for Victoria (Mr. Costigan) was a steady supporter of the Government, and yet he could not get this year more than \$400 for his county. The hon. members for Sunbury (Mr. Burpee) and Queen's (Mr. Ferris) were not very ardent supporters of the Government, and yet they could have no reason to complain of their treatment by the Government.

Mr. FERRIS complained that the Minister of Public Works had promised to send a dredge up the river to his county last year, but had never done so. He also was not treated fairly with regard to some post office arrangements. With regard to his supporting the Government, he thought he gave them quite as much support as they deserved. As a Liberal, he had formerly supported the Minister of Finance (Hon. Mr. Tilley) and the Minister of Marine (Hon. Mr. Mitchell), but he did not feel bound to follow them into a Government that was composed almost entirely of Tories. (*Laughter.*) These hon. gentlemen were not in their proper place; they were on the wrong side. Let them come to the right side where they should be, and he would give them his support. (*Cheers.*)

Hon. Mr. WOOD asked the Minister of Finance to state on his honour as a gentleman, whether it made any difference with the Government in appropriation of public money for public works whether the public work were situated in a locality that supported the Government or opposed them.

Hon. Mr. TILLEY declined to answer.

The SPEAKER declared the vote for harbours and piers.—Carried.

Hon. Mr. MACKENZIE: The Government had promised that the items would be put to the House separately.

After some conversation on this point the Committee rose and reported progress.

The House then adjourned at midnight.

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NOTICES OF MOTION

Mr. PÂQUET—Whether it is true that G. McMicken, Esq., of the Department of the Receiver-General of the Dominion, at Manitoba, charges a discount of 3 per cent, on the cheques of the Local Provincial Government made payable at the office of the Deputy Receiver-General at Manitoba; and if such sums are paid from and out of the Dominion funds; and, if so, whether such discount of 3 per cent so charged goes to the profit of the Dominion Government or to the profit of the said G. McMicken himself or some member of his family.

Mr. PÂQUET—Whether it is the intention of the Government to institute an inquiry as to the truth of the charge made by various papers, and more particularly in a correspondence inserted in *La Minerve*, under date of the 8th of March last, against G. McMicken, Esq., late General Agent of the Crown Lands in Manitoba, and now heard of the Receiver General's Department in Manitoba and head of the Police Department maintained by the Dominion Government in that Province.

Mr. ROSS (Durham East)—Whether licenses have been granted for fishing on Rice Lake; whether any communications have been received by the Fishery Department complaining of the destruction of fish in these waters or mismanagement connected therewith; whether the Government are aware of scandalous abuses existing under the present supervision; and whether Mr. Wilmot has not communicated with the Department regarding the subject.

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HOUSE OF COMMONS

Monday, May 12, 1873

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

Prayers

PRIVILEGES AND ELECTIONS

Hon. Mr. CAMERON (Cardwell) presented a report of the Committee on Privileges and elections stating that R.B. Cutler, the member for Kent, New Brunswick, was not at the time of his election filling an office of emolument under the Crown.

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WEST PETERBOROUGH ELECTION

Mr. PALMER presented the report of the West Peterborough election Committee, stating that in consequence of the absence of Mr. Almon the Committee had adjourned; that the Committee had appointed a Commissioner to take the evidence in the case; and asking leave to adjourn till called together by the warrant of the Speaker.

Hon. Mr. HOLTON pointed out that in the absence of one of its members the Committee could not transact other business.

Mr. PALMER said the Committee had resolved to appoint a Commissioner on Saturday.

Hon. Mr. HOLTON said in that case two reports should have been presented.

Ultimately the report was withdrawn and afterwards presented in a more correct form.

Mr. PALMER moved that Mr. Almon appear in his place tomorrow. —Carried.

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NORTH PERTH ELECTION

Mr. SAVARY presented the first report of the North Perth Election Committee, stating that they had extended the time for filling the list of voters objected to till tomorrow.

RIMOUSKI ELECTION

Mr. PELLETIER presented a report of the Rimouski Election Committee, asking leave to adjourn till the 2nd of December.

Leave was granted accordingly.

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PRINTING

Mr. STEPHENSON presented the sixth report of the Joint Committee on Printing.

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RELIEVED FROM ATTENDANCE

Mr. CARTER moved that the member for Lanark South be discharged from further attendance in the Addington Election Committee on account of illness.—Carried.

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PETERBOROUGH WEST ELECTION

On motion of **Mr. PALMER** leave was granted to the Peterborough West Election Committee to adjourn till called together by the Speaker's warrant.

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KENT, NEW BRUNSWICK ELECTION

Hon. Mr. CAMERON (Cardwell) gave notice that he would tomorrow move the adoption of the report of the Committee on Privileges and Elections in relation to the Kent, New Brunswick Election.

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RETURNS PRESENTED

Hon. Sir JOHN A. MACDONALD presented a return of the sums paid in connection with the late elections;

Also, the correspondence between the Canadian Government and the Imperial Government as to German naturalization.

MONTREAL INVESTMENT COMPANY

On motion of **Mr. RYAN** the bill to incorporate the Montreal Investment Association was read a second time, passed the Committee, and read a third time and passed.

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POSTMASTERS' PRIVILEGES

Mr. STEPHENSON asked whether there exists any law or regulation giving privileges to city postmasters with reference to holidays not conferred on country postmasters, and if so, what their privileges are; also, whether the country postmasters are prohibited from acting as agents for the receiving and delivering of newspapers sent by express and not passing through the mails, and if so, why.

Hon. Mr. TUPPER said, in answer to the first branch of the question, that there was no law, and in answer to the second branch, that country postmasters were not prohibited from acting as agents for receiving and delivering newspapers received by express and not sent by mails. (*Hear, hear.*)

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SECOND AND THIRD READINGS

The following Private bills were read a second and third time and passed:—

To incorporate the Montreal Investment Association, from the Senate, as amended by the Standing Committee on Banking and Commerce—**Mr. RYAN**.

To incorporate the Oshawa Board of Trade—**Mr. GIBBS (Ontario North)**.

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AGRICULTURAL COLLEGE

Hon. Mr. BLANCHET, in the absence of Mr. Wright (Pontiac), whether it is the intention of the Government to introduce any measure for the establishment of an Agricultural College and model farm attached thereto, to afford better facilities for the acquiring of a scientific as well as a practical acquaintance with the principles of agriculture.

Hon. Mr. POPE (Compton) said it was not the intention of the Government.

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INTER-PROVINCIAL EXHIBITION

Hon. Mr. BLANCHET, in the absence of Mr. Wright (Pontiac), asked whether it is the intention of the Government to take any, and what steps, towards the establishment and holding of an annual

Inter Provincial Exhibition of the agricultures and products of the Dominion.

Hon. Mr. POPE (Compton): No.

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HARBOUR MASTERS

Mr. KEELER asked if it was the intention of the Government to introduce, during the present session, any Act authorizing the appointment of harbour masters for the harbours under the control of the Government on Lake Ontario.

Hon. Mr. MITCHELL replied that it was not the intention of the Government.

* * *

PROPOSED CANAL

Mr. KEELER asked whether it is the intention of the Government to do anything towards the construction of the canal proposed to unite the waters of Lake Ontario with those of the Bay of Quinte, for which purpose a grant of lands was made in the year 1796, the proceeds of which were to have been expended upon the said canal.

Hon. Mr. LANGEVIN might reply that during the session the government had had so much very heavy work on their hands that they had not been able to take this matter into consideration, and therefore it was not the intention of the Government to do anything this session.

* * *

TRANSFER OF LANDS

Mr. KEELER asked whether the lands of the peninsula of Presque Isle and High Bluff, on Lake Ontario, were transferred by the Ontario Government to that of the Dominion, under the Order in Council approved by the Lieutenant-Governor on the 18th April, 1871, and if so, what measures have been taken to prevent the destruction of the standing timber upon the said lands, which serves as a shelter to vessels frequenting the harbour; also, what arrangements have been made with squatters now in possession of the said lands.

Hon. Mr. MITCHELL replied that the lands on the peninsula at Presque Isle were transferred by the Government of Ontario to the Dominion Government, for light-house purposes, and for the purpose of protecting the timber by an Order in Council, dated the 18th of April, 1871. He might say, in regard to the second branch of the question that the Government had endeavoured to protect the timber. It was, however, no easy matter to prevent squatters from coming, but if they did not discontinue the practice, which would destroy the protection to the harbour, strong measures would be taken to make them do so.

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GILBERT MCMICKEN, ESQ.

Mr. PÂQUET asked whether it was true that G. McMicken, Esq., of the Department of the Receiver-General of the Dominion at Manitoba, charges a discount of three per cent, on the cheques of the local Provincial Government, made payable at the office of the Deputy Receiver-General at Manitoba, and if such sums are paid from and out of the Dominion funds. If so, whether such discount of three per cent, so charged goes to the profit of the Dominion Government or the profit of the said G. McMicken himself, or some member of his family.

Hon. Mr. ROBITAILLE replied that it was not within the knowledge of the Receiver-General's Department that such a commission had been charged by Mr. Gilbert McMicken, or that it had been paid to him or any member of his family.

Mr. PÂQUET asked whether it is the intention of the Government to institute an enquiry as to the truth of the charge made by various newspapers, and more particular in a correspondence inserted in *La Minerve*, under date of 8th of March last, against G. McMicken, Esq., late general agent of Crown Lands, Manitoba, and now head of the Receiver-General's Department in Manitoba, and head of the Police Department maintained by the Dominion Government in that Province.

Hon. Mr. ROBITAILLE answered it was not the intention of the Government to institute any investigation upon articles in newspapers, but if a formal charge were made, without doubt full and sufficient justice would be done.

* * *

FISHING IN RICE LAKE

Mr. ROSS (Durham East) asked whether licenses have been granted for fishing in Rice Lake; whether any communications have been received by the Fishery Department complaining of the destruction of fish in their waters, or mismanagement therewith; whether the Government are aware of scandalous abuses existing under the present supervision, and whether Mr. Wilmot had not communicated with the department regarding the subject.

Hon. Mr. MITCHELL answered that no licenses had been issued for fishing in Rice Lake. With regard to the second branch of the question he was not aware of what his hon. friend referred. If he referred to people spearing fish illegally he might say that such complaints had been made, and they had been referred to the Local Superintendent. He might also state that Mr. Wilmot had represented that Rice Lake ought to be set aside for fish breeding purposes.

LIGHTHOUSE KEEPERS' SALARIES

Mr. KEELER asked why the salary of the keeper of Gull Island light, Lake Ontario is proposed to be reduced from \$675 to \$500, as shown by the estimates of the ensuing year.

Hon. Mr. MITCHELL answered that by an Order in Council of the 11th of February, 1870 the salaries of lighthouse keepers were regulated on a scale, which was graduated in reference to the duties to be performed, the remoteness and importance of the station, etc. The order declared that reductions should not take effect until the offices became vacant and new incumbents were appointed. Therefore, when the new lighthouse keeper at Gull Island was appointed on the 18th March 1872, it was at a reduced salary.

* * *

PACIFIC RAILWAY

Hon. Mr. MACKENZIE rose to move that the House go into Committee to consider the resolution that it is expedient to provide that no person having a pecuniary interest in or contract with the Canada Pacific Railway Company shall be eligible to be elected a member of this House. He observed that the present was a very opportune occasion to endeavour to effect an entire isolation of the parties who are interested in the construction of the Pacific Railway from any position of influence as members of Parliament or in any way connected with the Government. If that Company was to conduct this enterprise to a legitimate conclusion, there could be nothing more necessary than that Parliament should exercise a supreme control uninfluenced by the votes of any members who may have connection with that company.

They were aware that already it had been decided that no members of Parliament shall be directors of that Company; but it had not been decided that no members of Parliament should have any connection with the road as contractors. If the work was sublet to a large number of contractors, and these contractors were to obtain votes in Parliament, we might fairly presume their influence would be exercised in extorting more favourable terms from the Government, and it was in order to prevent any such influence being brought to bear upon the Government and upon Parliament that he now moved this resolution. They knew that if a great company like this had any of its shareholders and contractors in Parliament, it would be able to exercise a powerful influence upon political parties, and through them upon the Administration of the day. This was one of the questions that was discussed very fully last year in connection with the Pacific Railway Charter, and it was argued if the contractors and shareholders were allowed to sit in Parliament they would be enabled to exert such influence as would practically make the road cost whatever the avarice or desire of the Company for the time might dictate.

He had frequently called the attention of the House to the necessity of preventing the interest of powerful companies from controlling the events of the country, and we knew from the history of other companies that if these large corporations obtained an undue influence in Parliament, they were able practically to set the legislation of the country at defiance. In the case of political parties being nearly divided, these corporations might hold the balance of power and control legislation. He was aware that this could be done now in an indirect way. We knew, for instance, that several corporations at the present time had a contract with some of the large Railway Companies to furnish a very large amount of rolling stock, and if the parties so interested should obtain seats in Parliament they would be able to exercise precisely the kind and extent of influence that the stockholders themselves might do. His resolution was intended to exclude all parties so interested in contracts from seats in Parliament.

In offering his resolution, he hoped to secure the concurrence of the gentlemen on both sides of the House and of political parties. It was of the last importance to us as a country that we should not allow any influence to predominate except that legitimate political influence that resulted from the advocacy of certain political principles. If we allowed Parliament to be made the mere tool of wealthy corporations seeking to obtain undue influence for the purpose of obtaining a larger amount of subsidy, larger grants of land, and a more favourable construction of terms of their contract—or, in short, any advantage that might offer—we were placing ourselves at once in a position of dependence upon the Company from which Parliament should be relieved.

In order to effect that object, he proposed, without further comment, to submit to the House the following resolution:—That the House do forthwith resolve itself into a Committee of the Whole to consider the following resolution—“That it is expedient to provide that no person having a pecuniary interest in a contract with the Canada Pacific Railway company shall be capable of being elected, or of sitting, or of voting in Parliament.”

Hon. Mr. TUPPER said he would endeavour to imitate the admirable brevity of the hon. mover of this resolution in the few words he would address to the House. The House would remember, at least those who were present a year ago, that this subject was very fully discussed, and it would be remembered that the sense of the House then was opposed to the principle propounded in this resolution. There was, no doubt, a great deal of force in many of the observations and arguments offered by the hon. gentleman in support of the resolution, but he thought the adoption of that resolution would be attended with very great if not insuperable difficulties. It was certainly not undesirable that as many persons in Canada as could be induced should be interested in the construction of the Canada Pacific Railway; and it was not desirable that they should adopt a policy of excluding a very large number of gentlemen who might otherwise wish to be interested in this great Canadian enterprise. A great deal had been said of that great Canadian work being thrown into the hands of foreign capitalists, and yet the House would at once, by that resolution, exclude a great

many of the most important public men, possessing the most spirit and enterprise, from any participation in the work.

He stated that at that moment \$10,000,000 of stock was purchased by Canadians, and \$1,000,000 of that had been paid up. He asked them to suppose if by the death of a stockholder some member of that House should become the owner of a dollar's worth of stock in the Canada Pacific Railway, instantly his seat would be vacated. He did not think it desirable in a work which it was admitted would involve an expenditure of \$100,000,000 in which there were \$10,000,000 already invested by Canadians, \$1,000,000 paid up, that that House should adopt a resolution which would be fraught with consequences at least embarrassing.

He held that the Grand Trunk Railway held the same relation to the Government as did the Canada Pacific Railway. It was largely subsidized by the Parliament of Canada, and yet it was never found necessary to introduce such a provision as this. The Northern Railway and the Great Western Railway held the same proportion. He asserted that these railways were subsidized just as largely in proportion to the work as was the Canada Pacific Railway, yet it had never been found necessary in the public interest to decide that the ownership of bonds and stock should incapacitate persons from sitting and voting in Parliament.

He did think, fraught as the question was with difficulties of a very grave character, and difficulties that would involve the exclusion of a vast amount of Canadian capital, and which might invalidate the seats of a large number of members, that that resolution should be more carefully considered. A person would be unable even to supply gravel or sleepers. The moment he became a party to a contract with the Canada Pacific Railway his seat became void, and although he might have property in the neighbourhood, he was deprived from furnishing gravel, logs, asphalt or anything that might be required.

He admitted it was desirable to preserve the independence of Parliament, and that nothing should be done that would give a great corporation, like that of the Canada Pacific Railway Company an undue influence. He thought, however, the resolution would require more serious consideration before the House should adopt it, and thereby adopt a policy which would be fraught with very embarrassing and injurious consequences.

Hon. Mr. HOLTON said the proposition of his hon. friend was not that this resolution should be adopted. It was that the House should go into Committee and consider the subject. It appeared to him that there was some force in one of the arguments of his hon. friend opposite, when he said a party coming into possession by a succession of events not within his own control might under that resolution as it stood be deprived of his seat. This would be manifestly unfair. He thought it was important that persons having pecuniary relations with the Canada Pacific Railway should be excluded from Parliament, as those having much smaller relations of a business character with the Department of Public Works were excluded by the law as it now stands. He did think the hon.

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gentleman should allow the principle of the resolution to be affirmed by going into Committee of the Whole and considering the precise terms of the resolution.

Hon. Sir JOHN A. MACDONALD objected to the resolution on the ground that it was out of order, and explained that it would, if passed, affect the seats of members of this Parliament. There were certain qualifications without which individuals could not sit in Parliament, and he thought it contrary to Parliamentary usage to pass a law after they were elected which might turn them out of the House, simply because the House chose to alter the law. It was a course never heard of in Parliament before. The resolution moved was of an *ex post facto* character, while the resolution of which notice was given was a harmless one, and would not affect any hon. member of the House, but would affect or exclude single individuals who would fill vacancies which might occur between them and the expiration of Parliament. The motion he moved then, however, was of an objectionable character. It would, as he had said, be an *ex post facto* law, and was unconstitutional and improper.

Hon. Mr. MACKENZIE did not think they were bound by the exact words given on the notice paper. He noticed the words on the notice paper were not quite as felt as they should be, and words had simply been added to make the motion itself intelligible. No foreign matter had been introduced. It had merely been made more complete. He did not wish to introduce as *ex post facto* law, and if the hon. gentleman liked the motion it could be amended in that particular.

Hon. Mr. CAMERON (Cardwell) thought it would be a clear point of order if the hon. gentleman insisted on the words "Or sitting or voting" being in the motion. As the motion then stood any member of Parliament having a contract of the slightest character would lose his seat. He thought the point of order was well sustained.

The SPEAKER, after reading the motion, said he thought the words "sitting and voting" made a material difference.

Hon. Mr. MACKENZIE said he was willing to amend it as it stood previously.

The motion having been amended,

Hon. Sir JOHN A. MACDONALD said the objection he took to the resolution on its merits was, first, that it introduced a principle that had not hitherto existed. He thought it would be found that almost every railway Company in the Province of Ontario was subsidized, and most of them had directors who were members of the Local Parliament, and if the share lists were looked over, he was sure the names of MPP's would be found upon them. He objected to the resolution again because it would give the then members of Parliament a monopoly, if they desired to go into the Company, and

the men who would be returned subsequently would not have the same privileges.

He thought it would be a waste of time under the circumstances to consider the resolution further. Were it adopted it would have to be read a first and second time and a Bill introduced upon it and passed through its various stages in both Houses. He thought as the hon. gentleman had brought the matter before the House and could have it recorded upon the Journals of the House that he might be satisfied to allow the resolution to stand over until the next session.

Hon. Mr. WOOD explained that there was a great difference between the Pacific Railway and the Great Western Railway and the Northern Railway. In the latter cases, the Crown had no supervision over the construction nor any control over the shareholders or the internal or external working of the Companies, while in this case the Government were most intimately connected with this railway. They must know the whole cost of it from beginning to end—in fact they must know all about it. They were as much interested in the construction of the railway as if they had a Board of Commissioners. The Intercolonial Railway money had been received from England for the construction of that road, not upon the credit of the country, but upon the credit of the people of the Dominion; therefore it was entirely different from the Great Western Railway and the Northern Railway.

Hon. Sir JOHN A. MACDONALD said there was the Grand Trunk Railway.

Hon. Mr. WOOD said, in reference to this railway, that the Government had brought upon this country a stain and disgrace that would never be wiped out by the influence it created in regard to that railway. He referred to the unclear expenditure in the branch lines, and said the hon. gentleman could not have instanced a more potent and powerful argument against his own theory. He admitted that were such a law passed there would be found some who would evade its provisions, but that was no reason why such a law should not be passed. We had a law for preventing robbery and theft, yet we all know that the law did not prevent these crimes. This Pacific Railway would be the subject of legislation for the next ten years. The hon. gentleman at the head of the Government himself introduced a Bill in 1868 to incapacitate persons having an annual salary from Government from sitting in Parliament. In 1871 objection was taken to the hon. member for St. John (Hon. Mr. Gray) who had been employed by the Minister of Justice in the assimilation of the laws, which had been of so much benefit to Canada. (*Laughter.*) He referred to the action of the hon. gentleman leading the House at the time this was brought up, the leader of the House being then absent at Washington. This was to the effect that the Government would take the matter up and dispose of it satisfactorily, which was carried in amendment to a motion of the hon. member for Lambton or the hon. member then for Durham. Surely the hon. gentleman did not argue that members of Parliament should yet be employed in offices under the Government's monthly salaries. The motion of the hon. member for

Lambton (Hon. Mr. Mackenzie) proposed in this case that no gentleman having been elected shall sit and vote if he had a contract with the Pacific Railway. (*Hear, hear.*)

Mr. CRAWFORD thought the amendment was inadmissible. He thought persons or members of a corporation having a contract with that Company would be prevented from having a seat in the House. As member of the Canada Car Company, who hoped to have a contract with the Pacific Railway Company, he would like to know if, as such, he would be precluded according of this resolution from having a seat on that account.

Mr. PALMER objected to the motion, as it affirmed no general principle. He thought that when persons brought forward a resolution affecting the Pacific Railway, a line which every one acknowledged was necessary in the best interests of the country, it should not be adopted by the House. If a general measure were introduced which would affect all companies alike, he would go almost any length with hon. gentlemen to secure the purity of the House.

* * *

NORTHUMBERLAND EAST ELECTION PETITION

At this juncture, **The SPEAKER** ordered the names of the Committee appointed to try the Northumberland East Election Petition to be read. These were called, and they were Hon. Sir John A. Macdonald, Messrs. Staples, Wood, Pearson, and Webb.

As none of the Committee answered to their names, **Hon. Mr. CAMPBELL**, as Chairman of the General Committee of Elections, moved the reading of the 77th section of the Controverted Elections Law, which, having been done, the Committee, in accordance with the provisions of the section, were discharged, and the petition was referred back to the general Committee of Elections.

Hon. Mr. HOLTON asked if the Sergeant-at-Arms had executed the orders of the House.

The SPEAKER said the order had not been entered on the minutes, as it was illegal; the Committee not having been sworn.

* * *

PACIFIC RAILWAY

Mr. CHARLTON then resumed the debate on Hon. Mr. Mackenzie's resolution. He said the Minister of Customs (Hon. Mr. Tupper) had asserted that the Pacific Railway was not a Government work. That was undoubtedly true, but it was equally true that the Company had very intimate relations with the Government, that the Company were to receive \$30,000,000 of money and 50,000,00 acres of land, and when that was used up they

might come to Parliament and ask for further subsidies and further land grants. We could already see the influence of the corporation in reference to the land policy of the Government, which fixed the price at \$2.50 per acre, thereby obstructing the settlement of the country.

He presumed there was no member of this House that had not heard of the Erie ring, the Vanderbilt ring, and the Scott ring, and was more or less familiar with the scandals connected with railway legislation in the United States. How much more easily could these transactions have been effected if these railway rings had their manipulators in the Legislatures instead of having to depend upon the influence of the lobby. If we did not take measures to prevent persons having seats in this Parliament who were interested in contracts on the Canada Pacific Railway, he was afraid the door would be opened for a very serious state of things. The legislation of Canada in future years would be disgraced by legislative friends in connection with railway matters more disgraceful than those which characterised the railway legislation of the United States.

Now was the time to provide against so grave a calamity, and that they could do by adopting the resolution now before the House. If this Canada Pacific Railway scheme was carried out upon its existing basis the conclusion must be reached that unless further aid is granted it must end in failure. After the Company had commenced operations and used up their money, then, if they have influence in this House arising from parties connected with their having seats here, the danger that this country will be obliged to give further grants of money and land would be greatly enhanced.

He found in the Pacific Railway charter this provision:—"The lands hereby appropriated to the Company shall be granted from time to time at the intervals of six months, as any portion of the railway is proceeded with, in quantities proportionate to the length, difficulty of construction, and expenditure upon such portion, to be determined in such manner as hereafter is provided." That clause was very indefinite. The land was to be granted not as sections of the road were completed, but as they were proceeded with, thus leaving the door open to very grave frauds, unless there was honest supervision of the affairs of the Company, but should the Company be able by their representative in Parliament to control 30 or 35 votes, they would be able to hold the balance of power, and would be practically omnipotent. They would be able at any rate to dictate their own terms.

The country would expect that the House would not do less than to adopt this resolution, and thus prevent men from sitting in this House who were shareholders or otherwise pecuniarily interested in the Canada Pacific Railway Company.

Hon. Mr. MACKENZIE said he desired to make a few remarks in reply to the observation of the gentlemen opposite. The Minister of Customs (Hon. Mr. Tupper) objected in the first place to the extension of the principle so far as he had first proposed. Well, if the House went into Committee on the resolution, it could be changed to meet the views of the majority of the House if it was

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thought that principle was carried too far; but the real objection was to any interference at all in this matter.

The hon. gentleman in referring to the other railway companies showed that he was not conversant with the circumstances connected with them. First as to the Grand Trunk Railway. That was a private corporation no doubt, but having a sort of *quasi* connection with the Government, inasmuch as a certain number of members of the Government were directors. This Company, however, were to receive a certain specific sum per mile after the road was finished, so that they could not at the moment obtain any particular advantage, as a corporation, from the mere fact of the members of the Government being in the Company. Further than this, it was a calamitous thing for the country, because the very fact of the members of Government being directors led the people of England to believe that this country was responsible for all that was advanced in behalf of the Company, and led them at a future period to look to this country for redress for grievances sustained at the hands of the Company; and this was not all—members of the Government being directors and shareholders, we found that the Company were able through Parliament to force an additional \$900,000 sterling, which they were not entitled to under the Act of 1853.

Nothing could more clearly illustrate the disadvantage of the Government or Parliament having any intimate connection with such a corporation; but with regard to the Great Western and Northern Railway Companies, they simply received a sum of money as a loan, and the company as such had no connection with the Government or Parliament. It was a question undoubtedly whether the parties interested directly as large stockholders in those companies did not exercise influence in order to obtain a discharge from their obligations. He had no doubt that such influence had been exercised with regard to the Great Western Railway case. He considered it was settled upon equitable principles.

With regard to the Ontario railroads, it was admitted that two or three parties interested in them held seats in the Ontario Parliament, and it was quite possible that the principle of Parliamentary independence would require to be extended so as to include even those. That was a point that he need neither defend nor condemn, but there was this important difference between these roads and the Canada Pacific Railway. The country furnishes practically all the capital that is needed to build the Canada Pacific Railway.

We found two or three gentleman on the opposite side of the House complaining that the amount given was excessive, and that the road could be built for a less sum, but no one pretended that any of the gentlemen interested in the Company had gone into it from pure patriotism, so as to build the road for less than the country supplied. In the case of Ontario roads, the law authorized the Government, by Order in Council to grant a sum not exceeding \$4,000 a mile, and not less than \$2,000 to any Company whose road was built in a particular direction; but before that money could be granted the road had to be finished and inspected by a

government official and the vote had to be submitted to Parliament for ratification. A stockholder, therefore, had no real interest in procuring any assistance from the Government for carrying on the construction of the road.

In the case of the Pacific Railway, as his hon. friend from North Norfolk (Mr. Charlton) had pointed out, the subsidy and grants of land were to be given as any portion of the work was proceeded with. Had this particular clause of the charter been worded as it was understood last year it would be worded, then no money whatever would be paid till certain sections should be completed; but the real position was this, that Parliament furnished all the funds for the building of the road either in money or lands, according to the contention of the gentlemen opposite.

The famous resolutions passed last year brought out clearly the intention of the Government that the road should be built by money subsidy and land grants. If, therefore, the shareholders and contractors of this company had seats in Parliament, there was nothing more natural and nothing more inevitable than that they would use the influence thus obtained to benefit the Company when, some years hence, they may need a larger subsidy from the Government to build the road. If there was anything more certain than another, it was that this railway would come in a few years to Parliament and represent that the physical difficulties they had to contend with had turned out much greater than they had reason to suppose, that the price of iron and steel had risen, and that the price of labour had gone up. He ventured that prophecy without fear of its not being fulfilled. Why, only the other day we found gentlemen opposite deliberately arguing in favour of breaking a contract upon the very ground he just specified as likely to arise. (*Cheers.*) Hon. gentlemen opposite broadly stated it was perfectly right for the contractors to urge such reasons, and that Parliament and the Government should act upon those reasons.

The amendment the Minister of Customs (Hon. Mr. Tupper) tried to move to his resolution in reference to the Intercolonial Railway bore out exactly what he had stated. Now, the hon. gentleman proposed that this principle should be extended still further; and if the influence of one, or two, or half a dozen contractors on the Intercolonial Railway was sufficient to cause the Government to pay in one case, as he had shown, not less than \$65,000, and caused the Government to bring down an estimate to pay the other five contractors sums varying from \$20,000 to \$40,000—if these contractors had that influence in this House, how much more would this gigantic Pacific Railway corporation be able to influence Parliament, especially in that they were permitted to have their contractors and shareholders holding seats in this House?

The conclusion was inevitable; and he did suppose in proposing this resolution that the Government and gentlemen opposite would be glad to join with him in coming to a decision at this time, before a farthing had been expended upon the road, which would practically shut out these contractors coming down to Parliament, and, by means of their influence and votes, endeavouring to obtain

a higher price for the services they proposed to render to the country.

He was somewhat surprised at the member for St. John (Mr. Palmer) complaining that the resolution did not go far enough, and therefore he would vote against it. He (Hon. Mr. Mackenzie) could only say that when they went into Committee he would be willing to extend the principle to gratify that hon. gentleman and secure his vote. Having made that declaration as a concession to his hon. friend, he could count, he presumed, with safety upon obtaining his vote. He promised that hon. gentleman his support in going any reasonable length he might desire to carry out the principle. (*Hear, hear.*)

Then his hon. friend from Toronto West (Mr. Crawford) was afraid he might go too far. He believed he could satisfy that hon. gentleman also. May laid down this principle. The Act 22, George III, chap. 45, declared that any person who shall directly himself, or by any one acting for him, undertake any contract under Government, shall be excluded from being elected or of sitting and voting during the time he shall hold such contract, but the Act does not affect corporate or trading companies acting in their corporate capacity. In this view of the case, banks would not be affected.

He would next refer to the remarks of the leader of the Government (Hon. Sir John A. Macdonald). That hon. gentleman first objected to his resolution on the ground that it did not conform to the notice given. He held that the words "sitting or voting" must be struck out. The Speaker supported that view, and then the words were struck out. Then the hon. gentleman got up and opposed the resolution, because it would permit members of the present Parliament to hold contracts with the Company. He first got the words struck out that made the resolution applicable to the present Parliament, and then he objected to it because it did not apply to it.

Well, the House would soon have to go into Committee of Supply. He would then offer the hon. gentlemen an opportunity of voting that the present Parliament ought also to be included. These appeared to him to be the only objections urged against the motion he had proposed, and being desirous of accommodating himself to what he knew to be the intense desire of the Government that there should be no more speaking at all this session he would not enter more fully into the subject.

The House then divided upon the question, when the motion was lost by 63 to 87.

YEAS

Messrs.

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|-----------------------|--------------------|
| Anglin | Béchar |
| Blain | Bodwell |
| Bourassa | Bowman |
| Brouse | Burpee (Sunbury) |
| Cameron (Huron South) | Casey |
| Casgrain | Charlton |
| Church | Cockburn (Muskoka) |
| Delorme | De Saint-Georges |

Dorion (Drummond—Arthabaska)
Ferris
Fiset
Fournier
Gibson
Harvey
Holton
Jetté
Macdonald (Glengarry)
Mercier
Mills
Pâquet
Pelletier
Richard (Mégantic)
Ross (Middlesex West)
Ross (Wellington Centre)
Scatcherd
Smith (Peel)
Stirton
Thomson (Welland)
Wallace (Albert)
Wilkes
Young (Montreal West)

Dorion (Napierville)
Findlay
Fleming
Galbraith
Gillies
Higinbotham
Horton
Landerkin
Mackenzie
Metcalfe
Oliver
Paterson
Pozer
Ross (Durham East)
Ross (Prince Edward)
Rymal
Scriver
Snider
Thompson (Haldimand)
Tremblay
White (Halton)
Wood
Young (Waterloo South)—63

NAYS

Messrs.

| | |
|-------------------------|-------------------------|
| Almon | Archambault |
| Baby | Beaty |
| Benoit | Bellerose |
| Bowell | Blanchet |
| Brown | Brooks |
| Carling | Campbell |
| Cluxton | Chisholm |
| Colby | Coffin |
| Crawford | Costigan |
| Dewdney | Cunningham |
| Dormer | Domville |
| Dugas | Doull |
| Farrow | Duguay |
| Gaudet | Fortin |
| Gibbs (Ontario North) | Gendron |
| Glass | Gibbs (Ontario South) |
| Grover | Grant |
| Jones | Harwood |
| Killam | Keeler |
| Langevin | Lacerte |
| Lantier | Langlois |
| Little | Le Vesconte |
| McDonald (Antignish) | Macdonald (Sir John A.) |
| Mackay | McDonald (Cape Breton) |
| Masson | Mailloux |
| McDougall | McAdam |
| Mitchell | Merritt |
| Morrison | Moffatt |
| Nelson | Nathan |
| O'Reilly | O'Connor |
| Pickard | Palmer |
| Pope | Pinsonneault |
| Ray | Price |
| Robitaille | Robillard |
| Ross (Champlain) | Rochester |
| Ryan | Ross (Victoria) |
| Smith (Selkirk) | Savary |
| Stephenson | Staples |
| Tilley | Thompson (Cariboo) |
| Tourangeau | Tobin |
| Wallace (Norfolk South) | Tupper |
| | Webb |

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White (Hastings East)
Wright (Ottawa County)—87

Witton

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

AFTER RECESS

NORTHUMBERLAND EAST COMMITTEE

Hon. Sir JOHN A. MACDONALD appeared at the Bar of the House, in charge of the Sergeant-at-Arms, bearing the mace, to answer for his non-attendance in the House on Saturday to take his oath as a member of an Election Committee, amid cheers and laughter.

Hon. Mr. TUPPER put in an affidavit declaring that he had been called in to give his professional advice to Sir John, and in consequence of ill health, decided that it was necessary for him to refrain from taking part in public business. He therefore moved this explanation be accepted as sufficient for his non-attendance.

The motion was carried, and **Hon. Sir JOHN A. MACDONALD** took his seat.

The Sergeant-at-Arms reported that, in consequence of the absence from the city of Mr. F.M. Pearson, M.P., he was unable to execute the order of the House that he also be brought to the bar.

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MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate, informing the House that they had passed without amendment the Act respecting the Ocean Mail service; also, that they had passed an Act respecting the Extradition of Criminals, and asking the concurrence of this House in the same.

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PRIVILEGES AND ELECTIONS

Hon. Mr. CAMERON (Cardwell) moved the adoption of the report of the Standing Committee on Privileges and Elections.—Carried.

* * *

EXTRADITION OF CRIMINALS

Hon. Sir JOHN A. MACDONALD moved that the bill from the Senate, making further provisions respecting the Extraditions of Criminals, be read a first time.—Carried.

THE HUNTINGTON COMMITTEE

Hon. Mr. CAMERON (Cardwell) asked the consent of the House to bring in on Wednesday, supposing it should be given to the House by the Government, the following motions:

—That the Select Committee on the statement of the Hon. Mr. Huntington in relation to the Canadian Pacific Railway have leave to sit, although the House be not sitting at the times the said Select Committee meet.

Adoption of the report presented on the 7th of May from the Select Committee on the statement of the Hon. Mr. Huntington in relation to the Canadian Pacific Railway.

Hon. Sir JOHN A. MACDONALD: Certainly.

Hon. Mr. MACKENZIE suggested that they should be moved the first thing after recess on that day. This was agreed to.

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ADVERTISING

Mr. FOURNIER in the absence of Mr. Boyer, moved for returns of letters, accounts et cetera, addressed by Michel Mathieu, M.P., and the Hon. J.B. Guévremont, Senator, to different Public Departments on the subject of the publication of official advertisements in country newspapers.—Carried.

* * *

THE HAY PRIVILEGE

Mr. CUNNINGHAM moved for a copy of the correspondence relating to the hay privilege in Manitoba. He said the object of this motion was to ascertain if there was any collusion, as was believed by some parties in that Province, between the Hudson Bay Company and the Government against the people of the Province in relation to this and other matters.

Hon. Sir JOHN A. MACDONALD said there was no objection to this motion. By the correspondence it would be found that the Government had done everything that could be done with a view to settling this question. It was known that the settlers along the Red River and the Assiniboine River claimed the right of cutting hay for a considerable distance beyond those limits. Until the survey of these hay limits could be made, there could not be any settlement of these claims. The Government had instructed the Lieutenant-Governor of that Province to ascertain the value of these privileges and the parties who claimed them, and the Lieutenant-Governor was taking the proper steps.

With regard to what the hon. gentleman had said about a feeling in the North-west, that the Hudson's Bay Company were acting with the Government against the country, whether the Government were right or wrong in the administering of the affairs of that Province, he would say that the Hudson's Bay Company were not in any way responsible for such administration, nor had that Company ever presumed to give any advice. If the Government had spoken to any person with respect to any matter concerning the Province, it was to the hon. member for Selkirk (Mr. Smith), as they would speak to any member; and in every instance in which that hon. gentleman had spoken to him respecting the North-west, he had pressed the claims of the inhabitants without reference to their religion or their race.

Mr. SMITH (Selkirk) considered that this was not a matter of policy, but of right, and thought that apart from the Manitoba Act it would be found that the people in these districts had a title to that land, and that in November or December, 1869, the Government had given instructions that they would insure the people of that country all their rights as enjoyed under the Hudson's Bay Company. They very naturally expected that if the lands were not given up to them for agricultural purposes, they at any rate should have them for hay lands, for which they were equally valuable to them. He hoped the Government would find other lands for those who had taken farms within those limits, or would indemnify them for the loss of the lands they had settled or some would have to give up.

The motion was then carried.

* * *

RED RIVER NAVIGATION

Mr. SMITH (Selkirk) moved for a copy of the correspondence having reference to the navigation of the Red River. He said the navigation of the Red River was of great importance of the people of that country, and it was well known that they were indebted to the United States for the transport of their goods. The object of the motion was to ascertain from the Government if any advance had been made to the Government of the United States, with a view to have the navigation of this river secured to the people of the Province.—Carried.

* * *

INDIAN TREATIES

Mr. SMITH (Selkirk) moved for a copy of the correspondence bearing on the subject of Indian treaties in Manitoba and the Northwest.

Hon. Mr. MACKENZIE suggested that these Indian treaties should be printed.

Hon. Sir JOHN A. MACDONALD promised to have them printed at once.

The motion was carried.

* * *

LEPROSY IN NEW BRUNSWICK

Hon. Mr. ANGLIN moved for the report of J.C. Taché, Esq., Deputy Minister of Agriculture, on the origin and progress of leprosy in New Brunswick. In doing so, he said he had been asked by several members what the motion meant, and whether leprosy actually existed. He was sorry to say it really did. He said it was first known about sixty years ago; and he gave the history of the action of the Local government on the subject, which had been so far effectual as to keep it within small bounds of a certain district and there to certain families. Nothing was definitely known as to its origin, and although there were certain stories afloat as to the original cause, and although some had it that the unhealthy nature of the particular district to which it was confined was to blame for it, Mr. Taché's report exploded all these. He had visited that district himself; and gave a graphic and heart-rending description of the state of the sufferers from this frightful disease. The Local Government had established a lazaretto, but it was little else than a mere barn, and was a disgrace to the nineteenth century for a long time.

Now there was a great change, and everything was well kept about their hospital, and especially it was scrupulously clean. It was under the care of the Sisters of Charity. The place was at one time a sort of quarantine establishment, but did not continue to be so, and as the Intercolonial came within a short distance, he thought some means should be devised to prevent persons afflicted with this disease from travelling on this or any other railway. He complained that although under the care of the Sisters of Charity the establishment was well kept, it was yet the same old barn, not fit to retain one half of those who needed admittance, and those not comfortably during winter. His purpose in making the motion was to get Mr. Taché's report printed and circulated among the members of the House.

Mr. MACDONALD (Glengarry) said this was a most important statement, and some explanation was due to the House from the Government, seeing that Mr. Taché, Deputy Minister of Agriculture, had been sent to report upon it.

Hon. Mr. HOLTON also thought a statement should be made by the Government as to what they intended to do.

Hon. Mr. POPE (Compton) said Mr. Taché had been sent at the instance of the Imperial Government; but this Government thought and did yet think that this was a matter to be dealt with by the Local Government.

Hon. Mr. WOOD urged that something should be done. The case was a serious one, and he thought that a grant might be made under the Quarantine Act.

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Mr. MACDONALD (Glengarry) did hope that something would be put in the supplementary estimates for this purpose.

Hon. Sir JOHN A. MACDONALD was glad to see that hon. gentlemen opposite of so much distinction as the hon. member for Glengarry and Durham West had at last been converted to the policy of the Government in respect to better terms to the Provinces. The Government had been roundly attacked for granting better terms to Nova Scotia and the hon. member for Glengarry had been one of those who most strongly urged that nothing could be done for Nova Scotia, but by going to the Imperial Parliament. Now, did the hon. member want to go to the Imperial Parliament to cure leprosy in New Brunswick?

Hon. Mr. WOOD: We objected not to the sum but to the manner of giving it.

Hon. Sir JOHN A. MACDONALD was glad to see that hon. gentleman were taking the view that the Government had taken and always would take, that was that the Dominion Government had a right to do what it wished with its own. The Constitutional Act which fixed the amount of money to be paid to each of the Provinces was merely a pledge that the Provinces should get so much and no less, not that more could not be paid them. Their hands were not at all tied as to how they should dispose of their own. He was glad that two such eminent constitutional lawyers as the two hon. members who had spoken, had recognized the accuracy of this principle which the Government would apply in the interests of the country.

Mr. MACDONALD (Glengarry) contended that this was entirely a different matter to that of the better terms to Nova Scotia. This was a matter of charity, and in any matter of charity the name of the member for Glengarry would never be wanting in its support.

Hon. Mr. POPE (Compton) pointed out that this matter was in the same position that it had been in since the Union, and there was no reason why it should have been brought up five years ago as well as today. There was not the slightest objection to bringing down any papers that there might be in the department. Report, however, there was none, save that which had been got up for the Imperial Government, but one would be prepared.

Hon. Mr. WOOD hoped to hear something from the leader of the Government upon such an important subject, for even if this subject did cost some money, we all knew that the leader of the Government had been able to put a pretty wide construction upon the terms under which New Brunswick and Nova Scotia entered the Union, and this would be a mere matter of charity.

Hon. Mr. MACKENZIE said he had hoped to have heard the last of this Nova Scotia better terms question before now. This side of the House proposed a mode of arriving at a satisfactory arrangement of financial matters between the Provinces that would have been quite unexceptionable, but the hon. gentleman opposite took his own way, and surely we might congratulate the Nova Scotia member now that they had learned from the hon. gentleman

for the first time that it was given in the same manner as charity. (*Cheers.*)

The motion was then carried.

* * *

PORT STANLEY HARBOUR

Mr. CASEY moved for an order for a select committee on papers relating to Port Stanley Harbour. He said that it had now become so late in the session that he did not intend to move for the committee, but he proposed to lay the facts before the Government. The Act provided that the amount received from the harbour should be expended upon it, but from the amounts which were shown to have been received and expended, it appeared that all the moneys received could not have been expended on the harbour, as it was in a ruinous condition. It had been confessed by officials of the railway, in whose hands the harbour had been placed, that part of the money realized had been expended on the purchase of land in that locality, and besides this, it was generally believed that differential tolls had been levied in favour of a steamboat belonging to the railway company.

It was desirable that the matter should be investigated, and the more so, as he understood that the Great Western Railway had applied to obtain possession of the harbour on the ground that the London and Port Stanley Railway had passed into the hands of the former company, and that the Government had refused to grant the application until it was ascertained that the London and Port Stanley Company had fulfilled their agreement. This, he thought, was the proper course to pursue, and he trusted that no transfer would be made until an investigation had been had.

He also urged that the wishes of the people of the country should be considered, and that the control of the harbour should be transferred to the County Council who were prepared to assume the control of it. He should not now move for the committee, but would bring the motion up again next session.

The order was dropped.

* * *

TORONTO COLLECTOR OF CUSTOMS

Mr. WILKES moved for a Committee of the Whole on the resolution declaring it unseemly and inexpedient that the Collectors of Customs or other high grade public officers should be recognized or advertised agents of insurance or other business companies. He said at the earlier part of the session parties engaged in the Fire Insurance business complained that they were suffering from certain disadvantages. They stated the Collector of Customs was the agent for one of the principal offices, and they found it impossible to compete with him in consequence of the advantages he possessed by reason of the position he occupied. His only object in bringing

the matter before the House was for the furtherance of the interests of the public.

He read a copy of the *Monetary Times*, in which an advertisement of the Fire Insurance Company appeared with the name of the Collector of Customs attached to it as manager. He thought the Government would admit that the two positions were not compatible. It was the duty of the Government to give suitable remuneration to officers of that class in order to remove the necessity of their going into any other business. He found the salary of the Collector for the port of Toronto was only 11 per cent, while that at most other ports was much larger. It seemed to him that this officer was not sufficiently remunerated.

Mr. BEATY stated that he had had business with the particular insurance office and could ensure the House that the Collector of Customs had nothing whatever to do with the business, which was conducted by the brother of the Collector, although the latter's name appeared as the manager.

Hon. Mr. TUPPER said that at the commencement of the Session they were not aware that the Collector of Customs of the port of Toronto was the advertised agent of an insurance company. He understood from the observations of his hon. friend who had preceded him that that officer has lent his name to and in carrying on the business. He concurred with the spirit of the resolution, which he thought was one which would commend itself to the House. He thought officers holding such important positions ought to be sufficiently remunerated by the Government to enable them to give their whole time to the discharge of their public business. He would see that the spirit of the resolution was carried out.

Hon. Mr. TUPPER hoped that the hon. member for Toronto Centre (Mr. Wilkes) would withdraw his resolution, after the statement that had been made.

Mr. WILKES said he had statements made to him by several persons to the effect that the Collector of Customs was not only the advertised agent, but he solicited business for the Company. He reiterated that he had no personal motive in moving for this Committee, his intercourse with the Collector of Customs had always been of the most pleasant and agreeable character. He had great pleasure in withdrawing the resolution, as his object had been served.

* * *

GEOLOGICAL MUSEUM

Mr. GRANT moved that the House go into Committee of the Whole on a resolution declaring it expedient that the Geological Museum and staff should be stationed at the city of Ottawa. He said that he moved this resolution with a considerable degree of hesitation, inasmuch as it might be looked upon as being made in purely local interests. However, such was not his intention. The Geological Museum established in Montreal, under the direction of

Sir William Logan, had, since the initiation of the geological survey, assumed a Dominion character, and he had come to the conclusion that it should be removed to Ottawa, inasmuch as it was a department of the Government.

In looking over the House, he would like to ask how many of the hon. members of which it was composed had an opportunity of visiting the museum at Montreal. Most of the hon. gentlemen were men of business capacity, men of common sense, men of ability, and coming as they did from all parts of the Dominion, he thought it desirable that the Geological Museum should be stationed here in order that year by year an opportunity might be afforded to them of seeing the development that was going on in our economic minerals.

It was urged in opposition to his proposal that the Professors in connection with McGill University at Montreal were connected with the staff; but it was now, the working of this Department having been extended to the whole Dominion, more than ever necessary that the officers of the survey should devote their efforts entirely to the service of the Department. Their labours were now so extensive that they had more than they could accomplish without any connection with the University. He then pointed out the importance of the geological survey, and contended that its usefulness would be very much extended if the Museum of the Department were removed to Ottawa.

Hon. Sir JOHN A. MACDONALD said that his hon. friend had made his motion with his usual ability, and the subject was certainly worthy of all consideration. His hon. friend was himself a great geologist and naturalist, and therefore took a great interest in this subject, and no doubt with a laudable desire to increase his geological knowledge.

He would like to have the museum here, and if the motion had been brought up earlier in the session, referred to a Committee, who could have reported to the House, an opportunity would have been afforded for a discussion which could not now possibly be obtained. The hon. gentleman knew that this subject had attracted the attention of the Government. They (the Government) had gone so far as to cause an estimate of the cost of a plain building which would have provided at all events a fitting receptacle for duplicate specimens, of which there would be no difficulty to obtain a sufficient quantity at Montreal to make a respectable museum, to which would be added the specimens that would no doubt be sent in from all parts of the Dominion.

It was also proposed that some of the chief models from the Patent Department should be transferred to this building, but the sum which the edifice was estimated to cost rather frightened the Government, which was very economical, against asking the House for a vote this session.

He (Hon. Sir John A. Macdonald) believed, too, that the gentleman who was at the head of the survey (Mr. A.R. Selsyn) as his perhaps still more celebrated predecessor, Sir William Logan, had strange opinions upon the importance of keeping the geological

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museum at Montreal, and they ought certainly to be heard before a final decision was come to. He could assure his hon. friend that the subject would receive the attention of the Government during the recess, and he trusted that with these explanations his hon. friend would rest satisfied and withdraw his motion.

Hon. Mr. MACKENZIE considered that the fact that Ottawa was the political capital was not any reason why the museum should be brought there. Montreal was on the highway of travel, and was the set of large educational institutions, and the museum would be of much more service to science and to the country if it remained located there than if it was removed to Ottawa. He also observed that Sir W. Logan had, he understood, contributed a considerable amount from his private means to this museum, which he had located at Montreal, and this was an additional reason why it should not be removed.

Mr. GRANT repudiated the notion that he brought up this matter from any personal motives. He held that if the museum was removed to Ottawa it would be of greater service to the country.

Mr. BODWELL argued that it would be inspected by a great many more people if it was located in Ottawa. It would secure public interest. The representatives of the people could have the opportunity of examining it.

The motion was then withdrawn.

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MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate informing the House that they had passed an Act to make further provision for the Government of the Northwest Territory, and asking the concurrence of the House.

Hon. Sir JOHN A. MACDONALD moved the first reading of the bill.—Carried.

* * *

MERCANTILE AGENCIES

Mr. DOMVILLE moved to refer the petition of Thomas Hicks and others on the subject of mercantile agencies to a select Committee of seven members. He referred to one Company which he would not name, which he declared issued false statements, and when any proceedings were taken against it, no one but a third-class lawyer or some young person could be found to proceed against. The substantial members of the company were out of the country.

He read extracts from a certain newspaper complaining of false statements having been made by those companies. He was not actuated by any hostile feelings towards them, but he thought the public interests required that enquiry should be made into the way they managed their business. He believed the whole thing was

nothing but a black-mail institution, and he prepared to prove their statements were utterly unfounded.

The motion was carried.

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MEETING OF PARLIAMENT

Mr. ROSS (Middlesex West) moved that it desirable that in future, unless the public interest prevent, the Parliament of this Dominion should be called to meet for the despatch of business on some day not later than the fifteenth day of January in each year. He thought that as the session usually extended over two months it was important that the members, who largely represented the mercantile and professional classes, should be enabled to leave at an earlier period than possible at present. An important portion of the year was occupied now, and many members desired to return and attend to the duties which required their presence at their places of residence. He thought it might, perhaps, be advisable to alter the motion to the third Wednesday in January.

Hon. Sir JOHN A. MACDONALD said there could be no objection to the motion seeing the constitutional power which the Government had in this matter.

The hon. member for Bothwell (Mr. Mills) had brought forward a similar resolution in a previous session, with the exception that the 15th of February was inserted instead of 15th January. He pointed out the reasons which had caused the 15th of February to be selected, but he thought the hon. gentleman should fix some date slightly later than the 15th of January. He suggested the first Monday or the first day of February.

Mr. ROSS (Middlesex West) agreed to do so.

Hon. Mr. WOOD said he would suggest that the Finance Minister should make his financial statements a little clearer, as they were at present about as intelligible to this House as the language of jackdaws. (*Laughter.*) He suggested that if the House meets in February the Government should get a vote of credit for two or three months after the close of the financial year, which should close in January instead of June as at present. The Minister of Finance must have felt a great difficulty in having to make his financial statement after wading through so many figures as he necessarily did under the present system. He did not ask the hon. gentleman to make any statement on the subject just now, but thought it would be one well worthy of his consideration. The people of this country wanted a plain statement of the income and expenditure, and not involved statements of this account and the next one as at present. (*Hear, hear.*)

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ASSIMILATION OF COMMERCIAL LAWS

Mr. CASGRAIN moved a resolution on the subject of the assimilation of the commercial laws in force in the different

Provinces of the Dominion. He thought this was of vital importance, especially to the Province of Quebec. He thought they should have the same commercial laws; and went on to describe the difficulties which arose from the existence of the French and English laws in the Province of Quebec.

The subject had attracted the attention of the most eminent men of the day in England; and he went on to quote from the report of a meeting for this end in England and from the report of the Committee of the House of Lords, in which resolutions were passed in favour of a legislation of this character. He held that what the most of the civilized countries in Europe had done should be done in this country.

Hon. Mr. WOOD could not concur in the resolution, but he thought an approximation of the laws might be made. He proceeded to describe the course that had been adopted by the United States, and referred to the difference existing between the laws of the different Provinces, and spoke in high terms of the municipal laws of Ontario. The law of Ontario was a transcript of the law of England; and if the English law was adopted in the same manner in the other Provinces, they would have an assimilation of law. He thought it especially important that the commercial law should be universally adopted in the Dominion.

Mr. MILLS said it was impossible to deal with this subject without the consent of the Local Legislature, because it was well known when these Governments gave up this power to the Dominion Parliament, they could have no further power in that direction. He was in favour of federal government; and when any change would be made in regard to what the local Governments would have to legislate upon, it ought to be in such a manner as to extend their legislative powers in the local Governments. The greater the power conferred on the local Governments, the less there would be of sectionalism and opposition of interests in this House between the different Provinces.

Hon. Sir JOHN A. MACDONALD said the hon. member for Bothwell (Mr. Mills) had a mania for thinking that many resolutions brought up in this House were introduced with a desire and will to destroy the constitution of this House. He could tell the hon. members for Bothwell (Mr. Mills) and Durham West (Hon. Mr. Wood) that the resolution had no connection with the constitution. The hon. member for Durham West had said that he would not vote for the resolution, although he was in favour of it, lest it would deprive Ontario, Nova Scotia and New Brunswick of their rights.

The hon. gentleman had read the wrong edition of the constitution. The constitution gave certain powers to this Government and certain to the local Governments. It gave to the latter, with some exceptions, the law relating to property and civil rights. There was a clause in the Act leaving out the Provinces of Nova Scotia, New Brunswick, and Ontario, which had the common law of England for their basis. There was a clause in the constitution with respect to the laws of property and civil rights,

except those given to the Federal Government, which provided that a motion might be introduced in this House with respect to those laws, but which would have no effect whatever in any of these Provinces until they were adopted by those Provinces so that the objection of the hon. member for Durham West could not stand. In the first place the resolution could only mean the assimilation of these laws. Why should not we have a codification of the law relating to bills of exchange of relating to currency.

The resolution was simply for an expression of this House that it is expedient that the commercial laws be made alike, and at the same time should be assimilated to the laws in the United States and England. That was a proposition he was willing to adopt, and he hoped there was no Province of the Dominion so far distant as not to be constituted in that law. The last part of the resolution, however, he thought the hon. member might well dispense with. That was to refer it to a committee.

Mr. MILLS called the attention of the Premier of the Government to the fact that when he suggested that these laws should be assimilated, he (Hon. Sir John A. Macdonald) had informed the House that they had been already assimilated.

Hon. Sir JOHN A. MACDONALD said he could not have said that they were assimilated when they were not.

Mr. CASGRAIN agreed to withdraw the portion of the motion asking for a Committee, and the motion as amended was passed.

Hon. Sir JOHN A. MACDONALD said this resolution would in no way interfere with the Federal Constitution if carried, because though such a law as asked for were passed by this Parliament, it could not become law in the different Provinces until adopted by the Provincial Parliaments. He did not see the use of appointing a Committee seeing that the commercial laws were not within the jurisdiction of this House, but with that portion of the resolution struck out he would certainly go for it heartily.

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STORMONT CAVALRY

Mr. BROUSE moved for a Committee relating to the formation and organization of the Stormont and Cornwall troop of cavalry. He explained the circumstances connected with the formation of this company in 1870 under Captain Mattice. The company expected to be recognized as an independent cavalry company. Subsequently, Mr. H. Sandfield Macdonald was authorized to form a company, and Captain Mattice and Captain Welsh were placed in an inferior position to Captain Macdonald, although he was the youngest of three, and really had no company. There was great dissatisfaction at this on the part of Captain Mattice's men. The captain himself was a man of high standing, and took great interest in our military matters.

Hon. Mr. LANGEVIN had no objection to bring down the papers.

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Hon. Mr. MACKENZIE asked if the hon. gentleman had nothing to say of the merits of the case, if it was true that a young man without a company and without experience had been placed in a position of seniority of experienced officers.

Hon. Mr. LANGEVIN said he was not aware of the facts of this case, but he would consider the matter and see that no injustice was done.

Mr. BERGIN said the facts of this case were of a most outrageous character. The case had been repeatedly brought before Parliament. There was a good deal of humbugging in this matter on the part of the militia authorities, which resulted in Captain Macdonald being placed in a position of seniority, although he had not now, and never had, a company.

Mr. BOWELL said the case had not been put too strongly by the former speakers. He related the circumstances connected with the matter and contended that Captain Mattice had been very badly treated. He hoped the Minister of Militia would look into the matter.

Hon. Mr. LANGEVIN said if there had been any misunderstanding, or an oversight or any error, it would be ratified. Political opinions were never allowed to interfere in this particular Department above all others.

The motion passed.

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TOBACCO DUTY

Mr. De ST-GEORGES moved for statements showing the quantity of tobacco raised in Canada during the year previous to the imposition of the present duties of license and excise, as well as during the fiscal year ending 30th June, 1872.—Carried.

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THE TELEGRAPH SERVICE

On the order that the House go into Committee of the Whole on a resolution respecting the purchase and working by the Government of the whole telegraphic system of the Dominion,

Mr. GLASS said that he intended to withdraw the resolution, on account of the late period of the session. At another session he expected to move this resolution, and would be very glad if hon. gentlemen would investigate the matter. He went on to say that every country in Europe that had a telegraphic system had it in connection with the Post Office system. There was no reason for the messages which cost nothing to transmit a greater charge should be made than for a letter, the cost for transmission of which from place to place was much greater. He then withdrew the motion.

MOTION FOR A PETITION

Mr. FORTIN moved the reading of the Journals of the House of the 28th March 1871, with a view to the appointment of a Select Committee to consider the return to an address of 27th March 1871, asking for copies of a petition or petitions by Joseph Bouchette on his own behalf or on behalf of others, children and grandchildren of the late Joseph Bouchette, in his lifetime Surveyor-General of the Province of Lower Canada.

After some discussion as to whether or not the motion was in order, the motion was carried.

* * *

MANUFACTURERS OF THE DOMINION

Mr. WITTON moved that in view of the great importance to the whole community of the growing manufactures of this Dominion, it is expedient and highly desirable that the fullest information should be sought by the Government respecting the utilization of raw materials in the various processes of manufacture, which it is the special object of the forthcoming exhibition at Vienna to show.

He traced the history of International Exhibitions in Europe, and showed that whatever might be said of their failure in bringing about the anticipated era of peace, anything was worthy of support which conduced to the education of the people. The Vienna Exhibition differed from its predecessors in the fact that it was intended to give an opportunity for the display of the modes of manufacturing raw material. He thought the subject deserved the careful attention of the Government.

Hon. Mr. WOOD said there seemed to be no predicate in the resolution. It seemed to have most reference to the Government, and it was quite true that they had got some raw material, which they had fashioned into most admirable tools.

After a few words in reply from Mr. Witton, the motion was agreed to.

* * *

INDIAN DISTURBANCES

Mr. OLIVER moved for correspondence for the last two years relative to the anticipated Indian disturbances in Manitoba and the North-west.

Hon. Sir JOHN A. MACDONALD said it was clear that if there were any anticipated disturbances the motion would be a very improper one, because it might hurry or make worse the state of affairs by giving publicity to any such rumours. His hon. friend had seen in the press for some little time rumours of anticipated Indian disturbance. He would be glad to learn that all the late advices were much more reassuring than the original statements were the reverse.

The motion was withdrawn.

* * *

POST OFFICE MAIL SERVICE

Hon. Mr. WOOD moved for a statement of receipts and expenditures arising from and connected with the Post Office and Mail Service in the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, respectively, in each year from 1st July, 1867, to 1st July, 1872.—Carried.

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ORDNANCE LAND

Hon. Mr. WOOD moved for a statement of receipts and expenditure arising from and connected with the ordnance lands in the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, respectively, from the 1st July, 1867 to 1st July 1872.—Carried.

* * *

INTERCOLONIAL RAILWAY EXTENSION

Mr. TOBIN moved an address for the correspondence between the Dominion Government or any member thereof, and the Admiralty authorities, relative to the extension of the railway from Richmond depot to Halifax. He said the station was now three miles from the heart of the city, and Halifax was now brought into connection with all the railways of the United States, but it was enough to bring a blush to the face of anyone who saw the station, for it was but a temporary freight shed, and a very poor one at that.

He was anxious to obtain, for the information of his constituents and himself, copies of the correspondence, in order to show them, as he hoped, that the delay had not rested with the Government. He hoped to receive a promise that the extension would be proceeded with. This was one of the most important questions which now engrossed attention at Halifax, and he hoped, as the expense had been provided for in the estimates, the extension to the heart of the city would not be delayed.

Hon. Mr. LANGEVIN had no objection to the motion, but would state that no delay had occurred so far as the Government was concerned. They had done what they could to have this most desirable improvement carried into effect. The desire of the Government was to have the railway carried through the dockyard, but the difficulty was to get the consent of the Admiralty. The prospects were not so favourable as they had expected, but they still had some hopes of getting what they had asked for. If they did not, they would select the next best terminus which they could get.

GOVERNMENT BUSINESS

In reply to Mr. Tobin,

Hon. Sir JOHN A. MACDONALD said that the Government proposed to have Wednesday taken for Government business, as well as other days, but any important matter which any member might have to bring up would be given an opportunity.

Mr. ARCHIBALD said he found he had inadvertently voted in the division this afternoon. His pair with the hon. member for Hochelaga (Mr. Beaubien) did not run out till six o'clock and therefore he wished his name withdrawn from the division.

In reply to Hon. Mr. Mackenzie,

Hon. Sir JOHN A. MACDONALD said he would tomorrow state to the House what course the Government proposed to take with regard to public business.

The House then adjourned at 12.45 a.m.

* * *

NOTICES OF MOTION

Hon. Mr. CAMERON (Cardwell)—Tomorrow—The adoption of the report of the Standing Committee on Privileges and Elections in relation to the election of Robert B. Cutler, Esq., as member for Kent in the Province of New Brunswick.

Hon. Sir JOHN A. MACDONALD—On Wednesday next—Committee of the Whole on the following resolution:—"That it is expedient, under regulations to be from time to time made by the Governor-in-Council, the Lieutenant-Governor of Manitoba should select from the ungranted lands of the Crown such lots or tracts, in such parts of the Province as he may deem expedient, not exceeding in the whole 49,000 acres, for the purpose of making free grants thereof to persons non-resident in the Province, being original white settlers who came into the Red River country under the auspices of Lord Selkirk between the years 1812 and 1835, both inclusive, or the children, not being half-breeds, of such original settlers; and such grants may be made in such mode, and on the same conditions as to settlement, or otherwise, as regulate grants to half-breeds under the "Act passed in the 33rd year of Her Majesty's reign, entitled An Act to amend and continue Act 32 and 33 Vic., Cap. 3 and to establish and provide for the government of the Province of Manitoba"; but no such grant to any one person shall exceed 140 acres.

Mr. PÂQUET—On Wednesday next—Select Committee on Public Health, such Committee to be composed of the Hon. Messrs.

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Tupper, Robitaille, Ross, Fortin, Blanchet, and Messrs. Bergin, Brouse, Grant, Fiset, Landerkin, Lacerte, Almon, Forbes, De St-Georges, Schultz, and the mover, to deliberate upon the best mode of remedying the abuse, exceedingly hurtful to humanity, with power to send for persons, papers and records, and to report as soon as possible.

Hon. Mr. McDONALD (Antigonish)—Enquiry of the Ministry whether it is the intention of the Government to remonstrate with the Imperial Government against the passage of the Bill known as the Plimsoll Bill, now before Parliament in relation to the

restrictions on shipping, whether they intend to remonstrate against general legislation relative to British shipping by the Imperial Parliament, including in future within its operations—Canadian shipping, as the Canadian Parliament have legislated, and should in future be prepared to legislate, in relation to Canadian shipping in accordance with the requirements of that interest; also, whether the proposed legislation by the Imperial Parliament will place foreign shipping on a more favourable footing than that of Canada; and whether its practical effect will be to place Canadian shipping at any disadvantage as compared with the home shipping of the United Kingdom.

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HOUSE OF COMMONS

Tuesday, May 13, 1873

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

Prayers

THE ADDINGTON ELECTION

Mr. CARTER presented the final report of the Addington Election Committee, declaring that Mr. Shibley was duly elected.

* * *

PUBLIC ACCOUNTS

Hon. Mr. GIBBS (Ontario South) presented a report of the Committee on Public Accounts.

* * *

STATEMENT POSTPONED

Hon. Mr. LANGEVIN was about to make his statement in reference to the Chicoutimi and Charlevoix election matters, but postponed it for the time at the request of **Hon. Mr. HOLTON** as **Hon. Mr. DORION (Napierville)** was not in his place.

* * *

BEET ROOT SUGAR MANUFACTURE

Mr. JOLY hoped the Government would take up today the consideration of beet-root sugar.

Hon. Mr. TILLEY said he would have no objection to take up the subject after the Government notice of motion had been disposed of.

* * *

NORTHERN RAILWAY DEBT

Hon. Mr. TILLEY moved that the House go into Committee of the Whole tomorrow to consider the resolution declaring it expedient to accept the sum of \$500,000 from the Northern Railway

Company of Canada in full discharge of the debt of 575,000 pounds sterling due by that Company to the Dominion, on such conditions as may be approved by the Governor in Council.

Hon. Mr. MACKENZIE said the proposition was a most extraordinary one, and surely its importance demanded some explanation at the hands of the hon. gentleman.

Hon. Mr. TILLEY said he would give full explanation on asking the House to go into Committee of the Whole tomorrow, and he hoped the hon. gentleman would allow the matter to take this stage.

Hon. Mr. MACKENZIE said on a former occasion he asked the hon. gentleman to furnish the House with some information as to the proposition. No document had been placed before the House. The matter had been in contemplation during the whole of the session. It was practically an attempt by the Railway Company, sanctioned by the Government, to obtain a release from their obligation to pay \$3,000,000 of debt. The debt was not an extraordinary one for the extent of the road, and there were circumstances which rendered the proposition inadmissible with public interest.

When a motion for the relief of the Great Western Railway was before the House, the Finance Minister published a lengthy statement showing the exact relation of the Company with the stockholders and the bondholders, and the amount of the obligation. He had seen nothing of the kind with regard to this railway except an imperfect memorandum sent to himself, and which, practically, was of no use. He ventured to say that a more extraordinary proposition was never made, and wholly in the interest of a few stock jobbers and shareholders who had succeeded in obtaining control of the road. It was a matter wholly beyond his comprehension, and he could only express his determination of opposing the motion to the uttermost until the Government furnished some information upon the subject.

Hon. Mr. TILLEY said he was not a little surprised at the position taken by the hon. member. Some time ago the hon. gentleman had placed a notice on the paper for certain returns in reference to the Northern Railway. He never moved the motion but in advance he had handed to him (Hon. Mr. Tilley) a memorandum, giving in detail more fully than in the notice the returns which he wanted. These papers had been laid on the table, giving the liabilities and assets of the Company; the debts, and to whom due; the extent of the revenue; the bonds and all other information which had been asked for. These papers had been on the table for a week or ten days.

The hon. gentleman spoke of the interest of the Province. Did he mean that this debt affected the Provinces of Ontario and Quebec? They had no right to a single dollar in connection with the debt of the Northern Railway. That was settled clearly, in the first place, by the Constitution. The debt of the Great Western had been in some way claimed by the then leader of the Government in Ontario as belonging to Ontario and Quebec, but the Government held that under the Constitution, those Provinces had no right to it whatever, and he (Hon. Mr. Tilley) had stated that under the agreement made at the Quebec Conference it was distinctly understood these assets should go to the Dominion.

Hon. Mr. MACKENZIE: Where is the agreement?

Hon. Mr. TILLEY said it was first in the Constitution itself, and in addition, as an evidence of the clear and distinct understanding which existed on the subject, a communication was addressed to the Hon. George Brown, who was one of the delegates at the Conference; to Hon. Sir Alexander T. Galt, a member of the Finance Committee, and Hon. Mr. Tupper, also a member of that Committee, and not then in the Government. The answer from those three gentlemen was that it was distinctly understood that these were to form part of the assets of the Dominion of Canada. The Government also had, under the hand of the then Treasurer of Ontario, proof that in the adjustment that was finally made these were not taken into account as assets of the Province, but as those of the Dominion.

The parties having the control of the Northern Railway had applied to the Government to buy up their claim on that road. The Government had bonds for 50,000 pounds, upon which they had received the interest regularly, and they had a right to 50,000 pounds more, for which they had received no interest whatever. Finding that they were receiving only the interest on 50,000 pounds, and that the debt of 470,000 pounds was not likely to yield anything whatever, it was suggested that this matter should be taken in consideration by the Government and settled by arbitration. The Government decided not to settle it by arbitration, because they did not wish to place it out of their own hands, but the Northern Railway selected a gentleman, and the Dominion Government applied to the Auditor, Mr. Langton, to make up an estimate for their stand-point, of the assets, and he had a statement from Mr. Langton in his hands.

He proceeded to read the statement in question, from which it appeared that Mr. Langton had had an interview with Mr. Strathy, of the Bank of Commerce, who had been appointed by the General Manager of the Northern Railway to value the securities of the Company held by the Government. The first preference bonds of the Company amounted to 250,000 pounds; the second preference bonds to 283,000 pounds of which the Government held 50,000 pounds; the third preference bonds, class A, to 50,000 pounds; and the third preference bonds, class B, to 100,000 pounds, of which the Government was to have 50,000 pounds. The capital of the Government lien amounted to 475,000 pounds. The arrears of

interest which had accrued since the passage of the Act 33 Victoria, and the share capital, both of which ranked after the four classes of preference bonds, were not included.

Very little difficulty existed with reference to the second class preference bonds, which were quoted in *Herepath's Journal* at from 88 to 92. Their value in the market would, therefore, be about 90, and, perhaps to the Government who did not desire to dispose of them, they might be worth par. To the second 50,000 pounds, however, it was very difficult to assign any value. The Company could not increase its capital because of the Government lien; and as to the value of that lien, the only real question was what the Company could afford to give. Mr. Langton could only suggest some nominal valuation, such as 23,750 pounds, and believed that in that case the Company could raise 50,000 pounds, the amount required for improvements, which would enable them to pay interest, not only on the 50,000 pounds so raised, but also on the 23,750 pounds paid to enable them to raise it.

This document was signed by Mr. John Langton, an officer of the Department and a disinterested party. The proposition of the gentleman selected by the Northern Railway Company was that 99,250 pounds should be given for the release of the liabilities. These were the circumstances and the Government came to the conclusion that the statement made by Mr. Langton was the best equivalent that could be got.

Hon. Mr. HOLTON thought the document ought to have been printed before the House was invited to consider this matter, and all the papers connected with the subject ought to be upon the table. This, ought to be done before the next step was taken.

Hon. Mr. ROBINSON said he had some interviews with the Finance Minister, and he had been unable to say what papers were included in the motion of the member for Lambton (Hon. Mr. Mackenzie) until that gentleman sent him a private memorandum. The delay was entirely owing to the member for Lambton. The suggestion of the member for Châteauguay was a reasonable one. The papers could be printed at once, and distributed tomorrow morning.

Hon. Mr. MACKENZIE said the House had never been made aware that there had been an arbitration.

Hon. Mr. TILLEY said there had been no arbitration, as the Government would not consent to it.

Hon. Mr. MACKENZIE said the notice he put upon the paper was given long before he ever dreamed that such a proposal would be made by the Government. He never knew till today that any application had been made by the Company, yet all this was going on when Parliament was in session.

Hon. Mr. TILLEY: It was all completed before Parliament met.

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Hon. Mr. MACKENZIE said it was so much the worse. If the transaction was completed, why was it kept a profound secret from Parliament until the last days of the session? With regard to the constitutional question involved, he would not discuss it now, but he would say that so far as the 50,000 pounds second preference bonds were concerned, there was no doubt that it belonged to the Province. It was certainly a security for money, and therefore under the terms of the Confederation Act it became the property of the Province.

Hon. Mr. TILLEY said he had not concealed the transaction. He had supplied the hon. gentleman with all the information he had asked for.

Mr. MACDONALD (Glengarry) said this was too important a matter to be considered without any information. He asked the Government why the information should not be given when the hon. member for Algoma (Hon. Mr. Robinson), the President of the Company, was willing that it should be given.

Mr. BLAIN saw no reason why the bill should not be immediately distributed.

Hon. Mr. TILLEY said it could not be introduced till the resolutions were carried.

Mr. OLIVER could not see any reason for granting such a large sum of money to this Company. He contended that the railway had killed off the villages along its route. If the resolution was carried, he thought that some arrangement should be made whereby the railway would be forced to do its duty.

Hon. Mr. MACKENZIE rose to correct the statement of the hon. Finance Minister, that the bill had not been introduced, and therefore could not be distributed. He (Hon. Mr. Mackenzie) recollected having given way for the hon. member for Algoma to introduce his bill about a week ago, and he happened to know that the bill was printed a week before it was introduced.

Hon. Mr. TILLEY did not know that the bill had been introduced.

Hon. Mr. WOOD contended that the debt to the country of the Northern, Great Western and Grand Trunk Railway, was an asset of the Province under the 107th section of the Confederation Act, that is it was to be taken as a reduction of the liabilities of the old Province of Canada. He entered at considerable length into the negotiations between Ontario, Quebec, and the Dominion, and showed that he, as a representative of the Ontario Government, had always taken the ground that the debts of the Great Western and Northern were the property of the Dominion, but were to be taken as a reduction of the debt of the old Province of Canada.

He showed that for the debt of the old Province of Canada, amounting to \$62,500,000, the Dominion obtained all our canals, public works, and buildings which yielded a revenue of upwards of

\$150,000 per annum, while the only asset representing the debt of Nova Scotia, which was \$9,186,000, was the Nova Scotia railways, 145 miles in length, and the only asset representing the debt of New Brunswick, \$7,000,000, was the New Brunswick Railway, 104 miles in length. He submitted a statement showing the value of those railways, and the loss they had entailed upon the Dominion during the last six years.

The capital of the New Brunswick railways on the 1st of July, 1872, was \$4,761,960; expended during the current year of 1872, 149,902—Total \$4,911,862; on the 1st of July, 1867, \$4,642,484—total \$200,378. The results of the working for six years:—Receipts, year ending the 1st of July, 1868, \$166,758; do '69, \$179,827; do '70, \$192,704; do '71, \$246,586; do '72, \$274,286; total \$1,080,163. The expenditure during the same period, \$142,987, \$126,149, \$143,724, \$170,583, \$256,752—total \$839,197. The net revenue for the five years, \$240,963 estimated net revenue for 1873, based on the net revenue for five years, namely, \$48,193, net revenue for six years, \$289,159, less increased costs to the finance department of book keepers, clerks, et cetera, \$5,000 per annum, \$30,000; balance \$259,159, less on 6 years operations \$10,219.

The capital of the Nova Scotia railway on the 1st of July, 1872, 6,740,486—expended during the current year 1872, \$3,100,600, total, \$6,841,086. On the 1st of July 1867, \$6,124,241; balance, \$716,845. The results of the working for six years was receipts year ending 1st July, '68, \$247,229; '69, \$260,285; '70, \$269,659; '71, \$292,687; '72, \$314,009; total 1,383,841. Expenditure, \$245,077, \$261,398, \$378,300, \$272,409, \$339,324; total \$1,496,510; loss in five years \$112,668. The estimated loss of working for 1873 based on the working loss for five years, \$22,533; loss on six year's working \$135,203; add increased cost to the finance department of book keepers, clerks, et cetera, \$5,000 per year, \$30,000; loss on six years operations, \$882,048; add loss on New Brunswick railway, \$10,219; total loss to the country on six years' operations of Nova Scotia and New Brunswick railways \$892,267.

Besides all this, at page 63 of the estimates, there is for the year 1873-74 the sum of \$304,000 for extraordinary repairs and for the year 1872-73 there was voted, not included with the above statement, the sum of \$103,351, which will be expended during the current year for the same purpose, which latter sum will increase the absolute loss to the Dominion of the working of these railways for six years to \$995,618. It would thus be seen that while the assets derived from old Canada yielded a revenue of \$150,000 per annum, the assets of Nova Scotia and New Brunswick had resulted in a loss to the Dominion during six years of nearly a million.

He called upon the representatives of Nova Scotia and New Brunswick to say if justice was not clean gone for ever if the proposition now before the House was maintained upon the grounds of justice, and especially upon the ground of construction of the British North America Act. No sane man could hold that the Northern debt should not go to the reduction of the debt of old Canada. And if he had the power, he would consider this a case which should be submitted to the opinion of the Imperial

authorities, and he was prepared to submit the question to the House to see how far they were willing to favour this great injustice.

* * *

TORONTO EAST ELECTION

At this juncture, **Hon. Mr. McDONALD (Pictou)** presented the report of the Pictou East Toronto Election Committee, reporting that the Committee had resolved that James Beaty, Esq., was the duly elected member to represent the Eastern Electoral Division of the City of Toronto in the House of Commons; also, that the petition was not frivolous and vexatious; and, also, that the defence of the sitting member was not frivolous and vexatious.

Mr. WILKES would have liked that the hon. gentleman from Algoma (Hon. Mr. Robinson) had brought more full information upon the calculation. He found there was a bonded debt and lien for the Government to the amount of \$37,000 per mile of railway; the original stock debt he assumed to be in the neighbourhood of \$600,000. The lien of the Government was about one-third of the whole sum, and the proposed reduction was at the rate of \$23,750 per mile, leaving \$5,000 per mile to be paid by the Government or to be assumed by the railway. The total amount of the capital proposed to be raised was equal to 1,000,000 stg., with which it was proposed to pay off the charges of the Company's securities.

He calculated that without any relief from the Government the total liabilities of the Company would amount to \$91,000 per mile, and the question was, could the Company be expected to pay that amount? He had no doubt some concession should be made to the Company, and he hoped that full information would be laid before the House, so that they might judge what was a reasonable concession to make.

Hon. Mr. YOUNG (Montreal West) said the road would yet be an invaluable one. Connecting Toronto with Collingwood, there was a great future for it. He believed we would yet see a double track railway upon that line, and he did not see any use for the Government coming down and offering to free this Company from their liabilities. He would be sorry that this Company should be oppressed or any other Company for that matter, but he believed this would yet be a good debt and would pay if allowed to stand. The Government should not hesitate for a moment about the future he had predicted.

Hon. Sir JOHN A. MACDONALD said after the announcement that the papers would be brought down this debate would simply be a waste of time, without doing any good whatever. He would not have risen at all at this time had it not been that he wished to guard himself against being understood to agree with the hon. member for Durham West (Hon. Mr. Wood) in his construction of the British North America Act, as to the property of these railway debts. According to that Act these railway debts belonged to the Dominion. Any statement to the contrary would be a direct breach of faith with all the Provinces of the Dominion, and especially to

Nova Scotia and New Brunswick. The Lower Provinces gave up their railways upon the consideration of Canada giving up their debts in exchange, and they should form a joint fund for the Dominion. This agreement was one of which he was personally cognizant, and he would call upon Hon. Sir A.T. Galt, Mr. Brown, and the hon. Minister of Customs, who was not then a member of the Government, to witness that such was the sincere intention at that time.

And even if the strict reading of the Act by the ingenuity of a lawyer could be construed to mean anything else, he thought it would be unfair and dishonest to put that construction upon it. He thought the intention as expressed today was fairly sustained by the British North America Act. The Government had only the desire, which was to act fairly, and they thought it infinitely better to get value for the asset than keep it in its present state. He believed so himself, and he was satisfied that when the House addressed itself to the merits of the question, they would find that there was no sacrifice to the Dominion in the proposed legislation.

Hon. Mr. TILLEY quoted from a letter written by the late Treasurer of Ontario (Hon. Mr. Wood), in which that hon. gentleman made a statement of the debt in the late Provinces, in which there was no allusion to the railway debts, and which concluded by saying that the points to which he referred having been settled, he assumed that the debts of the late Provinces were settled. This statement was made after the arrangement with the Great Western Railway Company.

The motion was then carried.

In reply to Hon. Mr. Mackenzie,

Hon. Mr. TILLEY said he would bring down all the papers connected with this matter, including the remonstrance from the Government of Ontario.

* * *

MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate, informing the House that they had passed, with amendments, the following bills:

An Act to amend the Act respecting Savings Banks in Ontario and Quebec.

An Act to incorporate the Marezzo Marble Company of Canada.

An Act respecting Wreck and Salvage.

* * *

INTERCOLONIAL RAILWAY CONTRACTS

Hon. Mr. TILLEY moved for a Committee of the Whole, tomorrow, to consider resolutions declaring it expedient to

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authorize the payment to the several contractors for sections Nos. 1 to 7 of the Intercolonial Railway, inclusive of sums not exceeding those recommended by the Commissioners for the said sections respectively, on account of the claims for extra work, and in addition to what had been already paid.

He said this was brought before the House on account of a petition which the Government had received in November, 1870, from these gentlemen. They could not go on with the work, and the Government had to take the contracts out of their hands. The Government referred the petition to the Chief Engineer, and he and the Commissioners recommended that under the particular circumstances in which the contracts had been taken, they should be allowed the same rate as those under which the new contracts had been taken. After a careful consideration they had decided to this, subject to the approval of this House.

Hon. Mr. MACKENZIE did not intend to discuss the matter at present. The hon. gentleman in this matter had stated generally the principles on which this decision had been arrived at. In order that the House might arrive at the basis for this payment, the hon. gentleman ought to bring down the amount of work done, giving particulars of the quantities of work done. He did not recollect the amounts paid to these contractors, but he had recollections of the amount paid to the contractor of section No. 5. In that case the contractor received \$48,685, and it was now proposed to give him an additional \$25,717. What he desired to find out was, whether this contractor would receive more than the equivalent of work done.

The motion was carried.

* * *

READJUSTMENT OF THE DEBTS OF THE PROVINCES

Hon. Mr. TILLEY moved that the House go into Committee of the Whole tomorrow to consider the following resolutions:—

1. That by the provisions of the British North America Act of 1867, and by the terms and conditions under which the Provinces of British Columbia, and Manitoba were admitted into the Dominion, Canada became liable for the debts and liabilities of each Province existing at the time of its becoming part of the Dominion, subject to the provision that each Province should in account with Canada be charged with interest at the rate of five per cent per annum on the amount by which its said debts and liabilities exceeded, or should receive interest at the same rate by half yearly payments in advance on the amount by which its said debts and liabilities fell short of certain fixed amounts.

2. That the amount fixed as aforesaid in the case of the Provinces of Ontario and Quebec conjointly, as having theretofore formed the Province of Canada, was \$62,500,000, and that the debt of the said late Province, as now ascertained, exceeded the said sum by \$10,506,088.84, for the interest as aforesaid on which the said two Provinces were chargeable in account with Canada.

3. That it is expedient to relieve the said Provinces of Ontario and Quebec from the said charge, and hereafter to consider the fixed amount in their case as increased by the said sum of \$10,506,088.84.

4. That, to compensate the other Provinces of the Dominion for this addition to the general debt of Canada, the amounts fixed as aforesaid, as respects the Provinces of Nova Scotia and New Brunswick by the British North America Act of 1867, and as respects the Provinces of British Columbia and Manitoba by the terms and conditions on which they were admitted into the Dominion, shall be increased in the same proportion.

5. The subsidies to the several Provinces in July 1873, shall be paid in accordance with the foregoing resolutions.

In making these motions he said at the time the arrangements were made with reference to the debt of the different Provinces, it was supposed that it would involve the Dominion in too large an annual expenditure if the whole debt of old Canada was assumed by the Dominion, and an equivalent given to the other Provinces; therefore, it had been proposed that the debt of Ontario and Quebec should be stated at sixty-two million and a half, and that every thing over that should be assumed by the Provinces of Ontario and Quebec.

Nine years had passed since the proposition was entertained, and the practical effect had been that the subsidies received by the several Provinces were not equal to what they were within fifteen or twenty-five per cent. It was found that the expenditure required to be made for local purposes amounted to fifteen or twenty or twenty-five per cent more than it did at the time the arrangement was entered into, arising from the increased price of everything required, which increased price necessarily increased the Dominion revenue.

The practical effect of the present proposition from a financial point of view, was to put the different Provinces in the position they were in at the time of the union, the amount it was proposed to give them the benefit of being nearly an equivalent of the increased value of labour and material, and the diminishment of the subsidies. As the Dominion had a growing revenue sufficient to make this good, it had been considered desirable on the part of the Government that the loss the Provinces had thus sustained should be fairly and equitably met by a proposition of this kind.

Hon. Mr. MACKENZIE: Is that all?

Hon. Mr. TILLEY: That is all at present, I will give more explanations when we go into Committee.

Hon. Mr. DORION (Napierville) said he believed a similar proposition was made a year ago. At that time it appeared that the argument about the high price of everything was not considered sufficient, and the proposition was not pressed. However, as the question would come up tomorrow, he would not discuss it now.

Hon. Mr. MACKENZIE said he did not propose to enter into the discussion of this question now, but he did expect there would be something further from the hon. gentleman, however, as there was no more, he would say nothing.

The motion was carried.

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QUEBEC HARBOUR TRUST

Hon. Mr. TILLEY moved that the House go into Committee of the Whole tomorrow, to consider certain resolutions providing for the issue of five per cent. Dominion debentures to the amount of \$1,200,000 for the relief of the Quebec Harbour Trust.—Carried.

* * *

SATURDAY SITTING

Hon. Sir JOHN A. MACDONALD moved that when the House adjourns for the remainder of the session on Friday, it would stand adjourned till Saturday at 3 o'clock and that the order of the proceedings on Wednesdays and Saturdays be the same as on Fridays.

Both motions were carried.

Hon. Sir JOHN A. MACDONALD said, in answer to Hon. Mr. Mackenzie, that the Government would daily, after they had progressed with the other business, give an opportunity for public Bills and order to be brought up.

* * *

CHARLEVOIX AND CHICOUTIMI ELECTIONS

Hon. Mr. LANGEVIN, before the orders of the day were called, wished to make the statement he had promised. He took the case of Charlevoix first. The other day when the question came up, he thought when the document was read that it had been said that Mr. Xavier Cimon had read a letter from him at a public meeting, and, of course, he was under the impression that it had been written by him to Mr. Cimon; but afterwards from the explanations given, he found it was written to Mr. Slevin. He had enquired about Mr. Slevin, and was sorry to say he was dead, and therefore, he could not ascertain anything from him. He had obtained from Mr. Cimon, the party who was the candidate opposed to the sitting member, Mr. Tremblay, the following letter:—

Quebec, April 25, 1873

The Hon. H.L. Langevin, C.B., Minister of Public Works, Ottawa.

My Dear Sir—I have read the letters and documents contained in the votes and proceedings of the 22nd April, instant, furnished by the Hon. A. A. Dorion, viz.:—

A Declaration, No. 2, signed by Grégoire Tremblay, B. Tremblay, Boniface Larouche, Cleophe Simard and others, seeking to establish that I had read on the 11th April, 1872, a letter signed by you, in which you stated that if the electors of Charlevoix elected Mr. Tremblay, the Government would construct no public works within the county, making it clearly to be understood by that that the Government would not recommend the construction of the pier or lighthouse asked for, at the entrance of Baie Saint-Paul.

I enclose herewith a copy of the Journal of the House, which I translate.

In reply to this, I declare that on the date in question, I was not at Baie Saint-Paul, but in Ottawa, sitting in the Commons as representative of the County of Charlevoix.

I further declare that neither at that time nor since have I received or read a letter or part of a letter signed by you, containing the expressions set forth in the Declaration No. 2, signed by Grégoire Tremblay and others.

It is a falsehood the more apparent from the fact that Mr. Tremblay, in his public speeches during that election, in the writings signed by him and addressed to M. A. Gagnon, M.P.P., Onézime Gauthier, Henri Simard and others, his principal and most influential supporters, declared that he belonged neither to the Parti National or to the opposition, but desired to give fair play to the Government, and that he was more Ministerial than I was. Why, knowing this, as you did, would you have written a letter stating that if Mr. Tremblay was elected, the county would have no public works?

These declarations by Mr. Tremblay were made in my presence in public meetings. I have learnt from reliable sources that he gave written declarations of the same tenor to Mr. Gagnon, M.P.P., Onézime Gauthier, Henri Simard, and others. These gentlemen could be questioned in this matter, and would confirm my statements.

I further declare that at a meeting held at Baie Saint-Paul, at the church door, several days before the nomination, at which Mr. Tremblay and Mr. Gagnon, M.P.P., were present, whilst I was addressing the electors, I was requested by Mr. M. Bouchard to read publicly a part of your letter written in reply by Ed Slevin, consulting you on the choice of a member.

So far as I can recollect, no person's name was mentioned, but very naturally, you advised him to support the candidate who had declared himself as having confidence in the Ministry.

Consequently Mr. Slevin considered that he ought to support Mr. Tremblay, because the latter had stated at the public meetings and everywhere that he belonged neither to the Rouge or National party, nor to the Opposition, but would support the good measures of the Government, and would give it fair play and justice.

I have the honour to be, your obedient servant,

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Simon X. Cimon.

He had also obtained a letter from Mr. Gagnon, the local member, who was stated to have been alongside of Mr. Cimon when he was reading the letter, and who was said to have followed him with his eyes.

The letter was as follows:—

“Baie Saint-Paul, 26th April, 1873.”

“Hon. H.L. Langevin C.B.”

“Sir,—I observe that the Hon. Mr. Dorion has again brought up in the House of Commons the accusation preferred against you by Mr. P. Tremblay, M.P.P., at the last session of the Local House, viz.; — That at a public meeting at which I was present, held on the 10th of August last, at the church door at Baie Saint-Paul, during the last election of a member of the House of Commons for the county of Charlevoix, Mr. Simon Xavier Cimon, one of the candidates, read a letter addressed by you to the late Mr. Edward Slevin, in which you stated “that if the electors elected Mr. Tremblay, the Government would not have the public works in the county of Charlevoix carried out,” et cetera.

When Mr. Tremblay brought this accusation against you in the Local House of the Province of Quebec, I declared publicly in the House that that assertion was false; that at that meeting Mr. Cimon never read any such letter containing such expressions and such a threat to the electors of the county. I again declare, having been personally present at that meeting, that Mr. Cimon did not read any such letter in my presence, and that he did not read it at any other meetings at which I was present.

I may further add, that I always told Mr. Tremblay, previous to his election, that if he were elected it would be to me that he would owe his election, because the electors of this county knew me to be in favour of the Government, and because he, Mr. Tremblay, declared both at the church doors and by promises in writing, that he would not oppose the Government, but that on the contrary he would support them, and in every case give them the benefit of the doubt. Could he deceive us more?

“I have the honour to be”

“Your obedient servant”,

“A. Gagnon”

The hon. gentleman stated that Mr. Slevin was an agent of some British capitalist, who had bought the iron and coal mines in Baie Saint-Paul. He was most interested, and had gone to him repeatedly and desired him to cause a pier and lighthouse to be built there for the use and protection of ships that would necessarily go to those mines, therefore that gentleman was greatly interested in the matter and had such a threat been made as the one in question, he would have found it to his advantage to have supported the candidate that would have supported the Government.

Nevertheless, looking at the poll-books for the county of Charlevoix, he found that that gentleman voted for the hon. member for the other side (Mr. Tremblay.) The hon. member for Charlevoix the other day also made a statement that he (Hon. Mr. Langevin) wrote a letter to Hon. David Price, senator upon a certain date, and that date having been questioned, he had written to Mr. Price and received the following reply:—

“Senate, Ottawa, 25th April, 1873”

“My Dear Langevin,—I am surprised at the audacity of Mr. Tremblay in making the assertions he did in his statement last evening, as I find reported in the *Times* this morning, as well as producing the affidavits I noticed in the Votes and Proceedings of yesterday.

You have my authority to refute the assertions as a base fabrication.

On the memorable 7th July last, I had gone to the church, after Divine Service, to explain to the people what I had done for them in obtaining the loan for the purchase of seed grain, which Mr. Tremblay had stated as having been obtained through him — when Mr. Tremblay attacked me in a most outrageous way.

It was to refute false charges that Mr. Tremblay made, that I left for Quebec a few days after, to get documents I had there, and to ask you to give me a letter to refute Mr. Tremblay’s assertion about his brother Dorillon, for whose appointment you know I had worked hard.

I called on you on the 13th July last, with a letter, stating my request, to leave, in case you were from home; but finding you at your house, you gave me the letter of that date refuting Tremblay’s assertion, which letter you read to the House on the 22nd instant.

This letter you wrote in my presence, and, as I stated before, is the only letter received from you during the election.

With regard to Mr. Tremblay’s assertion that he was not returned by the electors of Charlevoix to support the Government and Conservative party, I can assure you that the Rev. Mr. Morriset, then curé of St. Urbain, wrote a series of questions to be replied to by Mr. Tremblay, that Mr. Onésime Larouche, of St. Urbain, went to Éboulements to meet Mr. Tremblay and have his written replies, which replies were written on the opposite sheet of the memo opposite each question, and were so favourable to the Conservative party and the Government, that on that document alone the clergy gave him their support.

“I remain Yours Truly,”

(Signed)

“David E. Price.”

He also informed the house that he had received the following document from a member of leading men of Chicoutimi—men whom he did not know—whom he had never seen:—

“To Hon. H.L. Langevin, C.B., Ottawa”

“Chicoutimi, 28th April, 1873”

“We, the undersigned, all citizens of Chicoutimi, having been informed of the false accusations preferred by P. A. Tremblay, Esq., M.P., in the House on the 22nd April instant, against the Hon. Mr. Langevin, on the subject of the last election for the county of Chicoutimi, at once hasten to declare that the said accusation preferred by Mr. Tremblay is false and entirely without foundation; and we, consequently, certify that we were present at all the public meetings which took place at Chicoutimi, and especially at that of 7th July in question, during the last Federal election for that county, and that it is false that the Hon. Mr. David E. Price, or any other person, read a letter from the Hon. Mr. Langevin, in which the latter threatened to deprive the said county of all, or any, public improvements, and in particular of a wharf, if the county elected Mr. Tremblay, or any other member of the Opposition; and we further certify that the only letter that Mr. Price read was that dated 13th July, 1872, which the Hon. Mr. Langevin himself made public in the House on the said 22nd April instant, in reply to Messrs. Dorion and Tremblay; we further certify that no other letter from the Hon. Mr. Langevin was circulated in the county of Chicoutimi at the time of the last Federal election.

(Signatures)—Ernest Cimon, Advocate; Thomas Boily, J.P.; Roger Savard, Trader; E. M. Savard, Trader; Pitre Talbot, Councillor; Israel Morin, Trader; Thomas N. Cloutier, N.P.; George Kane, Esq., Advocate; J. P. Eucher Lemieux, Councillor; P. H. Boily, Trader, and F. Ed. Lemieux, Trader.

He had only one more word to say. The other day the member for Chicoutimi (Mr. Price), when the House was at the estimates, put a question to the hon. Minister of Marine and Fisheries (Hon. Mr. Mitchell) asking when the lighthouse at Seven Islands had been burned down. The Minister of Marine and Fisheries being taken by surprise had said about a year or so ago. The hon. member for Chicoutimi had turned round to his friends and said how could he be calling on the Minister of Public Works to ask him to appoint his brother lighthouse-keeper when the lighthouse was burned down before that period.

He (Hon. Mr. Langevin) had procured the following notice issued by the Department of Marine and Fisheries. Hon. Mr. Langevin then read the notice which was issued on the 22nd of August, which set forth that the lighthouse had been burned down on the 13th of August. He thought he had made out his case and would say no more. (*Applause.*)

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

AFTER RECESS

CHARLEVOIX AND CHICOUTIMI ELECTIONS

Hon. Mr. LANGEVIN moved that the documents which he had read be printed in the votes and proceedings.—Carried.

Hon. Mr. DORION (Napierville) said he understood it was arranged that the hon. member for Lotbinière (Mr. Joly) would have time immediately after recess for the discussion of his motion on beet root sugar. He (Hon. Mr. Dorion) would simply ask to put the other papers on the table.

He called attention to the fact that the witnesses the hon. Minister of Public Works thought it necessary to call in on his own behalf had thought it part of their duty, in order to exonerate that hon. gentleman to abuse the hon. member for Charlevoix. A great proportion of what they had written had nothing to do with the accusation, which was that a member of the Ministry had interfered in the late elections, and had tried his influence against certain candidates. Instead of a plain denial, they had attempted to prove that the hon. member for Charlevoix had made certain pledges which he had not kept. Supposing that these statements were in themselves true, that did not free the hon. member of the Government from the accusation brought against him. Such trash as the letters of Mr. Price deserved no notice from anybody.

He would again point out that the hon. Minister of Public Works tried to refute the charges, as far as Chicoutimi was concerned, by referring to a letter of the 13th of July. The letter was read at a public meeting on the 7th of July and he requested to be allowed to read certificates to prove that it was at this meeting of the 7th of July that the letter complained of was read, and that there was no other meeting at which Mr. Price and Mr. Tremblay took part together. It was as follows:—

“We, the undersigned residents of the village of Chicoutimi, hereby certify that it was on the 7th of July last (1872) that the public meeting at the door of the church of Chicoutimi took place, at which were present Mr. P. A. Tremblay, M.P. and the Hon. David Edward Price, both of whom then and there addressed the electors on the subject of the general elections, then in progress; and that that was the only occasion, last summer, when the said P. A. Tremblay and D. E. Price so met before the electors at the door of the said church, and both addressed the meeting.

(Signed)

Melchiade Claveau

Pierre Eugène Guay

Alfred Claveau

He would also read a certificate from two of the three persons who had signed what he had already laid before the House, which was as follows:

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“I, the undersigned, certify that it was upon the 7th of July last that the meeting at the door of the church of Chicoutimi took place, to which meeting I alluded in the certificate which I gave in conjunction with Onésime Tremblay and Mr. Godfroy Boily, in relation to the letter of the Hon. H. Langevin, read at the said meeting by the Hon. D. E. Price, the substance of which letter was that there would be no wharf at Chicoutimi if an Opposition candidate was elected.

(Signed)

Benjamin Brassard

Formerly Councillor for Chicoutimi,

Chicoutimi, 4th May, 1873.

I corroborate this certificate in every respect.

(Signed)

Onésime Tremblay x (his mark).

Churchwarden for the parish of Chicoutimi, at Chicoutimi, 4th May, 1873.

Witness—

(Signed)

J. Gagné, Notary.

“I was present at the meeting which took place in the month of July last at the door of the church of Chicoutimi, and at which Mr. P. A. Tremblay, M.P., and the Hon. D. E. Price both addressed the electors of Chicoutimi. And I hereby certify that neither at that meeting nor at any other meeting did I say the following words, attributed to me by the Hon. D. E. Price in his letter to the Hon. H. Langevin, dated 14th November, 1872, which letter was published in the newspapers, viz:—

“I asked him, (speaking of P. A. Tremblay, M.P.,) to send me a barrel of flour from Quebec to help me to get through the winter, and he answered that if I would take care of his cow during the winter he would send it to me;” nor did I say anything to that effect.

(Signed)

Dorilas Tremblay

Chicoutimi, 1st May, 1873.

He also pointed out that Mr. Price in his letter did not say to whom the letter was addressed, but here was another letter denying what Mr. Price had said in his letter. It was singular to find Mr. Gagnon saying that no letter was read and Mr. Cimon saying that an extract from a letter was read.

Hon. Sir JOHN A. MACDONALD said his hon. friend was in mistake, that was not the statement of Mr. Cimon.

Hon. Mr. DORION (Napierville) said at any rate these two letters were before the House saying that Mr. Cimon did not tell the truth if he said he did not know anything about the matter. Mr. Cimon put it very conveniently when he said he did not recollect. No member was mentioned in that letter. He (Hon. Mr. Dorion) moved that the letters he had handed in be held as received by the Clerk of the House, so as to go upon the notice paper.

At the same time he gave notice that he was not satisfied with the explanation given by the hon. Commissioner of Public Works, who had not ventured to deny he had written the letters to the effect mentioned, but merely relied upon the certificates to prove his innocence. He (Hon. Mr. Dorion) was not satisfied with the explanation, and would take the first available opportunity to make a motion upon the subject.

Mr. TREMBLAY rose to speak.

The SPEAKER called him to order, saying that until a motion had been made there could be no further discussion.

Hon. Mr. MACKENZIE said that Mr. Speaker had himself announced a motion by the hon. member for Dorchester (Hon. Mr. Langevin).

The SPEAKER said that motion had been carried, and was therefore disposed of.

Hon. Mr. DORION (Napierville) said he had made a similar motion, which was not yet disposed of, and to which the hon. gentleman had a right to speak.

Hon. Sir JOHN A. MACDONALD said the hon. member for Napierville (Hon. Mr. Dorion) had no right to speak himself at all. The matter had been postponed before out of courtesy to the hon. member, on a distinct pledge of the hon. member for Châteauguay (Hon. Mr. Holton) that no discussion should take place and no motion should be made. It was insufferable that the whole time of the House should be taken up with these explanations. This House was beginning to get something like a bear garden.

Hon. Mr. DORION (Napierville): I distinctly stated my intention at the outset to abide by the agreement made in my absence, but I thought I was entitled to place these papers upon record, as the hon. gentleman opposite had done, and also to make a few remarks; and I think I was entitled to that, without interfering with the courtesies of the House. (*Hear, hear.*)

The SPEAKER thought it would be better if the other members did not discuss this matter.

Hon. Mr. MACKENZIE did not think it was fair to the hon. member for Charlevoix (Mr. Tremblay), after the charge that had been made against him by the hon. Minister of Public Works, to shut him off without a word of explanation.

The **SPEAKER** ruled the discussion out of order. He did so because he thought it was most improper to permit a debate upon a mere motion which in itself was not regular. A question of privilege could be disposed of from day to day in this way, but if by agreement it was decided that it should be postponed to a certain date, and that more evidence was to be placed upon the votes and proceedings in order that members might know what correspondence had passed on the subject then the discussion should be postponed until the thing came up in a regular way. (*Cries of "Chair" and "Order".*)

Hon. Mr. MACKENZIE: I move, seconded by Hon. Mr. Smith (Westmorland), that the member for Charlevoix—(*Cries of "Lost" and "Carried"*)—

After some further discussion,

The **SPEAKER** agreed to allow the hon. member a few words in explanation.

Mr. TREMBLAY (in French) was ready to submit to the desire of the House to put off the discussion upon the question until another day. His only intention now was to say a word or two on the charges brought against him by the documents produced by the hon. Minister of Public Works. The accusations made against that hon. gentleman were not made by him (Mr. Tremblay), but by the hon. member for Napierville, on the strength of the documents which he had produced. He (Mr. Tremblay) would repel the charges that had been made against him, and he was prepared to prove that what he had said the other day was the exact truth. On his honour, he declared that with his own eyes he saw the letters to which he referred, and heard them read by the Hon. Mr. Price and one by Mr. Cimon. (*Hear, hear.*)

* * *

PETERBOROUGH WEST ELECTION COMMITTEE

The Order of the Day was then called that Mr. Almon (Halifax) do attend in his place to give reason why he did not attend the meeting of the Peterborough West Election Committee. He stated that he had attended all the meetings of the Committee except the last one, as he thought the matter coming up then was of very little importance and as he had important business to attend elsewhere. The excuse was received amid laughter and cries of no.

* * *

BEET ROOT SUGAR MANUFACTURE

The adjourned debate on the motion of Mr. Joly for a Committee of the Whole to consider his resolution on the subject of the manufacture of beet root sugar in Canada, providing that no excise duty shall be placed on the sugar raised from beet root for ten years was carried without further debate, and the House went into Committee, **Mr. RYAN** in the chair.

Hon. Mr. TILLEY said the subject was very important. The proposition would bind Parliament for ten years, if it was possible to do so, which was a rather novel principle. It might be well to encourage the manufacture of beet root sugar; but, if this resolution was passed, at the end of five years it would very materially affect the revenue of the country.

He referred to the extensive manufacture of beet root sugar in Germany and France and pointed out that a large portion of the excise revenue raised in these countries came from this source. In 1866 in Germany there were 257 refineries for this class of manufacture, which seemed to indicate that the establishment of a refinery involved the expenditure of a very large amount of capital. If it was found that beet in this country yielded an equal amount of sugar with beet in Germany and France, there was no reason why the manufacture of beet root sugar here would not be profitable with a fair amount of protection as against cane sugar, therefore it might be well to relieve this article from an excise duty for four or five years, but if it was extended to ten years he was afraid the manufacture might become so extensive that, with the existing heavy duties on other sugar, it might entail a serious loss to the revenue.

It had been shown in Germany and France, that notwithstanding the fact that a higher duty was imposed upon beet root sugar than upon any other, the former was much more extensively used. He thought, therefore, that if this provision were continued for five years, a fair start would be given to the enterprise.

It was a question also whether with a moderate protection, supposing that the saccharine qualities of the beet were equal to that of the beets in France and Germany, would there be a sufficient quantity of the roots raised to permanently establish the manufacture of the sugar. If the industry would pay at all, five years he thought would be quite sufficient to establish it, and he would be willing to consent to such an arrangement.

Mr. MACDONALD (Glengarry) said this manufacture was a mere experiment, and if it succeeded would be a great benefit to the country. He therefore wished those who embarked their capital in the experiment should have a fair period of time to test it. He thought five years too short a time and he would support the motion for ten years.

Mr. JOLY quoted precedents to show that the principle of binding future Parliaments had been recognized both in the old Canadian Parliament and since Confederation. The hon. Minister of Finance had alluded to the wonderful progress of the manufacture of beet root sugar in Germany, France, and Belgium. He (Mr. Joly) had by accident happened to meet a day or two ago, with the last thing that had been written upon beet root sugar. The work was published but a month ago and gave a complete history of the progress of this industry. It took fifty years to establish the success of this manufacture in Europe. Of course every one knew how the industry was first started. Napoleon the First, when his country was

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blockaded set *savans* about finding some substitute for the cane sugar, and these had selected the beet.

Thus, this industry was established, and for fifty years it had been gradually built under the fostering and wise care of the French Government. On several occasions it was attempted to tax it, but it had not been able to bear the impost and the tax had to be removed. This wise care was continued, as he had said, for fifty years, and with what results? Why, at last the result had been that the French Government were enabled to impose differential duties against it, in favour of the cane sugar from the French colonies.

He contended that it was necessary to pursue a similar policy here. At present, anything that was done must be an experiment, and it would no doubt take much longer than five years to arrive any results. He hoped, therefore, that the Finance Minister would accept his proposal.

Mr. YOUNG (Waterloo South) said he was in favour of exempting beet root sugar from duty for a reasonable time, as an experiment. He was strongly in favour of free trade. He quoted the opinion of the late John Stuart Mill, a great free-trader, to the effect that where a country had natural facilities for the production of any article, it might be well to afford it a certain amount of protection. The case before the House was one in point. If we had natural facilities for the production of this article, it might be well to give it moderate encouragement. Besides this would add to the products of the country, which was always a public benefit. He maintained that five years was not long enough to test the experiment properly, and he would suggest eight years.

Mr. SMITH (Peel) said he had given this subject some attention, and he hoped the time would come, which the Minister of Finance seemed to fear, when the manufacture of beet sugar would affect the revenue. We had many other manufactures in the country which might just as well be taxed as this. We had woollen, linen and paper manufactures, and the production of salt and the kindred manufacture of ploughs, all of which were free. This beet root sugar was an agricultural production, and a tax upon it would be a tax upon the agricultural enterprise of the country. Instead of trying to levy an excise duty on it, it might be well to offer a bonus to any company that would undertake the experiment. Some three years ago the State Legislature of California offered a bonus of \$30,000 to any company that would undertake the manufacture of beet sugar. A company was started on that basis, and now manufactured one million pounds of sugar. The hon. gentleman might just as well impose an excise duty upon any other production of the farm.

But a very important advantage connected with this manufacture had yet to be pointed out, and that was that worn out and exhausted land could be recuperated much better by means of a root crop than by any other means. It was found in Germany that after a growth of beets farms produced excellent crops of grain. He regarded this as a very important point, as it involved a very important question of improving exhausted lands. With regard to the time of exemption from duty, he thought it would take nearly five years before any reasonable amount of beet root sugar could be raised, and if the

exemption was only for that time, it would not be of much service. He strongly supported the resolution.

Mr. GRANT believed no manufacture would attract more attention and interest to our country than the manufacture of beet root sugar. He proceeded to read statistics showing the quantities produced in Europe, and extracts from agricultural journals having reference to this matter. He believed that there were thousands of acres of land in Canada as well adapted for the cultivation of the beet as in any other country in the world. He contended that when this country manufactures its own sugar, the taxation would be reduced by the amount now paid on imported sugar.

Hon. Mr. TILLEY said there was a wonderful development of protection on the other side of the House. (*Hear, hear.*) The gentleman who had moved the motion, had said that five years would not be long enough because it had taken half a century to bring the manufacture to perfection in France; but it would not take half a century to bring the information which had been gathered to this Canada. He pointed out that the taxation would not be reduced because the \$2,000,000 to the revenue on beet root sugar would have to be levied on something else. He thought five years would be long enough to put the machinery fairly in operation.

Mr. BEAUBIEN argued that the introduction of the manufacture of beet root sugar would not only be a great benefit to the country generally, but would lead to the establishment of a large source of revenue. They did not ask so much that this industry should be exempted from excise duty as that the present difference between imported sugar and that manufactured in Canada should be maintained.

Mr. GAUDET contended that the establishment of these manufactures would give profitable employment to the people of our country, who might otherwise seek employment in a foreign country, and therefore would be a great public good.

Mr. MILLS said he was not an incidental protectionist, but he was in favour of a diffusion of taxes as fairly as possible over the entire country. He did not regard the resolution before the House as one that proposed protection. There was nothing in it to prevent the Finance Minister from removing the duties on imported sugar any time he pleased. All that was asked was that this particular enterprise should not be singled out for the purpose of taxation. There was no protection involved in that. It might just as well be said that if there was a duty on any other agricultural production, it would be advocating protection to advocate the repeal of that duty.

With regard to the Canada Vine Growers' Association, which had been mentioned, he was sorry that the Minister of Inland Revenue (Hon. Mr. O'Connor) was not present, as he was a prominent member of that Association, and he might tell whether he had not, since he became a member of the Government, arranged with another member for the settlement of some questions between that Association and the Government. If it was proposed to provide that the present duty on imported sugar should not be removed for ten years, he could not support the resolution, but the present

resolution would not bind the Government in the least with regard to these duties.

Hon. Sir FRANCIS HINCKS contended that this was a protection resolution, because it was impossible to abolish the duties on imported sugars. The large amount of revenue derived from it would not permit it. Besides this Parliament could not bind future Parliaments, and it was bad policy to encourage people to go into business that required 43 percent protection. He was in favour of giving this enterprise a reasonable protection, say 20 per cent, but he was strongly opposed to encouraging investments of capital in a business that required so very large a protection as was proposed. He taunted the gentlemen opposite, who professed to be ardent free-traders, with supporting this most monstrous measure of protection.

Hon. Mr. DORION (Napierville) would like to know whether the Finance Minister and ex Finance Minister were in favour of this proposition or not. The Finance Minister was willing to allow the exemption for five years, but if it was extended to ten years the member for Vancouver considered it a monstrous proposition. He would like those hon. gentlemen to agree upon the principle. The principle was the same whether it applied for five or ten years, and yet it appeared to be all right to apply it for five years, but monstrous to apply it for ten years. He contended that this resolution was in accordance with the doctrine of free trade. All that was asked was that the price of sugar should not be increased by the imposition of an excise duty on its manufacture here.

Mr. DOMVILLE said the refiners of Montreal were protected to the extent of \$600,000 to \$800,000 per annum. He thought the anticipated interference of the manufacture with the revenue of the country was a long way off, and though he was not prepared to say that this House could legislate for ten years in advance, he would support the resolution.

Mr. TROW said in the course of a recent visit to France and Germany he enquired into this subject, and found the production of beet root sugar there was very profitable. Doubt had been thrown out in the course of the debate as to whether our beets had the same amount of saccharine material as the beets of France. Whether that was the case or not, certainly this country produced much larger quantities of beets. Our soil was well adapted to the production of that class of roots. He thought the exemption should extend for eight or ten years, because the machinery required was expensive and capitalists would not invest in it if they had not sufficient time to test the experiment. He also pointed out the advantage of having a rotation of crops, a good crop of grain being almost certain to follow a crop of roots.

Hon. Mr. CAUCHON was a free trader, but it was necessary at times to grant incidental protection to young industries. When they were self-supporting protection should be withdrawn. He argued that if a duty was placed on the raw material of sugar for the benefit of refiners, the same amount of protection should be extended to the home manufacture. The question before the House was whether the

exemption of duty should be for five or ten years had he supported the ten years' exemption, as that time would be needed to fairly test the experiment.

Hon. Mr. YOUNG (Montreal West) said he had during his election campaign expressed the hope that the time would come in this country when we would have a free breakfast table, including sugar. He agreed with the statement of the member for King's (Mr. Domville), that a very large portion of the tax now paid upon sugar went into the pockets of two large refining firms. Every person in this country who used sugar contributed to the fortunes of these firms. The duty upon sugar, amounting to about 43 per cent upon the value, was entirely too high. With reference to this resolution, he thought if the project was to be successful, and the Government were obliged to reduce the duty on sugar, it would be for the public benefit.

Mr. GIBBS (Ontario North) was glad for once to be able to sail in the same boat, as the members for Bothwell (Mr. Mills), Waterloo (Mr. Young) and Lotbinière (Mr. Joly) but was sorry they did not hoist the right flag. He believed the Government were anxious to foster the growing industries of the country. He exposed the sophistries of hon. gentlemen opposite, but would be willing that this manufacture should have the measure of protection which was asked for it. He thought it was better that people should be able to buy a good breakfast than that they should be given a free breakfast table. If hon. gentlemen opposite would unite with those on that side of the House in imposing duties on other agricultural products, the evils resulting from the abrogation of reciprocity would be at an end.

Mr. BROUSE said the river counties were very much interested in this subject. Formerly, when the country was newer, they had employment for their young men in winter, but of late years that employment had been wanting, and as a consequence many of their young men had gone off to the States. The manufacture of beet root sugar could be carried on in winter, and by affording winter employment would prevent so much emigration of our young men. He warmly supported the resolution.

Hon. Mr. TILLEY, after criticising some remarks of the gentlemen opposite, said the Government approved of the principle, but the only question in dispute was the time of exemption. If the House thought that the time should be ten years, the Government was willing to submit the feeling of the House on that point. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD said his hon. friend from Montreal West (Hon. Mr. Young) among all the rest of the things which he laid claim to, also claimed to have initiated the policy of a free breakfast table during the late elections. He (Hon. Sir John A. Macdonald) always gave credit to John Bright for having first initiated that policy.

Hon. Mr. YOUNG (Montreal West): So did I.

Hon. Sir JOHN A. MACDONALD said the hon. friend of the Minister of Finance (Hon. Mr. Tilley) would do as he thought best

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during the certain existence of the present Government which was for the next five years (*laughter*), but his hon. friend had a duty to perform to his successors—the hon. gentlemen opposite (*laughter*).

He taunted the hon. member for Waterloo South (Mr. Young) with having quoted the only protectionist clause in the works of John Stuart Mill. He assured his hon. friends opposite that the Government had no desire to embarrass them as their successors, and would not place any excise duty upon beet root sugar. (*Hear, hear.*)

Hon. Mr. DORION (Napierville) said this was not the first time the hon. gentlemen opposite had admitted they accepted the measure proposed on this side of the House. They would not unlikely adopt a good many more rather than lose their places on the Treasury benches. It appeared, however, that all were agreed upon this measure, even though it came from the Opposition side of the House, and if the House had only been told so at the beginning, it would have saved this debate.

After some further remarks the Committee rose and reported the adoption of the resolutions, and a bill founded on the resolutions was read a first time.

* * *

PILOTAGE BILL

Hon. Mr. MITCHELL moved the third reading of the Bill respecting pilotage.

Hon. Mr. YOUNG (Montreal West) moved an amendment that the Bill be referred back to the Committee to provide that the system of pilotage below Quebec shall be conducted on the principle of competition and not on the principle of share and share alike.

The amendment was lost on division, and the Bill read a third time and passed.

* * *

CONTROVERTED ELECTIONS

On the motion of **Hon. Sir JOHN A. MACDONALD**, the House went into Committee on the Controverted Elections Bill,

Mr. SCATCHERD in the chair.

Hon. Mr. DORION (Napierville) contended that it was time enough to throw the duty of trying election petitions upon the Supreme Court when that Court was established. For this reason he objected to the fifth clause of the Bill.

Hon. Sir JOHN A. MACDONALD said the clause could do no harm. It was right that the Dominion Judges should try the Dominion Elections, and the Provincial Judges the Provincial Elections.

Mr. MILLS pointed out that there was no evidence that such a Court would ever be established. If the hon. gentleman had a bill to establish such a Court before the House, then he might fairly ask to put in this clause; but no such bill was before the House, and we did not know that the Government would ever introduce such a measure. But they all knew why this clause was inserted. It was put in as a sort of apology to his opposition to Hon. Mr. Blake's Bill last session.

The clause was passed.

On the seventh clause, relating to the appointment of Judges to try election cases,

Mr. JOLY pointed out that leading men in the English Parliament had approved of the proposition to allow leading barristers to decide upon who shall sit in Parliament. Here it was proposed to allow barristers of five years' standing to try such cases. If they had to appoint judges *ad here* it would be better to appoint them to relieve the judges from their ordinary work, so that the judges might be able to attend to the election cases.

Hon. Sir JOHN A. MACDONALD said he was willing to require the barristers to be appointed judges *ad here* to be of ten years standing, if the local governments, who were responsible for the administration of justice, gave their consent. Then the judges of the superior courts would do this duty. He did not suppose they would refuse their consent, but if they did, he did not think this Parliament should throw the additional work upon their judges. He therefore thought it best to proceed against the possibility of such a refusal by providing that barristers of ten years' standing may be appointed for this work.

Mr. MILLS asked the hon. gentleman if this Parliament were to declare something was a crime which was not a crime, would it be necessary to provide for the special appointment of a judge to try that crime in case the provincial governments did not give their consent? He argued that it was the duty of the local government to administer whatever laws might be enacted by this Parliament through the regular established Courts.

The clause passed.

On the ninth clause, providing for an allowance to the judges for duties under this Act, the words "and his travelling expenses when absent on any such duties from his place of residence" were struck out, and the allowance was fixed at \$100 for each election petition tried, and \$10 per day for every day spent in the trial.

The clause was then carried.

The eleventh clause was amended so as to provide that the petition must be presented not later than 30 days after the return of the election is published in the official *Canada Gazette*.

Several other minor amendments were agreed to, and the Bill was reported concurrence to be asked tomorrow.

MILITIA BILL

On the motion of **Hon. Mr. LANGEVIN**, the House went into Committee on the Bill from the Senate to amend the Act respecting the militia and defence of the Dominion.

Hon. Mr. MACKENZIE objected to placing in the hand of a magistrate power to call out troops in mere anticipation of a riot.

After some discussion on this point, **Hon. Sir JOHN A. MACDONALD** moved that the Committee rise and report progress.

Hon. Mr. MACKENZIE called attention to the fact that the Bill involved a public expenditure, and therefore could not originate in the Senate.

The Committee rose and reported progress and asked leave to sit again.

* * *

INSPECTION LAWS

On motion of **Hon. Mr. TILLEY** the House went into Committee on the Bill to amend and consolidate, and to extend to the whole Dominion of Canada, laws respecting the inspection of certain staple articles of Canadian produce.

The Committee rose and reported the bill without amendment.

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INSPECTION BILL

Hon. Mr. TILLEY moved the House into Committee on the Inspection Bill.

The Committee rose and reported the bill without amendment.

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WRECK AND SALVAGE

Hon. Mr. MITCHELL moved the amendments made by the Senate to the bill respecting Wreck and Salvage.—Carried.

* * *

ONTARIO CENTRAL PRISON

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill respecting the Central Prison for the Province of Ontario. He explained that the bill was introduced at the instance of the Attorney-General of Ontario, to enable the Government of Ontario to remove prisoners from the county gaols to the Central Prison.

The bill was read a second time.

The House went into Committee thereon.

The Committee reported the bill with one amendment. The amendment was read a first and second time, and a message was sent to the Senate with the amendment.

* * *

ALIENS

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill from the Senate respecting aliens and naturalization in the Province of British Columbia and Manitoba.—Carried.

The House went into Committee, rose and reported, and the bill was read a third time and passed.

* * *

POLICE FORCE IN THE NORTHWEST TERRITORIES

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill respecting the administration of justice and the establishment of a police force in the Northwest Territories.—Carried.

The House then went into Committee, and reported the bill with amendments.

* * *

OFFENCES AGAINST THE PERSON

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill from the Senate to amend the Act respecting offences against the person.

The bill was read a second time, passed through Committee, and was read a third time and passed.

* * *

DOMINION LANDS ACT

On motion of **Hon. Sir JOHN A. MACDONALD**, the bill to remove doubt respecting section 108 of the Dominion Lands Act was read a second time, and referred to Committee of the Whole. It was reported and read a third time and passed.

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BRITISH COLUMBIA HARBOURS DUES

On motion of **Hon. Mr. TUPPER**, the bill to repeal ordinance laws of British Columbia (chapter 86 of the laws of 1867) respecting harbours and tonnage dues, and to regulate the licences for vessels engaged in the coasting and inland navigation trade, was read a second and third time and passed.

At the suggestion of **Hon. Sir JOHN A. MACDONALD**, the House proceeded to consider public bills and orders.

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USURY AND INTEREST

Mr. TOBIN moved the House into Committee on the bill in respect to usury and interest in the Province of Nova Scotia.

The bill was agreed to with amendments and was read a third time and passed.

* * *

INTEREST

On motion of **Mr. COLBY** the House went into Committee on the bill amending Cap. 58 of the Consolidated Statutes of the late Province of Canada respecting interest.

The bill was agreed to without amendments, and was read a third time and passed.

* * *

CHANGE OF COUNTY LIMITS

A bill to change the limits of the counties of Montcalm and Joliette for electoral purposes, was read a second time and referred to a Committee of the Whole.

The Committee rose and reported.

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FRIENDLY SOCIETY'S ACT

On motion of **Mr. LEWIS** the bill respecting the Friendly Society's Act was read a second time and referred to the Committee on Banking and Commerce.

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MUSKOKA

On motion of **Hon. Mr. MACKENZIE** the bill to readjust the representation of the County of Muskoka was read a second time.

* * *

EXPRESS COMPANIES

Hon. Mr. HOLTON in the absence of Mr. Morrison (Niagara) moved the second reading of the bill entitled "An Act to amend the Railway Act of 1868, so as to insure equal facilities to all incorporated Express Companies," was carried.

The House adjourned at one o'clock.

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HOUSE OF COMMONS

Wednesday, May 14, 1873

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

Prayers

MAILS TO EUROPE

Mr. CARTWRIGHT presented the first report of the Committee appointed to enquire into the shortest route for mail communication with Europe. He stated that, in the opinion of the Committee, the voyage might be greatly reduced by the employment of vessels of sufficient tonnage, carrying only passengers and mails, using the Straits of Belle Isle for the summer route, and Cape Breton, Nova Scotia, for the winter route. If the United States and British Governments would cooperate with our own, he thought it would tend very largely to the reduction of the expense of arrangements of this description.

The Committee were of opinion that the speed of mail steamers across the Atlantic might be increased to fourteen miles an hour.

With regard to a railway through Newfoundland, Mr. Sandford Fleming had, at his own expense, undertaken an exploratory survey, and had presented a report of a highly interesting character. The Committee recommended that the report should be printed, and suggested that Mr. Fleming was entitled to some remuneration for the public spirit he had evinced and the expenses he had incurred in undertaking the survey. After alluding to the valuable coal mines said to exist in the neighbourhood of Louisburg, which place it was possible steamers might make a rendez-vous, he suggested that the report of the Committee should be printed and the subject left for further consideration.

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NORTHUMBERLAND EAST ELECTION

Hon. Mr. CAMPBELL presented a report of the General Committee on elections, with the names of the members of the East Northumberland Committee, as follows:—Hon. Mr. Mitchell, Messrs. Ryan, Church and Huntington.

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QUEBEC ELECTION COMMITTEE

Mr. KIRPATRICK presented a report of the Quebec East election Committee, asking leave to adjourn till Saturday next.

Leave was granted accordingly.

* * *

NORTH PERTH ELECTION

Mr. SAVARY presented the report of the Perth North Election Committee declaring Mr. T.P. Daly duly elected, and that neither the petition nor the defence was frivolous or vexatious.

The announcement was received with loud cheers.

* * *

MANITOBA LAND GRANTS

On the motion of **Hon. Sir JOHN A. MACDONALD** the House went into Committee of the whole on the following resolution:—“That it is expedient that under the regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor of Manitoba should select from the ungranted lands of the Crown such lots or tracts or such parts of the Province as he may deem expedient, not exceeding in the whole 49,000 acres, for the purposes of making free grants thereof to persons, now resident in the Province, being original white settlers who came into the Red River country under the auspices of Lord Selkirk between the year 1813 and 1835, both inclusive, or the children, not being half-breeds, of such original settlers; and such grants may be made in such mode and on the same condition as to settlement or otherwise as regulate the grants to half breeds under the Act passed in the 23rd year of Her Majesty’s reign entitled An Act to amend and continue the Act 32 and 35 Vic., Cap. 3, and to establish and provide for the Government of the Province of Manitoba; but no such grant to any one person shall exceed 140 acres.”

He said the Parliament of Canada had made a grant of 1,400,000 acres for the half-breed settlers in the western country. This resolution provided for a grant of land, which it was calculated would give 140 acres to each of the children of the original Selkirk settlers in Manitoba, who were as much the pioneers of that country, and had suffered as many hardships, as the half-breeds. It was only to be for the benefit of those who were resident in the Province and went there with Lord Selkirk, or their children. It was rather hard that they should not have the same advantages as those of the mixed race. (*Hear, hear.*)

Hon. Mr. MACKENZIE said he could have no objection to this measure. It had been urged by him three years ago and resisted by the Government, and he was glad that the Government had at last agreed to it.

The motion was then carried and the House went into Committee and adopted the resolution, which was reported and concurred in; and a bill was then introduced and read a first, second and third time and passed.

* * *

SALARIES

Hon. Sir JOHN A. MACDONALD said that he would move tomorrow that the House go into Committee on the following resolutions which were intended to take care of a much abused branch of the Civil Service:—

First—that it is expedient to increase the salaries of the President of the Privy Council, the Minister of Justice, the Minister of Militia and Defence, the Postmaster-General, the Minister of Finance, the Minister of Customs, the Minister of Inland Revenue, the Secretary of State, the Secretary of State for the Provinces, the Minister of the Interior, the Minister of Agriculture, the Minister of Public Works, the Minister of Marine and Fisheries, and the Receiver-General, to the sum of seven thousand dollars per annum; such increase to commence from the first of January last.

Second—That in addition to such salary the member of the Privy Council holding the recognized position of First Minister should receive the salary of one thousand dollars per annum, to commence from the first of January last.

Hon. Mr. MACKENZIE asked who they were.

Hon. Sir JOHN A. MACDONALD did not know. Very few people knew themselves, and, therefore, he could not say who they were. (*Laughter.*)

Hon. Mr. HOLTON: We know who they ought to be then. (*Renewed laughter.*)

Hon. Sir JOHN A. MACDONALD: We had better leave that to arbitration.

The motion was then carried.

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NEW BRUNSWICK SCHOOL QUESTION

Hon. Mr. TILLEY moved that the House go into Committee of Supply.

Mr. COSTIGAN said he had an amendment to propose to that motion. He did not think it necessary to say that it was not a vote of want of confidence, or that it was not intended to interfere in any way with the Government or their proceedings in Supply. His only object was that the question involved in the resolution he intended to submit should be discussed by the House. He felt it was a subject of great importance, and in bringing it before the last Parliament he was afraid it might give rise to some unpleasant discussion, possibly to ill feeling, but he thought those gentlemen who took part in that discussion would bear him witness that not one unkind word

nor one harsh expression was made use of. He hoped the discussion on this occasion might be similarly carried on, and that no more unpleasant feeling might arise out of it than did from the discussion on the former occasion.

The hon. members now in this House who sat in it during the last motion were pretty well informed as to the circumstances connected with this question; but he thought it his duty for the benefit of gentlemen who sat in this House for the first time, and who had not heard the question discussed last Parliament to give some idea on the present occasion of the school question in New Brunswick.

Previous to the union the system of education adopted in that Province was one by which all religious denominations were free to exercise their religious liberties and inculcate their religious principles in the education of their children, and to provide teachers for their schools who would give instruction; accordingly separate denominational schools were maintained by grants of money from the Legislature. In 1858, the Government then in power introduced a Bill affecting the Common Schools, and he cited various kinds of petitions for and against, as well as in favour of other than the system proposed, which had been largely presented to the Legislature. At that time the interest felt in the subject, as expressed through these petitions, might be noted by referring to the Journals of the House. Among others was that from the Roman Catholic, and other religious portions of the population in favour of Separate Schools. He cited this to show the feeling of the country at that time in regard to the question, and the feeling that there was in favour of maintaining the rights of the different religious bodies.

Notwithstanding these petitions, the Legislature found in their wisdom not only to continue but to increase the special grants that had been given. This continued down to 1871, when a law was introduced doing away with these privileges, putting an end to denominational education, and in effect closing the schools of a large proportion of that Province and shutting out one-third of the people from the privileges of education. The principles of that law he did not think it his duty to combat or argue against. It was not necessary for him to prove that the principle which takes the right of control and management of a child out of the hands of its parents is incorrect and vicious. It was not for him to say that the unsectarian system was unsound, nor to say that anything but a sense of right and justice actuated those who brought it into force in New Brunswick.

What he did claim was the sympathy of this House towards one-third of the population, who had calmly stated that the system could not be accepted by them. They could not do so except at the sacrifice of their strong religious principles or maintenance of Separate Schools by private subscription. Not only were they forced to adopt one or other of these alternatives, the former of which they could not and the latter of which they must, but they were also forced to contribute dollar for dollar in support of the schools from which they derived no benefit.

When the minority of New Brunswick had found that there was no remedy for them at the hands of the Local Legislature, they

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addressed petitions to the Governor General, praying that the Act might not come into operation. The matter was referred to the Minister of Justice who gave it as his opinion that the Local Legislature had not exceeded their constitutional powers, and he therefore could not advise His Excellency to disallow it.

Referring to the action he had himself taken in the last Parliament, he read the resolution he had submitted to the House upon the question. It was argued then that this House had no power to deal with the question; but he wished to remind the House of the action then taken, notwithstanding that argument. It was true the Minister of Justice had given his opinion that the Act was within the powers of the Local Legislature so far as the letter of the law was concerned; but it was also true that that hon. gentleman stated to the House that there were two grounds upon which he would advise the disallowance of an Act of a Local Legislature; one when it was unconstitutional, and the other when it was in opposition to the public interest of this Dominion.

Many members then took the view that although this Act was not unconstitutional, it might be against the public interest and prosperity of this country. The hon. Minister of Justice then advised that there should be no discussion upon the subject, and that the mover should withdraw his resolution. The Minister of Militia and Public Works also gave similar counsel, upon the plea that if this House took the subject into consideration, it might establish a dangerous precedent, and might lead to serious interference with the privileges of the people of the Province of Quebec. Believing that he was discharging his duty, he could not consent to withdraw that motion.

The discussion therefore went on, and from the feeling of sympathy for the Roman Catholics of New Brunswick manifested by the House, he thought, and felt certain, they were in favour of giving them justice in some way or another. He felt certain from the commencement that the House would not throw out the motion upon its merits. Afterwards amendments were brought in by the then hon. member for Quebec County (Hon. Mr. Chauveau), which he quoted, to the effect that it was not competent for the House to interfere. He also quoted the amendment moved by the then hon. member for St. John, as also that of the hon. member for Stanstead (Mr. Colby).

He was sorry that though application had been made to the Local Legislature they would not consent in the slightest degree to modify or alter it, or in any way withdraw any of the powers they had according to the Constitution. Instead of withdrawing this offensive legislation they had passed additions and amendments to the Act which aggravated the position of Roman Catholics very much. They had been told to accept the situation, and not give rise to ill feeling or sectionalism, and trust to the future for the remedy asked for. He admitted the force of that argument in ordinary circumstances, but he could not agree that these circumstances were of an ordinary character. Additional assessments had been put upon them, but though the Legislature refused to withdraw these, they had recourse to the Supreme Court of the Province, which vindicated their rights,

and declared these assessments illegal. Both sides of the House had admitted last year that the New Brunswick School Bill was in opposition to the spirit of the Constitution. He had been advised by hon. members on his own side of the House to let the matter stand for this session to see if some concessions would not be granted before another year by the Local Legislature, but in agreeing to that it was only reasonable that he should at the same time ask that the additions and amendments which had been made since last year, and which made the law more objectionable than it was before, should be disallowed or retained for consideration.

The idea that this resolution, if carried, would be a dangerous precedent to the Province of Quebec, was not well founded. There was a protection to the rights of the people of Quebec more powerful than the Constitution—that is, the harmony and peace in that Province between all religious classes. The majority of that Province had already shown their peaceful and inaggressive disposition towards the minority, and the present state of the people was a sufficient surety that no great trouble could arise in the future; but it would be establishing a precedent to the effect that this House had power to exercise jurisdiction over all the institutions of this country, remedying all disorders occurring in the different Provinces and affording protection to all classes of this Dominion, that when any portion of the people, no matter what their religion, having in vain appealed to other sources for redress of wrongs, appeal to this House, it should grant them that protection which they both required and desired.

That would be a good precedent to establish, he thought, and calculated to make our security greater and our country one to which all portions of the people would look at their common home. There were one hundred thousand of these people in New Brunswick contributing their quota to the revenue, prepared to defend their country to the last drop of their blood, if that were necessary, and prepared to discharge their duty as citizens of this Dominion in every way, yet it appeared that for this legislation, so obnoxious to their strong religious sentiments, there was no remedy, no protection. One portion of the people had no right to coerce the other out of their religious privileges, and any attempt at so doing would be an unfortunate thing for this Dominion.

He therefore moved, seconded by Mr. Cunningham, “That doubts having arisen as to the sufficiency of section 93 of the British North American Act of 1867, to protect the rights, privileges, and advantages which the Catholic minority of New Brunswick enjoyed as to their schools under the school system in operation when the said Act came into force, the House of Commons of Canada on the 30th of May, 1872, did resolve. ‘That this House regrets that the School Act recently passed in the New Brunswick Legislature is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next session of the Legislature of New Brunswick as to remove any just grounds of discontent that now exist; and this House deems it expedient that the opinion of the law officers of the Crown in England, and if possible the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature

to make such changes in the school law as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union, in respect of religious education in Commons Schools, with the view of ascertaining whether the case comes within the terms of the fourth sub-section of the ninety-third clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act', that the law officers of the Crown in England having now, in conformity with the said resolution, given their opinion, and the Judicial Committee of the Privy Council, through the Lord President of the Council, having declined to interfere unless the matter was judicially brought before them, it is the opinion of this House that the parties aggrieved should have an opportunity of bringing the matter judicially before the Privy Council, and that in the meantime it is the duty of the Government to advise His Excellency the Governor General to disallow the several Acts passed during the last session of the New Brunswick Legislature to legalise assessments made under the Common School Act of New Brunswick, and in amendment of the said Common School Act."

Hon. Sir JOHN A. MACDONALD, after expressing an opinion that it would have been desirable if the hon. gentleman had had this resolution printed and distributed a sufficient time to enable the members to consider its provisions, said he must express to the hon. mover of the resolution his appreciation *quantum valet* of the moderation with which he had made his motion. (*Hear, hear.*) He could not express too strongly his feeling that the hon. gentleman had distinguished himself alike by his ability in stating the case of his co-religionists, his constancy in fighting their battle, in which he (Hon. Sir John A. Macdonald) sincerely sympathized, and his good sense, notwithstanding the strong feelings he must entertain, in not deviating in the slightest degree from the strictest Parliamentary rules. In doing so he had done more to further the cause of his co-religionists than by any other course which he could have adopted. (*Hear, hear.*)

To those hon. gentlemen who had done him (Hon. Sir John A. Macdonald) the honour to pay any attention to his political career and his political opinions, he need not say that he sincerely sympathized with the feelings of the hon. gentleman, and that he believed it would have been for the best interests of New Brunswick, and for the best interests of education, had the system which prevailed in Ontario and Quebec been extended to New Brunswick. He had had great pleasure in voting for the resolution which was carried last session, on the motion of the hon. member for Stanstead, expressing a desire that some modification might be made of the law to meet the just wishes and expectations of the Roman Catholics of New Brunswick; but the question now arose as it had arisen then, not as a matter of sympathy, but as a matter of constitutional principle.

If he had much pride in the success of his opinions he might feel gratified at these continued attempts to upset the federal character of the British North American Provinces. He had been from the first in favour of a legislative union, and had believed that the best

interests of the country might have been promoted by a legislative union of all the Provinces, aided by a subordinate system of municipal institutions with large powers. However, he had been overruled in that respect by large majorities in the old Parliament of Canada. The feeling had been unmistakeable, not only in Canada but also in the other Provinces, that we could have only reunion on the federal principle, and as he had thought then, as he thought still, that the union of the four Provinces was essential to the future development and progress of British North America, he yielded his own opinions and went in with the Government of which he was a member for the establishment of one great Dominion on the principle of a federal union, and he had loyally and to the best of his judgment, power and ability endeavoured to carry out that principle faithfully.

It was true that he had been charged by some hon. gentlemen with a desire to strengthen the central power, to the disadvantage of the Provincial Governments and Legislatures; that he had given any doubt resting his mind against the authority of the Local Legislatures, and to strengthen the central power, it might be so, though he had endeavoured to prevent his own predilection for a Legislature over a Federal Union from preventing it.

Still it might be that he had rather leaned in favour of centralisation, but if a resolution like this was adopted formally and solemnly by the Dominion Legislature, he must say that his original ideas had been fully carried out; that a federal union of the Provinces was at an end; that the legislative union had commenced, and the whole real power and authority of all the powers of government had been transferred from the Provincial Legislatures to the Dominion Parliament. (*Hear, hear.*)

They could not draw the line. It might be, and he did not hesitate to say, that from his own point of view it was so in this case, that the minority, the Catholic minority in New Brunswick, suffered a wrong by this legislation, but there might be wrongs not only in questions of education or religion, but in questions of finance, of civil liberty, and in questions of every possible kind. And if the ultimate power of decision as to what is right and what was wrong was to be vested in this Parliament, where was there a vestige of the use of power, of the benefit, or advantage, of all our paraphernalia of Provincial Governments and Provincial Legislatures. (*Hear, hear.*)

If they were to deal here authoritatively and to order the Governor General, the representative of the Queen, to disallow such bills as they thought the Local Legislature ought not to have passed, they would have wiped off the state as with a wet sponge, the influences and authority of the Local Governments, and Legislatures, and have centred it all in the Canadian Parliament. Was this House prepared for this? Was it prepared to assume that new responsibility and to alter in spirit and constitution? It might be that they might keep up the sham of Provincial Legislatures, but what would they be but sham, if at any time the member of the other Provinces disagreeing with the policy deliberately adopted by the Legislature of any one Province could alter that policy?

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Take the Province of Quebec which was the most obvious instance he quoted, he believed we might have had a Legislative Union instead of a Federal Union if it had not been for the Province of Quebec. The other Provinces were of one race of Anglo-Saxon ancestry. To a great degree the majority in the other Provinces were Protestants and their laws were based upon the common law and institution of England. Lower Canada contained a different race and used a different language. The majority had a religion which was in the minority in the whole Dominion, and they claimed and justly claimed as a protection to them, to those institutions which they held so dear, to their old associations, to their religion, and to the education which in that Province was based on religion, that we should not have a Legislative Union; but that in all the questions relating to the tenure of their land, their property, their institutions, and so on, they should have a Legislature having the power to act as they pleased; as they thought they ought to act in consonance with the wishes of their people. The Lower Canadians drew themselves up, and said, if the constitution were not so drawn up as to give them the power to protect beyond a doubt their institutions, their religion, their language, and their laws, in which they had so great a pride, they would never consent to a union; and if they had not been agreed to, we should not now have the Dominion of Canada.

The same principle applied to all the Provinces. They had their rights, and the question was not whether this House thought a Local Legislature was right or wrong. But the whole question for this House to consider, whenever such a question as this was brought up, was that they should say at once that they had no right to interfere so long as the different Provincial Legislatures acted within the bounds of the authority which the constitution gave them. (*Hear, hear.*) There was this fixed principle, that every Provincial Legislature should feel that when it was legislating, it was legislating in the reality and not in the sham. If they did not know and feel that the measures they were arguing, discussing and amending and modifying to suit their own people, would become law it was all sham. The Federal system was gone forever and the system which he had vindicated was adopted.

He did not hesitate to say that it would have given him great pleasure if he could have come to the conclusion that the Act was beyond the competence of the New Brunswick Legislature. He believed they had made a great mistake, and many others agreed with him that they had better have left the law as it was. He spoke *sub judice*, because those who passed the law had a right to maintain its wisdom; but from his own point of view he believed it was a great mistake to have repealed the law and raised this question, for but little purpose. (*Hear, hear.*) But that was a question for the Local Legislature. The question of education, except under the peculiar circumstances of the establishment of separate schools in Upper and Lower Canada, was left exclusively in the control of the Local Legislatures. It was withdrawn altogether from the supervision of the general Legislature, so that the people in each of the Provinces might educate their children after their own fashion.

The British North America Act provided that the Governor General might disallow a bill coming from a Local Legislature. That prerogative he exercised as the representative of the Sovereign. Before Confederation the Governor in each Province was the direct representative of the Sovereign. But in consequence of Confederation the Lieutenant-Governors were appointed by the Governor General, who was the only immediate representative of the Sovereign.

This House by passing this resolution, would assume the power and invade the prerogative of the Executive. The British North America Act said that the Queen might at any time within two years exercise the Royal prerogative in disallowing an Act of this Parliament, and that the Governor General, as her representative, might at any time within one year exercise the Royal prerogative in the disallowance of a bill from the Local Legislatures. They must assume that this provision was inserted in the constitution for wise purposes, and it gave His Excellency a year to decide. But this resolution said that one year was too long, and that the Governor General must disallow the Act at once. What right had this House to break the constitution, and to give any such command or suggestion? It was distinctly an attempt to using a branch of the prerogative. On the two grounds, therefore, that this resolution was an unwarrantable invasion of the prerogative of the Crown, and that this Legislature ought not to interfere or dictate the exercise of that prerogative in a matter within the competence of the Local Legislature, he thought the resolution was faulty and ought not to receive the assent of this House.

Of course it would not be a vote of want of confidence in the Administration, because that was not an expression of opinion that the House had no confidence in the Government in their administration of the affairs of the Dominion. But this was an appeal to the Government to take a certain course. The Governor General had his instructions which applied as well to the Acts passed by Local Legislatures as to those passed by this Legislature, and he would ask if His Excellency, supposing this address were adopted, were to ask the advice of Her Majesty's Government at Home, what instructions he would be likely to receive? Her Majesty's Government would refuse to interfere with any bill which was within the competence of the Local Legislature.

The question would be asked whether these laws were a fair expression of the views of the Legislature of New Brunswick? There could be no doubt that whether they were right or wrong they were carried by sufficient majorities in the New Brunswick Legislature. It would also be asked if there had been an appeal to the people of that Province, and if they had expressed their dissatisfaction with the action of their representative in regard to these Acts? The answer would be in the negative, and Her Majesty's Government would naturally reply that there should be an appeal to the people before there could be any semblance of right in applying to the Sovereign to use the extreme exercise of the Royal prerogative of disallowance.

Although the hon. gentleman had no doubt under strong pressure from those whose interests he so ably advocated, made this motion, he (Hon. Sir John A. Macdonald) believed the passage of such resolutions were not in the interests of the Roman Catholics of New Brunswick. He believed they ought to get their demands— (*hear, hear*)—that they ought to get separate schools—(*hear, hear*)—and if any New Brunswick members were now in the House he would desire, in his humble way, to impress upon them his strong belief, that they would never have comfort, peace, or quiet or a complete educational system until they adopted the system which experience had shown in Quebec and Ontario had been entirely successful—that of separate schools—(*cheers*)—and he would tell the people of New Brunswick, so far as his voice would go to them, that they had the same battle to fight for years in Ontario; that steadily and for many years he had voted in favour of separate schools, and had, perhaps, got some abuse and been occasionally, if not systematically and continuously, maligned in consequence of the course which he had taken on that question; and that, although the parties were arrayed against each other in Ontario, apparently far more than they were now in New Brunswick, there had been no man in the Legislature of Ontario since the passage of the Separate Schools Act who had even proposed its repeal. (*Hear, hear.*) It had worked like a charm. (*Hear, hear.*)

They saw the schools side by side working harmoniously in honourable competition with each other, and there had been removed from the Catholic minority of Upper Canada that feeling of injustice which had rankled in their breasts until that bill was passed. They stood on equal terms with their brothers now. There was no forcing on them of a system which was abhorrent to their principles or their prejudices. There was no attempt to coerce them, and the result was that in Western Canada, there were comparatively few separate schools for the Catholics. Now they were safe, and if any attempt was made to force religious instruction on their children they had the remedy in their own hands, of establishing a separate school. So completely had the religious division and rivalry and dissension disappeared that there were no less than 600 Catholic teachers in Ontario alone teaching in the common schools. (*Hear, hear.*)

He hoped to see that system introduced in the Maritime Provinces, but only by the calm deliberation and decision of the majority in the two legislatures of Nova Scotia and New Brunswick. In Nova Scotia there was practically no difficulty, because the common school system had been worked with such liberality that no question had hitherto arisen. (*Hear, hear.*)

But the moment there was any attempt to coerce the New Brunswick majority, all hope for the Catholic minority was gone forever. That minority was a strong minority, being a third of the whole population; and if they advocated their cause with the same persistence and ability as the Catholic minority in the old Province of Canada, victory was certain in the long run. If they appealed to the justice and liberality of the Protestant majority, and endeavoured to carry their object by constitutional means, they would be certain of ultimate success; but if they attacked the

institutions of their own county, if they sapped the very foundation of the Legislature of New Brunswick, then the majority, like freemen conscious of their right and of their constitutional position, would be deaf to any arguments addressed to their reason.

What had been the effect of the well meant resolution of the House last session in which, while expressing a hope that the New Brunswick Legislature would modify the law so as to relieve the Ministry, they had vindicated the rights of the Legislature by recognizing that only through it could that relief be obtained? It was not received in a kindly spirit, but was regarded as an attempt to coerce them. What then would be the feeling if they went still further and asked the Governor General to disallow measures which were within the competence of the Local Legislature? Last session the question of the competence and incompetence of the Legislature of New Brunswick in this matter was one of great doubt, and it rested only on his (Hon. Sir John A. Macdonald's) opinion. Since that time, after careful consideration, that opinion had been approved of by Her Majesty's Government, and also, he believed, by the unanimous judgment of the Court of Supreme Jurisdiction in the Province of New Brunswick. They might, therefore, assume that the law of 1871 was within the competence of the Local Legislature, and was valid in every respect. So that they stood in quite a different position from that in which they stood last year. He thought it would have been well if the latter Act had not been passed, if the decision of the Supreme Court of New Brunswick had not been interfered with, and if any small pecuniary loss which might have resulted had been borne. But they found in all the Provinces Acts passed confirmatory of previous Acts, and removing technical difficulties. The statute book of Ontario, for instance, teemed with Acts legislating by-laws of every kind. He supposed that the New Brunswick Legislature took the ground that the laws were really intended to carry out the general law of the land, and if there was any technical irregularities these laws should be confirmed.

If this House adopted this resolution it would be a great misfortune for the constitution that we now lived under. He believed it would affect the constitution of the country and the permanence of our institutions. He believed it would destroy the independence of the Provincial Legislatures. He believed that the institutions and laws of no Province would be safer hereafter. For all these considerations he hoped that this resolution would not be adopted. (*Hear, hear.*) If it were adopted, if this House undertook the great responsibility of interfering with the local laws, they must be prepared to discuss the justice or injustice of every law passed by every Provincial Legislature—(*hear, hear*)—and this Legislature, instead of being as now the general court of Parliament for the decision of great Dominion questions, would be simply a court of appeal to try whether the Provincial Legislatures were right or wrong in the conclusions that they came to. (*Hear, hear.*)

If this House was prepared to take that course and adopt that principle, then the Government of the day, while it would have much more responsibility, would also have much more power; for, besides conducting, and administering the affairs of the whole

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Dominion as one great country it would also have the power, the authority, and the control of a majority over every bill, every Act, every conclusion, every institution, every right of every Province in Canada. (*Cheers.*)

Hon. Mr. ANGLIN supported the amendment of Mr. Costigan.

It being six o'clock **The SPEAKER** left the chair.

Hon. Mr. ANGLIN, in his opening remarks, referred to the temperate manner in which the conclusion on this subject was conducted last session, and he trusted the same idea would be maintained throughout this discussion. With regard to the speech of the hon. Minister of Justice, Hon. Sir John. A. Macdonald, without meaning to use the words offensively, it seemed to him to be a course of fallacy. He was of opinion that the Minister of Justice set up a bugbear for the people of the Province of Quebec, and a scarecrow to frighten the majority of the members of the House. The bugbear was that portion of his speech in which he said the proposition before the House was an attack upon the independence of the Local Legislatures, and that it was particularly an attack upon the rights and liberties which the people of Quebec valued so dearly. He believed that was an entire fallacy. There was no danger of the rights and liberties of the people of Quebec being interfered with by the Governor-General upon the advice of the Government, disallowing any act of a Local Legislature. This was one of the powers given by the Act of Confederation, and Government might exercise that power when reasons arose which might seem good to them. They were not responsible to the Local Legislature, nor to any other power but that of Parliament, and they asked the Government would exercise that power on their behalf. They did not ask for anything unconstitutional. They did not ask for any violation of the Constitution, nor did they ask the House to assume any of the rights peculiar to any of the Provinces, but simply to assume a right they were unquestionably possessed of. They did not ask that the rights of the Province of Quebec should be put in peril, nor did they seek to sap or undermine the Constitution. They came there to ask humbly and respectfully, but most earnestly, that the Government of this great Dominion should interfere on their behalf and rescue them from the position they then occupied in New Brunswick.

The Hon. Minister of Justice had intimated that if that resolution were passed it would be in some sense an infringement on the prerogative of the Crown.

He (Hon. Mr. Anglin), however, claimed it would have no such effect. They merely asked for the legitimate exercise vested by the Constitution in the Government of this Dominion. He was satisfied no danger was created in this respect.

He asked such representatives of the Province of Quebec, as were then listening to him to reflect for a moment upon what the consequences would have been, the consequences if their Legislature had confirmed a law which would have so seriously affected the education of the Protestant minority of Quebec, and

after an appeal had been made they persisted in adding injustice to injustice as had been the case in New Brunswick. The Protestant minority would appeal, as they had a right to appeal. He asked how long such a resolution as that before the House would be allowed to stand, and how long such an injustice would be countenanced by that Parliament. He asserted that that it would scarcely have assembled before there would have been a resolution on the notice paper calling attention to the subject.

In reference to the resolution of sympathy passed last session, he reminded the House that he did all he could to prevent its passing, because he felt, as he warned the House, that it would be but barren. They were willing to take all the risk and injury that might result to them by passing that resolution. From long and bitter experience, they had learned to have no confidence in the sense of justice, fair play, or magnanimity of the people of New Brunswick. If they had, they would prefer to continue to suffer rather than make that appeal to Parliament. They would ask for justice, if they had any reason to believe justice would come from such supplications.

Every appeal made had been met with an aggravation of the wrong previously inflicted. When first introduced into the Legislature, the School Law had not the obnoxious 60th clause, but in consequence of petitions against the Bill he forwarded to the House, the 60th clause was added, to aggravate the wrong which the measure was calculated to inflict upon them. The expression of sympathy passed by the House had tended greatly to aggravate the existing feeling, between the Roman Catholics and the Protestants, and every attempt to lessen that feeling more distinctly marked the great line between the two parties. The Government of New Brunswick, he observed, had throughout evinced a most extraordinary spirit.

He then went on to describe the action of the Local Government in enforcing the School Act, and the opposition given by the Catholics to the assessment. He stated that the Provincial Government provided money to pay the lawyers in the law Courts in the endeavour to sustain the illegal assessment. Nearly one-third of the school districts refused to act under the law. There were 800 school districts in the Province, but about 250 refused to act under the law. In the county which he had the honour to represent they refused to order any assessment, and he was told, and he believed, that the Government sent into some few districts and paid \$600 to \$700 in aid of the schools, in order to show the advantages the law would afford to them, but with the view of by-and-by recovering that money out of the county assessment. The Government also secretly, he might say surreptitiously, appointed several magistrates, by which means they obtained a majority at the Sessions, and the assessment was prepared, sent to the Grand Jury, and approved, but they neglected to order the assessment to be made.

He then alluded to the legalizing of the assessment by the Legislature, to the supply of means by that Legislature for the enforcing of that law upon people who were unwilling to receive it, and remarked that they came to that House in a pitiable and deplorable case. Sympathy was lavished upon them. They, however

did not ask for sympathy, but simply for justice, and in doing so they did not imperil the Constitution or endanger the federal system under which they lived.

Under the former system the Queen had the right to disallow any of the Acts of the Local Legislature, and the system they then lived under possessed the same power. He hoped and trusted that the majority of the members of the House would not regard the passing of the resolution as injurious, when it was admitted that 100,000 people had suffered an injustice by the Bill. He did not think they had received fair play in the settlement of this question.

The correspondence laid before the House revealed a most extraordinary state of things. It appeared that on the 6th of November an order in Council was passed approving of a memorandum of the Minister of Justice, and that on the 7th, the next day, a copy of that was sent to his Lordship the Bishop of St. John, requesting him to transmit any remarks he might wish to accompany the case for submission to the law officers of the Privy Council. On the 6th, the day before, as they learned from the despatch, the case was forwarded to the Colonial Office; on the 29th November the opinion of the law officers was given—twenty-two days after the letter was sent to the Bishop of St. John. That was not fair play, nor was it what the House expected would have been done.

He next described the difficulty which was experienced in getting up the case, and held that the opinion of the law officers of the Crown was based on the point as to the power to disallow the Acts of the Local Legislature. The case he mentioned had never rested on this point. He complained that the opinion had not been presented to the House at an earlier period of the session. The matter went before the Supreme Court in the Hillary term, and had they had those documents then, they would have been in a position to have made an appeal from the Court to the Judicial Committee of the Privy Council.

He affirmed that they had not been fairly treated, and they appealed to the House for protection. Instead of having their remarks transmitted they had an expression of opinion on an *ex parte* statement, and that opinion had been reiterated on another *ex parte* statement.

It being six o'clock the House rose for recess.

AFTER RECESS

SECOND AND THIRD READINGS

The following Bills were read a third time and passed:—

Consideration of amendments made by the Senate to the Bill to incorporate the Marezzo Marble Company of Canada.

Mr. SAVARY, second reading of Bill to incorporate a company of the name of Crédit Foncier du Bas Canada, from the Senate, as amended by the Standing Committee on Banking and Commerce.

Mr. CARTER, second reading of Bill to amend the Act 32 and 33 Vic., Cap. 70, to unite the Beaver and Toronto Mutual Fire Insurance Company, from the Senate, as amended by the Standing Committee on Banking and Commerce.

* * *

NEW BRUNSWICK SCHOOL LAW

Hon. Mr. ANGLIN resumed the debate on Mr. Costigan's motion. He showed that prior to the Act of 1871 in certain districts the Catholics were able to establish what were essentially denominational schools, which received grants of public money. To all intents and purposes they were Catholic schools, though not called so. He argued that the Confederation Act provided that for all time to come the Catholics and Protestants were entitled to all the rights and privileges which they enjoyed under the school law at the time of Confederation, and as these privileges had since been taken away from the minority, he contended it was a case in which this House might interfere under the Constitution.

He pointed out that the Act passed last session by the New Brunswick Legislature made the system much more oppressive to the Catholics. It provided that no matter if nine-tenths of the people of a district were opposed to the system they were compelled to pay taxes for its support. The Roman Catholics of New Brunswick had to contribute towards the support not only of the Common Schools, but also of the High Schools, neither of which their children had nor could have the benefit of. He entered into the details of the provisions of the Act passed last session, which he contended worked very unfairly towards the Catholic minority. Although these Acts could be passed by Local Legislature, it was clearly against the spirit of the Constitution, therefore this Government should disallow them.

The Irish and Acadian French of New Brunswick knew what it was to suffer for the sake of religion, and did not act in a spirit of sectionalism or discord. They were not an unknown body, they did not change their principles every day. They changed them never. These principles were as old as Christianity, co-existent with Christianity, in fact were the very essence of Christianity itself. They came there and asked firmly, earnestly, he might almost say imploringly, to have their rights. He did not, on the part of those he represented, mean to throw aside the principles of manhood and ask it as a favour, but he respectfully asserted their legal rights and demanded that their claim to fair play should be respected. Ontario legislation had been disallowed; he was much mistaken if Quebec Acts had not been disallowed; and he did not think the argument of the Minister of Justice was tenable. He averted, not in an offensive way, that the prejudices of the majority in New Brunswick were so deeply rooted that there was no hope of justice at the hands of the Local Legislature. If instead of relying upon the good sense of the majority of the Dominion, the good sense of the Protestant majority

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and their Catholic brethren, the 100,000 Catholics of New Brunswick, were driven to take counsel with their despair, they could not be supposed to lie quietly in the gutter, and the result might be anything but favourable to this Dominion.

He did not mean to throw out any threat, but he need not say that any minority, no matter what it was, would not quietly submit to have its rights trampled upon long without resenting the injury. He hoped this House would see fit to pass this amendment, and do what was clear justice to their brethren and fellow subjects in New Brunswick. (*Cheers.*)

Mr. MASSON said that the Catholics of New Brunswick were quite right in taking every constitutional means that could be taken to obtain relief from the great injustice under which they were suffering. He wished to have it established whether the Federal Government would only disallow Provincial Acts that were unconstitutional, and not also Acts that were against the general welfare of the Dominion. That was a point that should be established at once. He contended that it was the intention of the Confederation Act to give the Federal Government power to disallow the Acts which were opposed to the general welfare of the country. The constitutionality of an Act was not to be submitted to the executive power, but to the judicial power.

Therefore, he argued that this question was not merely a constitutional one, but they had to consider whether this New Brunswick School Act was not opposed to the general interest of the Dominion. The Confederation Act gave the minority in each Province certain rights in reference to education, and the question now was in what cases the power of disallowance should be exercised in regard to the Provincial Acts that infringed upon these rights of the minority.

He quoted the statements of Sir John Rose and Sir George-É. Cartier, made at the time Confederation was being discussed, to the effect that it would be the duty of the Federal Government to disallow any Provincial Act that inflicted injustice upon the minority. In the course of this Confederation debate Sir George-É. Cartier had distinctly stated in answer to Sir John Rose that he would advise the disallowance of any Provincial Act that inflicted injustice upon a minority.

The case now under discussion was precisely such a case. A great injustice had been inflicted upon the minority in New Brunswick by a Provincial Act, and all that they asked was that the Federal authority should step in and prevent this injustice, as they had a perfect right to do under the Constitution. Supposing, in the Quebec Legislature the rights of the Protestant minority with regard to education should be infringed upon, would it not be the duty of the Federal Government to prevent that being done? The Constitution specially provided that they should do so. It did not confine the power of disallowance merely to unconstitutional Acts, but it expressly provided that it should be extended towards Acts that intruded upon the rights of the minority in any Province with regard to education.

Hon. Mr. LANGEVIN agreed with the hon. member for Victoria, New Brunswick (Mr. Costigan) in dissenting altogether from the opinion of those who, in the Local Legislature of New Brunswick, had adopted and voted for the School Law which two years ago became the law of the land. He considered that that law was unjust towards the minority in New Brunswick. He had expressed that opinion last year, and his only regret was that the Local Legislature had not remedied that evil.

On the other hand he did not think that this House was the tribunal to disallow this Act. He dissented with his hon. friend from Terrebonne (Mr. Masson) that this Parliament had the right to call upon the Government of the Dominion to disallow the law of the Local Legislature. In every case that power to disallow was limited. The constitution had determined the rights of the Federal Parliament and of the Local Legislatures. They held these powers on the same authority—the authority of England. Amongst the powers given to the Local Legislatures was the power to legislate with respect to education. The question of right to pass the law was set at rest in so far as the Dominion Parliament was concerned, by the reference which was made last year to the law officers of the Crown in England. These law officers had declared that the Local Legislature had the right to pass these laws.

The question today was not to say whether the law passed two years ago should be disallowed, but the question was, first, that the parties should have an opportunity of bringing in the matter judiciously before the Privy Council. On this point he agreed with the hon. member for Terrebonne, but the resolution went further and said that in the meantime it is the duty of the Governor General to disallow the Acts passed in the last session of the Local Legislature. There he did not agree with his hon. friend.

By adopting such a resolution the House would be taking from the Executive power which was reserved to it. The duty of advising the Governor General was the duty of the Minister of the Crown, and by adopting the resolution the House would be putting themselves in the place of those Ministers; and should it be adopted, the logical conclusion was that they, not having advised the Governor General to disallow the Acts, had failed in their duty. He did not think the majority of the House would say that the Ministers of the Crown should have advised the Governor General to disallow them before examining the motion.

If the House adopted the motion, then the Executive will have no free will. They would not be free to examine the law, to see to the constitutionality of the motion they would have to put the motion before the Governor General. This had never been the course followed, and it was not in accordance with the Constitution. The Law Officer of the Crown in Canada, the Superior Court of New Brunswick, and the Law Officers of the Crown in England had declared that the Local Legislature of New Brunswick had the right to pass this Act.

Having unlike the Hon. Minister of Justice, always been in favour of the federal system, he could not consent to give to the

federal authority the power to disallow any Act as they pleased. It might as well be said the Queen of England could disallow every Act of this Parliament. He would like to know how that would act. That power had never been exercised, and it was never intended it should be. If every Act of the Local Legislature was disallowed by this Parliament, where were the powers of the former? He called upon his friends of all Provinces, the friends of the Union, those in favour of the independence of the Provinces, and especially he called upon his friends from Lower Canada, not to adopt a principle of this kind which would put the power of the Local Legislature in the hands of the Dominion Parliament, and thus risk their own rights.

Mr. WRIGHT (Ottawa County) thought that the question was one of great interest not only to the Province of Quebec, but to all the Provinces in which the Roman Catholic population were placed in the same position as the Roman Catholics in New Brunswick. He contended that the question was not one of religion, but one of justice and right, and if the Catholics of New Brunswick had not got their rights, it was because the Roman Catholics in this House had been divided and had not voted unitedly upon this question. He continued at considerable length in support of the resolution.

Mr. MERCIER said the principle of justice should override every other consideration and should receive the support of the Protestants and Catholics alike. Let the Catholics be united and they could not fail to obtain justice. If they failed it would be for want of union amongst themselves. This resolution did not propose to reverse the decision of the House last session, but merely that legislation subsequently enacted should be disallowed.

He argued that what the Catholics of New Brunswick enjoyed at the time of Confederation was virtually a denominational system of schools, and that it was a violation of the spirit and letter of the Constitution to deprive them of the privileges they enjoyed. He appealed to the House to not disregard the appeal for justice coming from 100,000 of the people of New Brunswick.

He expressed his surprise at the course taken by the Minister of Public Works (Hon. Mr. Langevin) and said that the hon. gentleman was using his influence to prevent this Parliament from doing justice to his 100,000 co-religionists in New Brunswick. At the time of Confederation there was some doubt in the minds of some representatives of the Lower Provinces as to the interpretation of this clause of the Union Act, and it was then explained by Sir George Cartier, and others, that it would protect the rights of the Catholics from oppressive legislation on the part of the Protestant majority. He also quoted the opinion of Lord Carnarvon on the same clause, which was to the effect that the Confederation Act provided for the protection of the rights of the Protestant minority in Quebec and those of the Catholic minority in the Maritime Provinces.

Hon. Mr. CAUCHON said this was a most important question, not only politically but socially. If they decided this question against this resolution, they might be certain that the cry would

come from end to end of the land—which was now roused to this question—which would not cease till the request made for justice had been granted. He had himself always held the opinion that this legislation on the part of the New Brunswick Legislature could not constitutionally be interfered with by this House. In the resolution adopted last year by this House, it was admitted that the Roman Catholics of New Brunswick had the same rights, privileges, and advantages of which they had been deprived. This Government had obtained merely an *ex parte* opinion of the law officers of the Crown of England, which it was true was against the claims made, but had the Government gone to the Privy Council?

They had been informed that they could obtain no opinion from that body unless some claim were presented for their arbitration. It was then the duty of the Government to submit that case, and they ought to do so still. Was it to be said, because there was some extraordinary clause in the Constitution, that an injustice of this kind was to be perpetrated? Surely not. Hon. Mr. Howe had said when he came to this House, and he (Hon. Mr. Cauchon) had heard him say it himself, that that Constitution was unjust to the Lower Provinces, and in consequence we had plenty of claims for better terms. (*Hear, hear.*)

If we argued that the disallowance of this extraordinary legislation was an infringement of the economy of the Provinces, where was the power of the veto? If the Crown ever had a just cause to exercise that veto, this was the occasion. Advice addressed by this House to the Crown was no invasion of its rights and prerogative. He instanced several cases in the history of England. If they wanted to have justice done to the people of New Brunswick this occasion should be taken to offer advice to the Crown. If this was not done it would not tend to the peace, prosperity, and success of Confederation.

Hon. Mr. CAMERON (Cardwell) said the question before the House tonight was not a question of the rights of the Catholics of New Brunswick at all, because the school law of 1871, which was complained of, was not under the consideration of the House. That law was the law of the land and could not now be vetoed, because the time for vetoing it had passed.

Hon. Mr. CAUCHON observed that the Judges of New Brunswick had decided that the School Act was constitutional; the question was, was that decision to be submitted to the Privy Council.

Hon. Mr. CAMERON (Cardwell) said that was not the question at all. The question was whether this House should instruct the Ministers to advise His Excellency to vote Acts passed last session legalizing certain assessments, which Acts were undoubtedly within the jurisdiction of the Legislature. Let them look at an Act of the Legislature of Ontario with respect to assessments, which, if this Government had attempted to interfere with, would have put the majority of the people of Ontario in quite as great a state of excitement as the minority in New Brunswick could be on account of the school law. The Legislature of Ontario

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had taken away the rights to certain lands from the persons who had gave unto those lands and improved them in favour of persons who had paid the taxes upon them. Thus certain rights has been taken away, and if the Government had voted that Act they would have raised a cry from one end of the Province of Ontario to the other.

There was no question upon which men individually or collectively felt so keenly as upon a religious question. Into this question, however, the religious element ought not to enter at all, because, although it was at the basis of the New Brunswick school law, it was not at the basis of the law which the Government were called upon to advise the Governor General to veto. This vetoing power of the Government stood in much the same relation towards the acts of the Local Legislature as the vetoing power of the Crown stood toward our legislature. There were two positions in which the Government were placed in advising the Crown in respect to the exercising of the vetoing power. The one must be as to the constitutional right of the Provincial Legislatures to legislate in which they stood as judicial and responsible advisers to him, and the second was as respected the policy of the Government towards the legislation of the various Provinces.

A reason why they could not ask the Crown to interfere in this matter was because judicial power had not been exhausted in respect to the main question, and until that was exhausted he would not like to ask the Crown to interfere with a subsidiary question. The Roman Catholics maintained that the law was unconstitutional; that it was an interference with the rights which they had under the constitution, and that if they could get it before the Judicial Committee of the Privy Council they could get a decision in their favour.

Why, then, did they not appeal and bring the matter before the Privy Council. Would anyone tell him that the Roman Catholic minority of New Brunswick were not sufficiently strong, that they had not sufficient ability, that they had not sufficient means to do so. They had power, the means, and the will to bring the matter forward, and, therefore, if it had not been done it was not for any of these reasons. Was there anything to prevent them bringing the matter before the Judicial Committee of the Privy Council? There was nothing. There was a statute providing that whenever Her Majesty asked the opinion of the Judicial Committee on any point they were bound to test it, and thereby the decision of the Privy Council might be obtained upon the main Act which they alleged to be unconstitutional.

As for the laws which the Governor General was now asked to disallow, he might as well be asked to disallow any Act of the Legislature sanctioning a municipal by-law granting money to a railway company. If such a principle were introduced appeals would constantly be made. He reminded the House, in conclusion, that there was a majority as well as a minority in New Brunswick, who might be exasperated if they found that their legislation was unnecessarily disallowed.

Hon. Mr. DORION (Napierville) said the hon. member for Cardwell (Hon. Mr. Cameron) had attempted to dwarf the question by referring to it as if it were an assessment for the construction of a road or a bridge, not considering it was one of those question that, at the time of Confederation, were considered of vital importance to the whole Dominion and was guarded by the 93rd clause of the British North America Act, which it had been contended covered the minorities of the several Provinces whether the Maritime Provinces or Upper or Lower Canada. It was not asked to disallow the School Bill of 1871, it was merely asked to disallow the Acts about assessments under that School Act.

Last session it was admitted by the unanimous vote of the House that great injustice was done to the minority of New Brunswick by this Act. By the unanimous vote of the House a hope was expressed that the Legislature of New Brunswick would change that Act, but instead of doing so they passed an Act which was retroactive, and by which the Legislature enacted the assessment clauses which had been annulled by the Courts of Justice. By a resolution passed last year it was decided that the opinion of the law officers of the Crown, and of the Judicial Committee of the Privy Council should be obtained.

On the 8th of November it was decided that the report of the Minister of Justice should be communicated to Bishop Liveney and the Local Government of New Brunswick the next day, but that very day a copy was sent to England. On the 8th of November Bishop Liveney acknowledge the receipt of the documents and asked to be told when the case would be submitted to the Judicial Committee of the Privy Council, because he wanted to know the time, in order to employ counsel in his behalf. That communication was never acknowledged by the Dominion Government. Bishop Liveney was not told that the documents had been sent to England to obtain the opinion of the law officer of the Crown.

Some time afterwards he sent his memo, which reached Ottawa on the 18th of January, and it was sent to England. The opinion of the law officers of the Crown was obtained on an *ex parte* case, and it was obtained a second time upon a memorandum from the Local Government of New Brunswick. He was not informed that the opinion of the law officers of the Crown had been obtained, nor was he informed that the opinion of the Judicial Committee of the Privy Council had been asked, and that they and declined to interfere, saying they could not interfere unless the matter was taken before the Committee as an appeal from a Provincial Court.

Under the circumstances he (Hon. Mr. Dorion) thought the demand made that day was a reasonable one, and, under these circumstances, as they had not had an opportunity of taking the matter before the Privy Council, they asked that the assessment should not be enforced, which would not go to support their schools, but which would go to support the Protestant schools. They wanted the assessment delayed till it had been ascertained whether the Act of 1871, under which the assessment was levied, was constitutional or not. The opinion of the law officers of the Crown

was a one-sided one. Their view of the case was never heard until the matter was set before the Privy Council. They desired the assessment to be left in abeyance. It was the most moderate demand that could be made.

The hon. gentleman quoted authorities to show that the Act of Confederation contemplated the protection of the minorities in each of the Provinces. He alluded to the speeches of Hon. Mr. Locke previous to Confederation, in one of which he stated that no real injustice could take place without its being remedied by the Federal Parliament. It was clear enough that it was intended. Upon these questions, if a case of injustice arose, it was for the Federal Parliament to come to the aid and assistance of the minority. The dangers of upsetting the Local Government had been referred to, and it was said that this Parliament would be legislating for the Local Parliament.

He (Hon. Mr. Dorion) maintained that the Federal Government was to prevent the Local Government from doing an injustice to the minority. They could not pass an Act directing the Local Government to do something they did not want to do, but they could tell them they should not pass a law which would change the relation of majorities and minorities from that at the time of the Union. The Federal Government had to guard against the interference of the Local Legislation with the minority. After referring to the speeches of two other gentlemen before Confederation, he said there was no doubt the right to vote Bills passed by the Local Government was vested in the Governor General in the same way that the right of voting measures was invested in the Queen.

In support of this statement, he read from the 5th and 6th section of the British North America Act and the 9th section. He also quoted from the speeches of Lord Derby and Sir Robert Peel, to prove that the power to veto Bills was possessed by the Governor General, and he thought that the doctrine which had been raised that they had only a right to veto Bills that were unconstitutional fell to the ground.

The hon. gentleman concluded by saying that no demand could be more reasonable than that asked for by the motion. They asked that the matter should remain in abeyance until it was decided. On the one hand it was a mere delay of assessment, whilst on the other hand it was the authorizing of the payment of an assessment of a most objectionable character to the Catholic communities. It had been admitted that an injustice had been done, and it was merely the delay for a year of the assessment until the decision of the Judicial Committee of the Privy Council was obtained. On these grounds he would vote for the motion.

Hon. Mr. SMITH (Westmorland) protested in the name of the New Brunswick people against this attempt to deprive them of the rights granted to them under the Constitution. If the laws passed by the Local Legislature within their jurisdiction were to be supervised by the general Parliament, then the legislative power of New Brunswick would be destroyed and the Constitution a mockery. He

argued that under the Constitution the New Brunswick Legislature had not exceeded the authority conferred on it by the Confederation Act. He had the decision of the Minister of Justice, the highest court in the land, and the Crown law officers of England, that the Legislature of New Brunswick had acted constitutionally, and this Parliament had no right to interfere. He thought there was nothing offensive in what had been said by the hon. gentleman who introduced the motion, but he could not say the same of the hon. member for Gloucester (Hon. Mr. Anglin). Surely a majority of the Province had a right to speak, had a right to legislate; and they had to remember, as had been well remarked by the hon. member for Cardwell (Hon. Mr. Cameron) that the majority as well as the minority had rights, and that these rights must be respected. The people of New Brunswick were jealous of their rights; and while it was just that the Catholic rights should be respected it was equally just that Protestants should also have protection.

He considered the speech of the hon. Minister of Justice, quite unanswerable. When the representatives of the people in Parliament controlled the veto of the Crown that veto ceased to be an Imperial right altogether. This was a power which the Crown possessed altogether independent of the people, an inherent right, and one which could be exercised only at the will of the Crown. He thought that to carry this motion would be to create a bitterness of feeling in that Province, which would not soon be eradicated and which the people would not fail to resent.

Mr. BERGIN said he sympathised heartily with his co-religionists in New Brunswick, and he deprecated the endeavour on the part of the Ministry to cast around this question a cloud of constitutional difficulties. He thought the representatives of New Brunswick held a sort of parliamentary bludgeon over the head of the Ministry, and they in turn held one over the heads of the Lower Canada representatives who had so nobly fought the battle of the minority in Ontario. He was especially astonished at the conduct of the Hon. Minister of Public Works (Hon. Mr. Langevin), who seemed to be in a position of a man whose sense of justice was struggling strongly with his love for office. He quoted at considerable length from speeches of the Minister of Justice (Hon. Sir John A. Macdonald) at the time of Confederation, to the effect that the majority in the Local Legislature of Lower Canada would not do injustice to a Protestant minority. How could that gentleman argue against giving the same privileges to the people of New Brunswick, who were clearly suffering from injustice at the hands of a Protestant majority?

He pointed out the benefits arising from Separate Schools in Ontario, and the good feeling that was consequent thereon. He was willing to give the Minister of Justice credit for what he had done in favour of separate schools in Ontario, but he noticed particularly that what he then denounced as a great wrong he now cautiously styled a great mistake on the part of the New Brunswick Legislature. He would not deal with the constitutional question, as that had been effectually disposed of by gentlemen on both sides of the House. Knowing, as the Government did, that this question would again come up this session, they ought to have taken such

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steps as could have put this question beyond discussion upon the floor of this House, at once and forever. It did no good, it could not fail to do a great deal of mischief. (*Cheers.*)

Hon. Sir FRANCIS HINCKS had always been a cordial supporter of the rights of the Catholics. It could not therefore, be wondered at that he viewed with regret the action of the New Brunswick Legislature, but at the same time he could not support this motion which would interfere with the prerogative of the Local Legislature. He was sorry this question had come up, but he could not vote for interference with the acts of the Local Legislature.

Mr. PALMER believed that every Protestant who passed a law injurious to the rights of the Roman Catholics was an enemy to the Protestant religion and *vice versa*. He went on to say that this House was not a tribunal to disallow an Act, and if the School Act of New Brunswick was declared unconstitutional, then that Legislature could never pass a Separate School Act.

Mr. CASGRAIN maintained that by the treaty of 1763, the French Canadians had their religious rights assured to them. For the same reason the Roman Catholics of New Brunswick should have their rights maintained to them. For this reason he would support the motion.

Mr. JETTÉ (in French) maintained that the Minister of Justice had put the question unfairly before the House. The motion of the hon. member for Victoria was not intended to re-open the whole question, but simply to take steps to obtain the opinion of the English Privy Council on the terms of the resolution of last session and in the meantime to suspend the operation of the Act. When that opinion was obtained, if it were adverse to the Roman Catholics of New Brunswick, the question would be exactly in the same position as at present. He spoke at considerable length of the injustice to which the minority of New Brunswick were subjected and asked that they might not be deprived of what the hon. member had boasted of according, that is, fair play. (*Cheers.*)

Hon. Mr. MACKENZIE said he had listened attentively to the arguments on both sides, and he found that while it was admitted almost on all hands that the introduction of any matter affecting the powers and duties of the Local Legislature should, if possible, be avoided, it was at the same time admitted that this was a subject upon which they might be called upon to take action.

It was clear from the Confederation Act that this Parliament might be called upon to interfere in case the rights and privileges of Roman Catholics in Ontario, with regard to education, were infringed upon, and not merely to express a hostile opinion but to even legislate for that Province. He read the clause of the Act referring to this point, and showed that that right was clearly established. Unfortunately we could not avoid this subject. It came before them whether they would or not, while nothing could be more painful than to have to interfere in local affairs of any Province. Still the Constitution not only placed it within their power, but made it their duty to do so, and the only question for

them to consider was whether the legislation of New Brunswick upon this subject had infringed upon the Constitution.

That was the whole case; and to see whether they had done so or not, they might refer in the first place to the Act itself. Last session some of the ablest lawyers in the House were divided in opinion on this point. It seemed to be a very nice question, and that arose from the fact that prior to Confederation the Roman Catholics in New Brunswick had certainly the privilege, if not the right, of conducting their schools upon a denominational basis, which was swept away by subsequent legislation of the Province. Then the question came before this House last year, and they unanimously passed a resolution which virtually affirmed that practically the Roman Catholics had certain privileges which were taken away from them by the School Act of 1871.

That point, however, had not been finally decided. The Supreme Court of New Brunswick, as well as the law officers of the Crown, had decided that the Act was constitutional. He admitted the difficulty and danger of interfering with the Local Legislatures and their rights, but he was bound to say he had not found the hon. gentleman opposite, the Minister of Justice, at all so sensitive on this point, or the assumption of Provincial rights by this Parliament in other cases. It has been one continuous struggle to maintain the rights of the Local Legislatures in respect to civil rights and rights of property. There had been various acts of the Local Legislature of Ontario disallowed, about some of which that Legislature entertained very strong feelings and opinion, and we had only lately heard the hon. gentleman opposite declare his opinion that one Act of the Ontario Legislature he believed to be unconstitutional, although he sanctioned its being placed upon the statute book; but even though these Acts had been disallowed, and although there was a strong opinion in the Province on the subject, we had not heard any particular complaints or any sign of disturbance or rebellion.

He apprehended that no serious difficulty would occur, even if the central Government were obliged sometimes to disallow Bills of the Local Governments for reasons that affect the whole of the Dominion. It might do for the sake of effect in a speech to say that this is a question which affects no one by the people of New Brunswick. We had heard gentlemen on both sides of the House tonight declaring that they were bound by their religious feelings and proclivities to take the part of their co-religionists in New Brunswick, and therefore those religious questions should, if possible, be avoided.

While he expressed his strong desire to avoid any interference with the local legislation, and while he said frankly that if the Privy Council decided that the School Act was constitutional, he thought that until that decision was given it was very unwise on the part of the New Brunswick Legislature to push matters to extremes by making regulations under the School Act needlessly offensive. It was a great pity that the privileges which the Roman Catholics enjoyed at the time of Confederation had not been continued. He

regretted that the same course had not been pursued as in Nova Scotia, where the law he understood was similar; but, the question having come before this House, they were obliged to decide according to their conscientious convictions of what ought to be done under the circumstances, and, after having listened to the arguments on both sides, he felt himself obliged to support the resolution pending the decision of the Privy Council.

Mr. COLBY believed the Legislature of the Province of New Brunswick was deserving of disapprobation, as interfering with the rights of the Catholics; but while there was a constitutional point still to be solved by the Judicial Committee of the English Privy Council, he was disposed to leave it there. This House had not the power to suspend this law as had been urged by hon. gentlemen.

Mr. CARTER maintained that this House had no right to dictate to the Crown as to what course it should adopt. The House had already affirmed the principle that the Local Legislature was the only authority which had a right to deal with this question.

Mr BURPEE (St. John City and County) said that if the law was allowed to take its course in New Brunswick, in a few years it would operate as well as it operated in Nova Scotia. This resolution would put great difficulties in the way of education.

Mr. McADAM said the House would be interfering with the rights of the Local Legislature if it passed this resolution.

Hon. Mr. TILLEY could affirm that, as a member of the Local Legislature, the policy had been to grant special funds for denominational schools, and had he remained in that Legislature he would have gone in favour of the continuance of it, but the Local Legislature had maintained its constitutional right to decide otherwise. If the resolution before the House passed it would be a violation of the constitution and would tend to postpone for ten or fifteen years the settlement of the question.

Hon. Mr. MITCHELL would vote against the motion as calculated to violate the constitution. At the same time he would be willing to do anything to secure to the Catholic minority their rights. He was of opinion that this question ought to have been brought up at the polls.

Mr. DOMVILLE would vote against any motion calculated to interfere with the constitution of the country.

The House then at a quarter to two, divided on **Mr. COSTIGAN's** motion which was carried on the following division:—

YEAS

Messrs

Almon
Archibald
Bain
Béchar

Anglin
Baby
Beaubien
Bellerose

Benoit
Blanchet
Bourassa
Brouse
Caron
Casgrain
Cockburn (Muskoka)
Cunningham
Cutler
De Saint-Georges
Dorion (Napierville)
Duguay
Fiset
Fournier
Gaudet
Gendron
Gillies
Harvey
Higinbotham
Horton
Jetté
Lacerte
Landerkin
Lantier
Macdonald (Glengarry)
McDonald (Cape Breton)
Mailloux
McDougall
Metcalfe
Oliver
Pâquet
Pelletier
Pozer
Richard (Mégantic)
Ross (Champlain)
Ross (Prince Edward)
Ryan
Scatcherd
Smith (Peel)
Taschereau
Tobin
Tremblay
Webb
Wilkes
Wright (Ottawa County)

Bergin
Bodwell
Brooks
Buell
Casey
Cauchon
Costigan
Currier
Delorme
Dorion (Drummond—Arthabaska)
Dugas
Edgar
Fleming
Galbraith
Geoffrion
Gibson
Grant
Harwood
Holton
Huntington
Joly
Laflamme
Langlois
Lewis
McDonald (Antigonish)
Mackenzie
Masson
Mercier
Mills
O'Reilly
Paterson
Pinsonneault
Prévost
Robillard
Ross (Middlesex West)
Ross (Wellington Centre)
Rymal
Shibley
Snider
Thompson (Haldimand)
Tourangeau
Trow
White (Halton)
Wood
Young (Montreal West)—95

NAYS

Messrs.

Archambault
Beaty
Brown
Burpee (Sunbury)
Campbell
Carter
Chisholm
Coffin
Crawford
De Cosmos
Domville
Ferris
Fortin
Gibbs (Ontario South)
Grover
Keeler
Langevin
Macdonald (Sir John A.)
McAdam

Baker
Bowell
Burpee (St. John)
Cameron (Cardwell)
Carling
Chipman
Cluxton
Colby
Daly
Dewdney
Doull
Forbes
Gibbs (Ontario North)
Glass
Hincks (Sir Francis)
Kirkpatrick
Little
Mackay
Merritt

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Mitchell
Morrison
Nelson
Pope
Robinson
Rochester
Scriver
Smith (Westmorland)
Stephenson
Thompson (Cariboo)
Tupper
Wallace (Norfolk South)
Witton—Total—63

Moffatt
Nathan
Pickard
Ray
Robitaille
Ross (Victoria)
Smith (Selkirk)
Staples
Stirton
Tilley
Wallace (Albert)
White (Hasting East)

(Opposition cheers.)

The House then went into Committee of Supply and passed the following item:—

Increased mail service between Prince Edward Island, Pictou and Hawkesbury—\$600.

Steam communication from Sarnia to Lake Superior—\$6,250.

The House adjourned at 2.10 a.m.

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HOUSE OF COMMONS

Thursday, May 15, 1873

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

Prayers

PACIFIC RAILWAY

Hon. Mr. HUNTINGTON: I rise to make a few observations to the House upon a question of privilege regarding a grave and important subject which has been under the consideration of the House. It will be within the recollection of the House that on a former occasion, when the subject of the Pacific Railway investigations was before the House, and when, throwing myself to some extent upon the protection of the House, when the case of adjourning the proceedings of the Committee was before it, that I said such a course would embarrass the position I occupied, in bringing forward the charge I then had the misfortune to make. I have now to state I am aware of the existence of important documentary evidence which I can have—

Hon. Mr. TILLEY: Will the hon. gentleman wait till the leader of the Government is in his place. This is a very important subject.

At this point **Hon. Sir John A. MACDONALD** came into the House and took his place.

Hon. Mr. HUNTINGTON continued: I was proceeding to say that documents bearing very seriously upon this enquiry are in the possession of a trustee under such circumstances that there is great danger, in consequence of the delay imposed upon the Committee, that the Committee will not be able to obtain them when they meet. If the House had allowed that Committee to proceed I would have been able then, as I am still, to proceed not only with the branch of the investigation, but also with the production of evidence in support of the charge which I felt it my duty to make. The House will perceive that if there is documentary evidence bearing upon this enquiry in the hands of third parties, no matter how respectable, great danger may arise that it will not be forthcoming at the proper time; and I am in a position to state, moreover, that there are peculiar circumstances that may render it impossible for me or for the Committee to obtain this evidence when the Committee meets on the 2nd of July.

Under these circumstances I have felt it my duty, always maintaining the same course that I have maintained from the beginning with respect to this charge, neither travelling to the right nor left in the discussion of this subject, indulging in no oratorical

flourishes, confining myself simply to a statement of what appeared to me to be the facts bearing upon the investigation, for which to a certain extent I am responsible, I have felt it my duty now to ask the House that such steps will be taken as will secure this important evidence before it goes beyond the reach of the Committee. I feel that if the Committee were to meet now I could prove to their satisfaction that the peril which I speak of exists. It has been argued against me that I have obstructed the business of the House in making this charge upon the Government upon my own unsupported statement.

Of course, I was under the impression, and the result showed I was right, that the statement of a member from his place in the House was perhaps sufficient ground for an investigation then, but it was urged against me by the leader of the Government the other day, and by the Government press generally, that this unsupported statement was not sufficient. I do not propose, in submitting the motion which I will place in your hands, to ask the House to adopt it entirely upon the unsupported statement of a member in his place. Of course, it must be manifest that I cannot have in my possession the original documents to which I refer, but at the same time I propose, not with a view of establishing the allegations I have made in regard to this very grave matter, but merely for the purpose of giving a sufficient reason for my motion, to read some memoranda I have here which bear upon this very important subject, which, if I had these documents in my possession, I would be able to establish.

Among these, for example, is a letter from Sir Hugh Allan, addressed to a distinguished gentleman, whose name I do not give here, but which I am quite prepared to give to the Committee, and the following extract will be found, according to my belief, and as I expect to be able to prove, to be contained in the original letter to Sir Hugh Allan.

The letter is dated 1st July, 1872 and the extracts I will read are as follows:—

“The negotiations relating to the Canadian Pacific Railway are now approaching a termination and I have no reason to doubt that they will be favourable to me. I have been given to understand by Mr.—”. I do not wish there to be any misconception about the blank, I am quite prepared to furnish the name to the Committee—

The SPEAKER: I think I must say that this appears to me to be a most unwarranted proceeding. I think it must strike everyone who has any sense of what is correct and fair, that bringing forward now, upon a motion of which no notice has been given, of matters which have been referred by this House to a Select Committee chosen by this House, to which special powers have been granted by statute, is incorrect and unfair. It is a course that would not be permitted in

any Court of Justice. Waiting, as of course I shall wait, the action of the House, still I desire to point out what strikes me at the moment as my duty, and ask the House to consider whether it is right to permit statements to be made which may prejudice a case that has been set aside for disposal by a Select Tribunal.

Hon. Mr. HUNTINGTON: Do I understand it to be your opinion that I have no right to move in the sense of asking that the Committee be instructed to impound these papers?

The SPEAKER: Will the hon. gentleman satisfy me that this House has the power, after having referred the whole matter to a Select Committee? (*No, no from government benches.*)

Hon. Mr. HUNTINGTON: The House has always power to give instructions to a Committee.

The SPEAKER said he thought if the hon. gentleman would in the first place state what he was going to ask the House to do, what his motion is, then if the House wished it he might support his motion by the papers which he proposed to read.

Hon. Mr. HUNTINGTON said he wished the House to instruct the Committee to meet at once and take proceedings to place those papers in safe custody. It was not as an unheard of proceeding to ask that evidence be impounded. He desired to read the papers in order to show that it is important to acquire them. He did not wish to go any further than was necessary to establish that.

The SPEAKER: Has the hon. gentleman made any application to the Chairman of the Committee to impound this evidence?

Hon. Mr. HUNTINGTON said he did not know that the Chairman of the Committee had any better right than he had to proceed in this matter. Mr. Speaker might with equal propriety object to the Chairman making the motion, as he did now. He was prepared to prove that important documents were imperilled, and he asked for protection in the ordinary parliamentary way of moving instruction to the Committee. The leader of the Government had complained that he did not go before the Committee with affidavits in support of his charge, and to meet that objection, he now came here with incontrovertible evidence that there was important evidence in peril, and asked that the evidence be secured. That was the head and front of his offending. He wished to make this application in the most courteous manner to every one. He did so with the earnest desire to fulfil his duty, and with a full sense of the responsibility resting on him.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman was only following out the same course and the same spirit that he had commenced this matter in. He would not, however, say anything more about that, as he had spoken of it before. He had previously made it a ground of complaint, and he did so now, that an attempt should be made to lay before the House and country evidence criminatory, or said to be criminatory, in its nature against the Government, in the absence of the members of the Government, and a member of Parliament who would have the opportunity to

reply. The House accepted that view, and the Committee was instructed to wait till the 2nd of July.

The hon. gentleman knew that the Committee was armed with full powers to send for persons and papers, but the hon. gentleman never asked the Committee to impound any evidence. He came here apparently with the desire to carry out what the House had frowned upon—attempts to lay partial and criminatory evidence before the House. He (Hon. Sir John A. Macdonald) protested against that course, as a matter of fairness and justice. Let the hon. gentleman move that the Committee be instructed to impound this evidence and he would vote for it, and if the Committee were not armed with sufficient powers let them have greater powers.

Hon. Mr. HOLTON said that the hon. gentleman seemed to forget that the Committee obtained leave of the House to adjourn till the 2nd of July, and it had so adjourned. Now it was asked that the Committee be instructed to meet at once, and a motion to that effect was perfectly in order.

Hon. Sir JOHN A. MACDONALD said he would support the hon. gentleman in instructing the Committee to meet at once, and take steps to impound any papers from one end of the country to the other.

Hon. Mr. HOLTON said he could not conceive what objection there could be, after all that had been said in the House, to the production of these papers. What had been said by the hon. gentleman and the press in his interest throughout the country? That the hon. gentleman for Shefford (Hon. Mr. Huntington) had made statements without any support whatever by documents or otherwise; that he had merely gathered rumours and sought to get a Committee in order to fish for something that might be damaging to the Government. The hon. member for Shefford was bound to show that he had not taken so utterly ridiculous a position as had been imputed to him by the hon. gentleman opposite. He was bound to make it at least a *prima facie* case in justification of his own course.

The leader of the Government complained of being subjected to unfair imputations. His hon. friend from Shefford had his rights also, and he was not to be subjected to unfair imputations. Then, with regard to the delay, why should there be such a delay? If these charges were proved true, if they were even measurably true, the hon. gentleman knew full well that he had the right to administer the affairs of this country till August, if on the contrary, they should be proved untrue, as the hon. gentleman said they were—

Hon. Sir JOHN A. MACDONALD: We know them to be untrue.

Hon. Mr. HOLTON: As he hoped they were then the hon. gentleman had a personal interest and the country had an interest in proving, at the earliest possible moment, that they were unfounded, because it was not the interest of this country that the gentlemen charged with the administration of its affairs should lie under, for even six weeks, imputations of the gravity of those which had been preferred by the member for Shefford, and the gravity of which had

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been admitted by the gentlemen opposite, in their submission of those charges to a Committee of Investigation. He could not, therefore, imagine what good ground there could be, if it be true there was no foundation for these charges for objecting that the Committee meet and that hon. members of the Government should step into the box and tell all they knew about this matter.

But the hon. gentlemen shrank from the ordeal, and certainly the country would be led to imagine that there was some foundation for these charges, if hon. gentleman postponed their investigations by every parliamentary expedient till the last moment, in hope that there might never be an inquiry into it at all. That would be the natural and inevitable inference on the part of the public at large if this inquiry be postponed, and if evidence in the case be not given to the country at the earliest possible moment.

Hon. Sir JOHN A. MACDONALD said that the ground taken by the hon. member for Shefford (Hon. Mr. Huntington) and the hon. member for Châteauguay (Hon. Mr. Holton) was quite different. The hon. member for Shefford did not attempt to overturn the decision of the House. He said that he came here not with a desire to read any evidence, but with a desire only to lay a basis for the impounding of certain papers. But the hon. member for Châteauguay desired, while it was true that this House had allowed the Committee to adjourn, while it was true the members of the Committee had gone away, while it was true that the House had said that the Committee should stand adjourned until the second day of July, to proceed with the investigation; or, in other words, that the Government should be tried by this House, and then tried again on the second of July by the Committee. (*Hear, hear.*)

The hon. member for Shefford got up and read a letter to the House with holes in it where the names were left out, and he told hon. gentlemen that he appealed to the House for protection. They appealed to the House before, and the House had solemnly granted that protection, and the House would not now reverse that decision. But if any papers were wanted more fully to enable this Committee to enter into the investigation at the proper time the Government would assist in obtaining them.

Hon. Mr. MACKENZIE rose to speak.

The SPEAKER said there was no motion before the House. He asked the hon. gentleman to send in his motion.

Hon. Mr. MACKENZIE said Mr. Speaker had decided the other night that a member might make a speech and make his motion at the close of it. He merely wished to call attention to one point. The other night the leader of the Government complained that the Committee had not forced the member for Shefford to disclose his evidence, now he proposed to disclose in Parliament what seemed to him important evidence with the view of showing the necessity of securing these papers.

Hon. Sir JOHN A. MACDONALD: I make no objection to the hon. gentlemen having the papers secured. (*Cries of move.*)

At this stage, it being nearly 4 o'clock, the East Northumberland Election Committee was called to the Clerk's table and sworn in. (Messrs. Mitchell, Bain, Ryan, Church and Huntington.)

Hon. Mr. HUNTINGTON continued. He said the remarks of the leader of the Government had placed him in a different position from that in which he expected to be placed. The hon. gentleman, though complaining that he had not fortified his charges with some proof, yet was willing now to give his statement sufficient credence to grant his motion without any further evidence, but the hon. gentleman would excuse him if he preferred to follow the advice of the gentlemen who had believed in the honesty of this purpose, and their opinions would have great weight with him. The Speaker had referred to the procedure in a Court of Justice. He would ask the House to look at the matter in this way. Suppose that an advocate in Court wished to make a motion, would he not support his motion by affidavits, and would that not be a proper course? This was a parallel case to his. He was about to make a motion, and he did not wish to go any further than necessary to establish the ground for it.

The leader of the Government had attacked his social position, and had declared that he was entitled to no credence but that parliamentary credence to which he was entitled by the rules of the House, and the supporters of the hon. gentleman listened to all this and cheered on the attack upon his private character. He would excuse him if he was not prepared to take advice from the hon. gentleman, who, in the most malignant, wanton, and unprovoked manner, had insinuated everything he durst, amid the wild cheers of his supporters, against his personal character. The readiness now shown to grant this motion contrasted so remarkably, with the attitude previously taken, that he could not help calling the attention of those hon. members who had been made to believe that it would soon be their duty to expel him (Hon. Mr. Huntington) from the House, to that change of tone. He proposed to proceed with the reading of the evidence which formed part of his motion, if in so doing he was sustained by the sense of the House.

Hon. Sir JOHN A. MACDONALD said he rose to object (*Ironic cheers*). This case had been submitted to a Committee, and this evidence should only be produced before the Committee. It was unjust that the Government should only be put on trial here and afterwards before the Committee. They could not have two tribunals, and the House had decided what that tribunal should be. He moved that the House do proceed to the orders of the day.

The SPEAKER: A question of order having been raised—

Hon. Mr. MACKENZIE: What is the question of order? The hon. gentleman had moved that the House proceed to the orders of the day.

Hon. Sir JOHN A. MACDONALD: I state that this matter has been referred to a Special Committee, and it is out of order to produce the evidence before the House.

Hon. Mr. MACKENZIE: The hon. gentleman had a motion before the House to proceed to the order of the day.

Hon. Mr. HUNTINGTON: I proceed under all this discouragement to the discharge of my duty.

The SPEAKER: The question of order has been raised. The hon. leader of the Government corrects his position and now raises a question of order.

Hon. Mr. CAUCHON did not see how there could be any question of order. The hon. member for Shefford wished to make the motion and to establish it by reading certain documents.

Hon. Mr. HUNTINGTON: I was proceeding. (*Cries of "Chair, chair."*)

The SPEAKER: The question of order is this—and certainly on the spur of the moment I am not prepared to decide—whether a member on rising to make a motion is to be permitted to read letters and papers which it is said will support that motion, and which have already formed a subject on which this House has on a previous occasion passed by referring it to a Select Committee. The charge has been referred to a Select Committee, and this is bringing into the discussion of the House evidence that must go before that Committee. I do think that upon the point of order, as well as upon the strong injustice of the case, I must rule that the hon. member cannot read these papers.

(*Loud cheers.*)

Hon. Mr. DORION (Napierville) rose to speak, but was met with cries of "chair and order."

The SPEAKER: It is my sincere and honest conviction at this moment, without regard to one side or the other, that I should not be doing my duty to permit discussion on matters which have to go to a Committee.

Hon. Mr. HUNTINGTON: I have already stated the circumstances which made it necessary, but should take the course I am taking and the House and country will begin to see that the marshalling of the evidence in the case is attended with some embarrassment. I have already stated that I felt it to be my duty to ask the House to instruct the Committee to take possession of these papers. I would have been pleased if I had an opportunity of proving my case and I wish to lay the matter before you as it appears to me.

Supposing for a moment it were possible that a great public wrong had been done to this country; suppose that the Government of this country made a corrupt bargain with certain railway contractors for the purpose of obtaining money to carry on the elections, that would be a serious charge. The right hon. gentleman at the head of the Government admitted that it would be a very serious charge. Supposing these facts came to the knowledge of someone who had the misfortune of being a citizen of the country so corruptly governed, would it be his duty under such

circumstances to come before the House and make the grave statement that he believed that these things had been done, and would it be his duty to undertake to prove it? If this individual, whoever he might be, had the Government, and the Canada Pacific Railway Company, and the Northern Pacific Company, and a large number of powerful and wealthy men endeavouring to thwart his efforts, you will understand at once that he would be working under a great disadvantage.

Now if it would be the duty of his man to bring forward this charge, if his duty as a public man and a citizen imposed this upon him, it might also be his duty to submit in silence to the abuse and detraction which would be naturally inspired against him by those affected by his charge; but what would be the duty of the country and of this House? Would it not be to afford such facilities as would enable the individual to carry his charge to an issue, either to prove it or to have its falsity established as soon as possible?

That is all I ask from the House. I do not ask for any favours. I am ready for the expulsion which was threatened the other day. I believed then, and I believe now, that if the House had acted logically on the 2nd of April, they ought to have expelled me from the House, having voted that my charges should not be investigated, and it was only cowardice on the part of the Government that they did not follow the action to its logical conclusion. When I rose I did not suppose I was committing any great offence. I rose to make a motion and I think the evidence upon which that motion was made might properly be read. The little experience I have had at the Bar led me to believe that it was quite proper to follow up a motion by evidence bearing upon it, which the House knew nothing of.

While I am not permitted to read it, I yet state that, I do not propose to receive instructions from the gentlemen in the House who I knew are entirely inimical to the enquiry which it has become my duty to prosecute, and which with all the disadvantages which I may labour under, I trust I may have strength to push on to the end, and only bow to your decision not to read these letters. But while I respect the Parliamentary authority of your position, I cannot, at the same time, accept the diction even of so illustrious an officer as yourself that it would be unwise and unfair and improper to read these papers on the ground of public policy. On the contrary, I think, on the ground of public policy it is well the people were assured that there was something in those charges. We have allowed all the fulminating to be done on the other side.

It is quite true that these charges have been sent to a Committee, but it is equally true that I have to come before this House and make a motion that there should be certain instructions to the Committee. Had I been permitted to read these letters, they would have established that Sir Hugh Allan represented in those letters that he made a bargain with the Government, not without expense, according to the terms of his own letters, for certain considerations, and although the Government had been standing back a good while, they finally came down and signed the agreement. They would have established that Sir Hugh Allan represented to his associates that he

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had paid at one time \$100,000, at another time \$200,000, at another time \$300,000, and finally it made a claim for \$300,000 for which he counted to be reimbursement.

There might not be a word of truth in all this (*Ministerial cheers*), but if I chose to do it, I could submit to the hon. gentlemen a statement that would be even still more startling, but I do not propose to go further than to state the facts which I feel it my duty to establish. There are a good many things in these letters that would be very amusing. They state the manner in which Sir Hugh Allan manipulated the press of Lower Canada, the skill with which he dealt with the priests and certain young lawyers, and how he took stock on certain newspapers. These things are all detailed in these letters. The hon. gentleman, having dealt with me as he had done, has no right to ask my forbearance.

I am to submit to be called a man without veracity; I am to submit to the abuse of the Ministerial press, taking their cue from the leader of the Government; I am to be represented as a ruffian and everything that is bad—I am to submit to all that for two, three or four months. I would like to know how many men believe that the Government would allow this investigation to go on at all if they could prevent it.

Look at the course of the Government from the first. The leader of the Government at first appeared to be very anxious to push on the enquiry. He would have a Royal Commission appointed in case the Committee could not get through their work before the session closed; but when the hon. gentleman saw himself confronted with the witness box, and when one of the first questions that might have been asked him might be whether he had knowledge of these letters, then the hon. gentleman found it necessary to cry out for relief, and ask that Sir Hugh Allan might be put in the box.

I want to put Sir Hugh Allan in the box, and question him respecting the statements which he made to his associates when he was, day after day, carrying on negotiations with the gentleman opposite as to the terms upon which the Pacific charter would be granted to him and his associates; and now the hon. gentleman will not even allow the evidence of himself and his own colleagues to be taken, and the House granted the delay he asked for. I have only to say that I believe it was unfair to me and I am now showing the perils which I predicted would follow. I do not propose to go further into the question now. I do not propose even to take upon myself the trouble to reply to that very obvious, I may say very brilliant and very logical, speech of the right hon. gentleman. I did not answer it at the time because I did not think it proper to deal with the subject in the spirit he had dealt with it and because I knew the dangerous character of the stag at bay. That this stag was at bay he knew, but like the coon in the tree when Davy Crockett went out to hunt, he said, if you won't shoot, I'll come down.

From the information I have today I am not surprised that the hon. gentleman is anxious that the evidence should not go to the country.

I move, "That Hon. Mr. Huntington, having stated in his place that he has been credibly informed and believed that original

documents of the greatest importance in the investigation of the charges referred to the Committee empowered to enquire into the Pacific Railway negotiations are held by a trustee, whose name he is prepared to disclose to the Committee, on such conditions and under such circumstances that there is very great danger that they may be placed beyond the reach of the Committee before the 2nd July next, the day to which the Committee has been adjourned, it is ordered that the Committee do assemble tomorrow at 11 o'clock, and it forthwith summons the said trustee to appear and produce before them, at an early day, not later than Monday next, all documents in his possession relating to such enquiry, or that may have been placed in his hands by any of the parties named in Hon. Mr. Huntington's statement submitted to the House on the 2nd of April last."

The motion then carried.

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LANARK POSTMASTER

Hon. Mr. TUPPER brought down a return relative to W. Robertson, Postmaster of Lanark village.

* * *

MESSAGE FROM THE GOVERNOR GENERAL

Hon. Mr. TILLEY brought down a message from His Excellency the Governor General, signed by his own hand.

The SPEAKER read the message, which transmitted the supplementary estimates of certain sums required for the service of the Dominion of Canada for the year ending 30th June, 1874.

* * *

PRIVATE BILLS

Hon. Mr. McDONALD (Antigonish) presented a report of the Committee on Private Bills.

* * *

SUPPLEMENTARY ESTIMATES

Hon. Mr. TILLEY moved that the message of His Excellency, with the supplementary estimates, for the year ending 30th June 1874 be referred to the Committee of Supply.—Carried.

He moved that the House go into Committee upon these estimates tomorrow.

* * *

DOMINION DEBENTURES

Hon. Mr. TILLEY moved for a Committee of the Whole tomorrow on the following resolutions:—

Resolved,—That it is expedient to authorize the Governor in Council to direct the issue of five per cent Dominion debentures to the amount of \$1,200,000 for the relief of the Quebec Harbour Trust, and to be applied as follows:—So much as necessary to be applied to the redemption of the outstanding securities issued by the Commissioners; the remaining sum to be advanced from time to time to meet payments to be made on account of improvements in the said harbour, such improvements having been previously sanctioned by the Governor in Council on the joint report of the Minister of Marine and Fisheries, and Minister of Public Works.

Resolved,—That upon the payment or advance of any loan by the Government for any such purpose as aforesaid, the Commissioners of the said harbour shall deposit with the Receiver-General their own bonds bearing five per cent interest, and one per cent for a sinking fund, for the same amount, the sinking fund so established being kept by the Receiver-General as a special account, and interest at the rate of five cent per annum allowed on all accounts received from it or investments of such amounts being made from time to time on securities approved by the Minister of Finance.

Resolved,—That it is expedient to provide that, if at any time the income of the Commissioners of the said harbour is insufficient after payment of their current expenses for maintenance and repairs to pay the interest and sinking fund aforesaid to the Government, the Governor in Council may increase the harbour dues then payable, to such rates as will enable the Commissioners to pay such interest and sinking fund.—Carried.

As some change had been made in the resolution since it was first introduced he would not in this session move the House into Committee, but made the motion for tomorrow in order to allow members time to consider the changes.

The order of the day having been called.

* * *

LEEDS SOUTH ELECTION

Mr. FOURNIER presented the report of the Select Committee appointed to try the Leeds South election case. The Committee reports that the sitting member, the Hon. Mr. Richards (Leeds South), is elected, and that the petition is not frivolous and vexatious.

* * *

TEMPORARY ELECTION LAW

Hon. Sir JOHN A. MACDONALD moved for leave to introduce a bill to provide for a temporary election law. He stated that he did not intend to go on with the election bill this season, but proposed that it should be printed and distributed with the ballot clause during the recess. A doubt had been raised as to whether,

having had an interim Elections Act, and that having expired, we can fall back on the British North America Act. He did not believe in the doubt himself, but it having been raised, he desired to bring in this Act to prevent any difficulty.

Hon. Mr. MACKENZIE enquired what the opinion of the Premier himself was.

Hon. Sir JOHN A. MACDONALD stated his own opinion was that the provision made by the Parliament of Canada, being only for a temporary period, the operation of the British North America Act came into force again.

The motion was then carried.

* * *

SUPPLY

The House went into Committee of Supply on the supplementary estimates for 1873 for the Pacific Railway Survey - the item of \$350,000 was taken up.

Hon. Mr. MACKENZIE complained that the House was not furnished with some statements from the engineers respecting the expenditure, showing the locality and the work done. Last year they had such a report; this year, however, they had no statement whatsoever. He hoped the hon. gentleman would not proceed with this item until such a report had been placed in their hands. This had been promised more than a week ago, but they had heard nothing of such a report, and he hoped the Minister of Public Works did not intend to read some manuscript which they ought to have in print.

Hon. Mr. LANGEVIN said the Chief Engineer had experienced considerable difficulty in obtaining information in time to make a complete report to lay before the House. He (Hon. Mr. Langevin) however had a memorandum from him, showing the progress that had been made during the year as far as he could give it.

The memorandum was as follows:—

It was considered important that the main trunk line from its Eastern terminus near Lake Nipissing should touch in its course the navigable waters of Lake Superior, at a point as near as possible to the Province of Manitoba. The explorations of 1871 were conducted with a view to this, but insurmountable difficulties were found to exist in the section of country extending along the north shore of Lake Superior south and east of Lake Nipigon. Measures were therefore taken during the past year to explore for a line further north, which, passing north of Lake Nipigon and avoiding the unfavourable section of country above referred to, should connect with the previous year's work in the neighbourhood of Moose River. A portion of the line ran between the Nipigon River and the Lake of the Woods, also explored in 1871, proving impracticable, and the country to the south not appearing more favourable, a line was explored last summer further north, connecting with that passing to the north of Lake Nipigon, and at the same time a survey

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was undertaken for a branch line to connect the main line with the navigable waters of Lake Superior at Nipigon Bay.

The results of the survey may be briefly stated as follows:—A chain of instrumental measurement had now been completed the whole was between the eastern terminus, near Lake Nipissing, in the Ottawa district and Red River of the North, in the Province of Manitoba. A practicable, indeed a favourable, route for the railway has been found from the prairies of the interior to Lake Superior, and also the valley of the Ottawa. The route referred to will necessitate building the main trunk line past the north side of Lake Nipigon, and a branch will be required to Lake Superior.

The distance by the main line from the point where it will cross Red River to the eastern terminus will be about 953 miles and to Nipigon Bay and Lake Superior the distance will be about 415 miles, adding to the length of the main line from Red River to the eastern terminus the number of miles from the latter point to Toronto, Ottawa, and Montreal, and comparing the Canadian Pacific route with other routes, we have the following interesting results:—A common point on the Red River in Manitoba is more than 300 miles nearer Toronto by the Canadian Pacific than by the most direct existing railway, namely, by St. Paul, Chicago, Detroit, and it is fully 100 miles less by the Canadian Pacific Railway route from Red River to Toronto than by Duluth and the shortest line that can be built along the south side of Lake Superior, Sault Ste. Marie, and along the north and east side of the Georgian Bay. Red River is 570 miles nearer Ottawa and Montreal by the Canadian Pacific Line than by the most direct existing railway route via St. Paul, Chicago and Detroit. Red River is nearly 200 miles nearer Ottawa and Montreal by the Canadian route than by Duluth, and the shortest line that can be built along the south side of Lake Superior and the north side of Lake Huron crossing at Sault Ste. Marie.

Not only is the distance nearly 200 miles less by the Canadian Pacific route to Ottawa and Montreal than by the route last mentioned, but the length of railway yet to be built east of Duluth is about 1,020 miles, while the whole distance between Red River and Ottawa is under 1,150 miles by the Canadian Pacific route. The distance from Red River to Lake Superior at Nipigon Bay is about 445 miles, while to Duluth it is 477 miles.

The Western section surveys have been vigorously prosecuted during the past year between the eastern slope of the Rocky Mountains and different points on the Pacific coast. A continuous chain of instrumental measurements has been completed from the Yellowhead Pass to tide water on the Fraser River, as well as to Vancouver Island via Bute Inlet. A practicable line across the mountain and to the coast has been found, but the cost of some sections of it will be very heavy, and it would not be advisable to recommend its adoption until more exhaustive surveys have been made with the view of discovering a more favourable route. No time whatever has been lost in connection with the surveys in British Columbia, and no efforts or expenditure has been spared to gain all the information necessary to arrive at a decision with regard to the most eligible line for the railway. The field of enquiry is,

however, a most difficult one, and it would be extremely unwise to decide finally as to the railway route without further information than is yet obtained.

* * *

THE SURVEY GENERALLY CONSIDERED

The writer travelled during the past season over the whole extent of country intended to be traversed by this railway, and made personal examination of its general features. He also sent a branch expedition across the mountains by the Valley of Peace River to the Upper Fraser, and by the Sheena River to Nasse harbour in the Pacific. A great deal of useful information has thus been obtained, but the distances are so great and the means of communication so imperfect that returns from all parts of the survey are as yet incomplete. When full information is received the whole will be submitted in the form of a report.

He (Hon. Mr. Langevin) also stated that Mr. Murdock had found a good line for the branch to Nipigon. In answer to Hon. Mr. Mackenzie, he stated that he understood from the Engineer that the length of this line would be 90 miles.

Hon. Mr. ANGLIN asked who was acting as Chief Engineer of the Canadian Pacific Railway now that Mr. Fleming had become one of the Directors of the Railway.

Hon. Mr. LANGEVIN said the Chief Engineer of the survey was Mr. Fleming. He had since become one of the Board of Directors and had not continued to be Chief Engineer in one sense. He, however, continued to receive surveys from the different engineers who had been sent out for the purpose of compiling them into a report. Of course, if he continued to be a member of the Board of Directors he could not continue on as Chief Engineer of the survey. The Government could not make a change just at the time when he had directed the survey.

Hon. Mr. YOUNG (Montreal West) said he did not believe that there was a white man living upon a very great portion of the line of this railway, and parallel with it was a special stretch of water communication. The lands of the Saskatchewan would be practically valuable, as it would cost more to transmit their products by railway to the Western markets than these would bring in the markets. If the railway were taken by Sault Ste. Marie, it would take the whole American commerce and would be able to draw through Canada the whole commerce of the West.

He knew the objections to that route for the railway was that it was partly through American territory. He saw no objection in this. Did we not go to Portland and Boston by American railways, and draw our commerce over them? He contended the only way of bringing the grain of the West into market in a manner having the ghost of a chance of reaping any profits upon the transaction, was to make use of our water communication. He was averse to the term within which it was proposed to build the Canada Pacific Railway. A longer time than ten years ought to have been given. He wished it to be thoroughly understood that he was not averse to the Pacific

Railway if proceeded with upon a proper principle and he reminded the hon. gentleman that he had himself presented a petition to this House in its favour in 1861.

Hon. Mr. WOOD said there were nearly 1,000 miles from Mattawan to Fort Garry, and the line of the railway must of necessity go nearly to Lake Nipigon. It was understood that from Mattawan to Fort Garry the lands were really splendid, just waiting the husbandry to break them up. We have been told that those who were opposed to the scheme advocated by Government at present were enemies to the country's best good, and this no doubt accounted for the great discovery by the Minister of Customs—a discovery of the great party of Union and Progress. He was sorry that this great discovery had not been properly appreciated yet. (*Laughter.*)

He argued that, as had been said by the hon. member for Montreal West (Hon. Mr. Young), the productive power of the great Northwest was worth nothing unless transportation could be conducted by water. This had been the experience of those engaged in the Western grain and carrying trade, and it was out of the question to think that grain could be carried over nearly 2,000 miles of railway and leave any profit to the producer from its sale. The carriage must be by water and could not be by this proposed railway.

Where then was the utility of it? It could not be used on the north shore of Lake Superior during the winter, and who would go over it in the summer time? We were told that the trade of Japan and the great wealth of the East would pass over the Canada Pacific Railway on its way to European countries. Beyond the mere maintenance of the railway that would do no good to this country whatever, but for that, and it was a small benefit from such a long road, surely the trade referred to might just as well pass over the country in a balloon. It was a developing power that this country required, and the developing power was one that would induce settlement and cultivation of the soil and opening up of mines and natural resources. It was our interest first to open up the shortest possible route, and to fill the country with population. When there were a million of people in the Northwest Territories the work might safely be begun and would come to an early conclusion, whereas by frittering away upon it at present they were effectually closing up the Northwest against settlement and prosperity.

Hon. Mr. MACKENZIE enquired how much of this money had been spent up to the present time.

Hon. Mr. LANGEVIN said there were between \$136,000 and \$140,000. This amount would cover every expenditure for the survey to be incurred up to the 1st of July.

Hon. Mr. MACKENZIE asked who directed the survey at present.

Hon. Mr. LANGEVIN said Mr. Fleming did.

Hon. Mr. MACKENZIE said it was very remarkable that one of the persons who is one of the contractors for building the road, should be in charge also of the direct surveys.

Hon. Mr. LANGEVIN said there had been no surveying since January.

Hon. Mr. MACKENZIE said there must be some one in communication with the surveying parties. He considered it very improper that a Government contractor should still be discharging the duties of Chief Engineer upon this road, and it was quite wrong that anybody in his position should have anything to do in the Government employment.

Hon. Mr. ANGLIN said he had heard it stated though he did not believe it, that there were some gentlemen in the employ of the Government besides Mr. Fleming and who resided principally at Ottawa, and received some \$10,000 from the Government. He should like the Minister of Public Works to say whether it was so or not. (*Cries of "Name".*) He did not hear any name, and merely wished, as the rumour was current to let the Minister have a chance of denying it.

Hon. Mr. LANGEVIN said the Government knew of nothing of that kind.

The item was then passed; also the item of \$25,000 for the administration of justice in Manitoba, Northwest Territories and British Columbia.

On the supplementary vote of \$300,000 for surveys upon the Pacific Railway for the year 1873 and 1874,

Hon. Mr. MACKENZIE said the Government had announced the contract as let, and as such it had been laid on the table of the House. Now the Government were asking half a million more money. Was the Government seriously proposing to tell this House that this contract was a mere sham from top to bottom? Why were we asked for this half million?

Hon. Mr. LANGEVIN said it was for the purpose of continuing the surveys from the 1st of July 1873 to the 4th of January 1874 and also to locate the line from Lake Superior to Red River in order for the Company to obtain money in England. It would allow them to proceed with the building of that portion of the railway from Fort Garry to the American frontier. By the charter of the Canada Pacific Railway Company for the building of this road it was provided that all expenses incurred during the last two years and the current year were to be paid by that Company, and this grant was asked for merely for the purpose of gaining time.

Hon. Mr. MACKENZIE said he supposed the documents laid before the House were true and if, as was stated in these papers, the contract was entered into in January last, and we were told that twenty millions of dollars were deposited by that Company—if the Company were so rich and so able were we to furnish the money

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for their legitimate work? The Minister of Customs announced the other day that the Company were eminently successful in their mission to England.

Hon. Mr. TUPPER: I did not.

Hon. Mr. MACKENZIE said he understood the hon. gentleman to have said so at the time but he accepted his explanation. What were we going to do with the capital they had subscribed? Were they not going to carry out the construction of the road with it.

Hon. Mr. ANGLIN: Not at all. (*Laughter.*)

Hon. Mr. MACKENZIE said his hon. friend said not at all, but it was so stated in the contract, yet we were told that the purpose of the vote was to give the Company more time for their negotiations in England, and in our generosity not to ask them to spend a single cent in the prosecution of the work, which was entirely and distinctly their own. The contract provided that they were bound to commence work at certain points about six weeks hence, and yet we are asked to carry on the survey of that road until January, six months after the time the Company's contract has been commenced, and they have actually expended a certain amount of labour upon the road.

Why should the country be called upon to advance this money when the Company themselves had ten millions of money already deposited? Surely that would be sufficient to carry on their work till they got their bonds floated upon the English market, yet in face of all this, we are asked to vote half a million of money to carry on the work which, according to their contract they were bound to carry on themselves. If they were only bound to commence in January, he could see some reason for this vote, but they were bound to commence in July, and he did not think the Committee would consent to this.

Hon. Sir JOHN A. MACDONALD said the charter provided that ten million of the subscribed capital would be paid into the hands of the Receiver-General, and could not be taken out of his hands until the work was completed, and that it would be retained as a guarantee for the construction of the road and the carrying out of the contract. This House knew, and the country knew, and it had been repeatedly asserted on both sides of this Chamber, that the money to build this road must be got somewhere else. Canada could not produce the one hundred and twenty millions necessary for the construction of the road. The survey was part of the preliminary expenses to be paid by any Company that should get the charter.

The Government had commenced the survey of this road, putting Mr. Fleming at the head of it, and although it had been rapidly prosecuted, it was impossible to finish it by the 1st of July next. It was a part of the charter that any money expended upon the surveys upon this road should be put in charge upon the charter. He knew that the Company had already paid ten millions of dollars, and the President of the Company and a delegation were sent to England,

trying, he hoped successfully, to raise a sufficient sum of money to go on with that road. In the meantime the surveys could not be stopped, and whatever expenses they made thereby would be recouped.

Hon. Mr. MACKENZIE said from what we had been told of the wealth of this Company, he did not think it was merely dependent upon its success in England in proceeding with the building of the road. So far as he understood the charter, it was given to a company who undertook to construct the road. The Company was in the country, and the contractors were in the country, and they had taken means and ought to have taken means to commence their contract, and if they had not raised money to commence in July the labour upon the road, how was it possible that they could retain the charter? How were they going to carry out that part of the contract? Surely, if they had success in England in obtaining the money, the surveys were the first thing that should be applied to. As it was, we had no faith in the Company finally undertaking this work and it was by no means stretching it to say that he had the opinion that very little success had attended these gentlemen in England.

Hon. Sir JOHN A. MACDONALD: My information is to the contrary. My information is that they are making very good progress.

Hon. Mr. MACKENZIE said if they were making very good progress, that was a good reason why there should not be much progress made in giving this grant to them. The Minister of Customs had denied that he had made a similar statement to that now made by the Minister of Justice (Hon. Sir John A. Macdonald) and were we going to be called upon to advance them money to carry on their work while we had such contradictory statement as to their success on the money market?

Hon. Sir JOHN A. MACDONALD said the money must be raised, and must be raised by degrees.

Hon. Mr. MACKENZIE said he had had an extraordinary statement made as to the capitalists who had undertaken this work that they were the richest and ablest that could be got and the most likely to build this railway. He was now told they have a deposit of ten millions in the hands of the Government. They had no such deposit. They were not able to raise a single dollar to carry on the surveys. These were the wealthy men who were to build this road. (*Hear, hear.*) He could understand the Government paying the expense up to the 1st July, for which they would be recouped. This would give the Company ample time to float their bonds, but he could not see any reason for making an appropriation of half a million to aid a so-called wealthy corporation. This was really what the vote meant, and he also took it to mean that the Company had no faith in the power of this Company to carry out the work they had undertaken by solemn contract.

It being six o'clock, the House took recess, Hon. Mr. Mackenzie having the floor.

AFTER RECESS

The House again went into Committee of Supply on the item of \$500,000 for Pacific Railway Survey.

Hon. Mr. MACKENZIE called attention to the fact that the Company by their contract were bound to pay the expenses caused with the survey. They had a few minutes ago voted \$350,000 to complete the survey up to July next. That he was willing to agree to, because the Company was bound by its engagements to repay these expenses, but it seemed unreasonable that the Government should ask for half a million to continue that survey.

The Company had been organized with a capital of ten millions, of which they appeared to have paid up one million, though they had paid up nothing. It was a mere temporary arrangement to give the Company some sort of sickly existence till it could be ascertained whether they would be able to float their stock upon the market in England. The Company ought to be able to obtain money without having to ask the Government to vote the money necessary for the survey. He understood the hon. gentleman knew the prospect of these gentlemen succeeding in obtaining money in England. He understood from the hon. gentleman opposite that the Company had every prospect of succeeding. If they had these prospects there was no necessity for the House voting that money for what was purely their purposes.

He (Hon. Mr. Mackenzie) did not believe in the assurance of these prospects being so very bright in England. There was no reason to believe it; on the contrary, if such were the case there would be no necessity for coming to the House and asking for the money to continue the survey. The vote was one absurd in its nature, and one the House ought not to be asked to pass without more ample information being afforded them. It was said the Company had good prospects, and yet they, the House, were asked to assume the expense of conducting this survey for the next year.

Hon. Mr. HOLTON thought the motion before the House must be regarded as a confession on the part of the Government that this contract with Sir Hugh Allan and his associates had collapsed. The work of constructing the Pacific Railway, including the cost of the survey, devolved upon this Company. One million dollars was reported to have been deposited in the hands of the Receiver-General, and the Company undertook to defray the cost of the survey; notwithstanding, the Government asked the House to sanction an appropriation of half a million of dollars for the purpose of prosecuting the survey, not for the current year but for the next year. Obviously such a proposition would not be before the Committee if there was any reasonable prospect of succeeding in the task which had been intrusted to Sir Hugh Allan and his associates.

He thought the Government were bound to give to the House some information as the present position of matters before they asked its sanction to this extraordinary proposition. He thought they were bound to say whether the information was true or not, which

he, on his own responsibility, affirmed he had received—that Sir Hugh Allan had already thrown overboard all these lines which constituted the Parliamentary strength of his position, as a preliminary to his attempt to float his Pacific scheme upon the London market. He thought he was in a position to say that he had deliberately agreed to abandon the North Shore Railway, the Northern Colonization Railway, and the Quebec and Ontario Railway, as a condition upon which he invited London capitalists to envisage with him in the attempt to float the Canadian Pacific Railway.

He would like to ask the hon. member for Hochelaga (Mr. Beaubien) and the hon. member for Laval (Mr. Bellerose) and other members of the House interested in the North Shore and Northern Colonization Railways, whether they were prepared to further sanction the policy which, in order to succeed had been adopted upon this point. The Government were bound to give the fullest information. It was not to be supposed that they were not in possession of advices from such a man.

Hon. Sir JOHN A. MACDONALD: Will the hon. gentleman give us the information and his sources?

Hon. Mr. HOLTON said he asked the hon. gentleman if he was aware of the fact that Sir Hugh Allan had agreed to abandon the railways he had already referred to on a condition of enlisting the support of the London capitalists?

Hon. Sir JOHN A. MACDONALD: The Government have no such information.

Hon. Mr. HOLTON said then the hon. gentleman was not fully informed, as he ought to be, of what was passing in London. He either had not the information he ought to have, or he was not communicating the information he ought to communicate.

Hon. Sir JOHN A. MACDONALD: You cannot suppose the last.

Hon. Mr. HOLTON reiterated that one of the two must be the case. The hon. gentleman a fortnight ago promised upon the arrival of the next English mail to state what his policy would be with regard to the Canadian Pacific Railway.

Hon. Sir JOHN A. MACDONALD: I said nothing of the kind.

Hon. Mr. HOLTON said the hardihood of the denial of the hon. gentleman passed all comprehension. (*Cries of order from the Government benches.*) He heard the hon. gentleman say, in answer to an enquiry by the hon. member for Bruce South (Hon. Mr. Blake) that on the arrival of the next mail he would be in possession of the necessary information and would give the policy of the Government in regard to this railway.

Hon. Sir JOHN A. MACDONALD: I said nothing of the kind.

Hon. Mr. HOLTON then said he placed his veracity against that of the hon. gentleman's. He affirmed that he did say so on the floor

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of that House, and in his hearing, and he appealed to hon. gentlemen whether a distinct and emphatic statement to that effect was not made on the occasion he referred to. (*Hear, hear.*) He maintained that before the vote was considered they ought to be put in possession of the fullest information on the subject.

Hon. Sir FRANCIS HINCKS said the hon. member for Châteauguay (Hon. Mr. Holton) was very unjustly endeavouring to excite the feelings of his hon. friends who were interested in the success of the North Shore and other railways. He (Hon. Sir Francis Hincks) was not in a position to know the success of Sir Hugh Allan and the two other directors, but he did know that hon. gentlemen opposite were doing everything they could to obstruct these negotiations in being carried out. There was no connection between the Pacific and these other railways, and nothing could be more unjust to Sir Hugh Allan than to say that not having connected these roads with the Pacific Road proper he had abandoned them. There might be one or two of the directors of the Pacific who were interested in these other roads, but he was not aware that there were any, and the Government had nothing to do with these latter.

He had always been one of those who was fully aware of the great difficulties in carrying it out, and one of those who, instead of looking upon the having of a contract, as an object of benefit to the Company, who believed the country was deeply indebted to the Company. He believed the difficulties in the way would be surmounted and that Company would carry through the undertaking and his sincere wishes were with them. A charge had been made against Sir Hugh Allan that in disconnecting the negotiations of these other railways with the Pacific he had abandoned them. He denied that such was the case and maintained that they ought to stand on their own merits.

Hon. Mr. HOLTON affirmed that Sir Hugh Allan in the first instance was induced to become connected with the Northern Colonization Railway, of which he became President. It was believed a gentleman of his capital and business connections would carry through that project more successfully than anyone else. It was thought that the giving of the contract to Sir Hugh Allan would advance the interests of the North Shore and Northern Colonization Railway better than if they were left entirely on their own merits. He went to England as President of the Northern Colonization Railway, of the Quebec and Ontario Railway, and the Canadian Pacific Railway. On arriving in England he found himself surrounded with difficulties in consequence of which he (Hon. Mr. Holton) was correctly informed, in order to give himself a chance of floating the Pacific scheme, he did stipulate to withdraw from the other projects. This was the information he (Hon. Mr. Holton) had, and of which the Government presumably were acquainted as true, and if untrue they would have information by means of which they could be enabled to demonstrate its untruth.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman had commenced like a lion and he concluded like a lamb. He had put his veracity against his (Hon. Sir John A. Macdonald's). His horns might be as long as his ears, but his horns had not impaled him

(Hon. Sir John A. Macdonald), and his ears, long as they were, had not heard him correctly. He (Hon. Sir John A. Macdonald) would not submit to the arrogance of the hon. gentleman, nor to his unparliamentary language. Neither his ability nor his success as a politician, nor his status, entitled him to the position he had assumed. He had tried those tactics again and again, but he had always shrunk back into his shell.

He (Hon. Sir John A. Macdonald) had seen the time when the hon. gentleman himself was talked about in connection with sham contracts, and that hon. gentleman had been charged by a gentleman with being steeped to the lips in sham contracts, whom he had afterwards taken into his Government. Was not that so? He was charged by the Hon. George Brown, and he had found a vindicator and defender in him (Hon. Sir John A. Macdonald).

If ever there was a contract entered into with a desire to meet the wishes of the people of the country, it was the contract given to Sir Hugh Allan and his Company. The charter given to them contained almost the same letters of the Acts passed by the Parliament. If there was any variation, if there was an alteration of any kind, it was for the purpose of putting additional checks against the possibility of Sir Hugh Allan and his Company betraying the country and selling the contract to the Americans.

The hon. gentleman had stated that he (Hon. Sir John A. Macdonald) had promised to give information respecting the success of the delegates, to make known to the House his policy with respect to the Pacific Railway on the arrival of the first mail from England. That was not so. What he had stated was that he had hoped soon to be able to give the information, perhaps after the arrival of the next mail. (*Applause.*) He had told the hon. member that the Government had no information that Sir Hugh Allan had abandoned the other railways referred to. He did not believe that he had, and, moreover, he did not believe the abandonment of them had ever been asked of him. The Pacific should float on its own merits and should not be thrown in connection with other railways.

Now with respect to the grant that was asked for, if the Government had secured an amalgamation of the two companies the latter would have gone to England to secure the money to build the railway. In either case it was important to the country that that money should be raised in England, and in the meantime it was of the greatest importance that the Government should carry on the surveys that had been commenced, and that were already three-quarters through. They should not be obliged to break up the engineering staff which was so widely scattered, and whoever had the charter would have to repay the money expended for such survey.

Supposing the building of the road was postponed for two years, the pledge of the Government was to build the road whether by the intervention of the Government themselves, through the Public Works Department, or by a new company, and these surveys must in any case be continued. The Minister of Public Works had read a statement of the progress of the survey, which had been considered

satisfactory by the House. It was quite clear that if Sir Hugh Allan did not succeed the Dominion had to pay the money for the survey. (*Applause.*)

Hon. Mr. HOLTON said the hon. Premier had indulged in unparliamentary practice, as he always did when forced for an argument. He was infinitely more feeble now he was in no position to play the role which he so often attempts. He had in effect admitted that Sir Hugh Allan had abandoned those other schemes. He (Hon. Mr. Holton) had said that he had the source of information to prove it. What had the hon. Premier ever done for his country? Had he ever given anything himself? He had copied from the statutes. He was utterly dead to the country when Mr. George Brown associated with him and thus revived him. He had done more to embroil the politics of the country than any other politician. He maintained that hon. gentlemen were bound to explain the policy upon which they proposed to vote half a million of money for the continuation of a survey, when the Company were bound to present it. He contended that the Government, asking for this vote of money in the absence of the explanation which this House was entitled to, must be taken as an admission that the sham contract with Sir Hugh Allan had broken down.

Mr. BELLEROSE in reply to the hon. member for Châteauguay (Hon. Mr. Holton) said that it had never been his practice, since he had been a member of this House, to regulate his conduct as a public man. Even supposing that Sir Hugh Allan had abandoned the proposal to construct the Northern Colonization Railway, which was to have passed through his (Mr. Bellerose's) county, still he should have felt that his duty as representing the whole Dominion was not to embarrass the Government in the work of constructing the Canadian Pacific Railway. (*Cheers.*)

Hon. Mr. WOOD deprecated the charges made against the member for Châteauguay (Hon. Mr. Holton). He thought the question before the House was a very important one, and one the country was greatly interested in. He asked if a bona fide Company had been formed to construct the railway, and if any money had been paid into the hands of the Receiver-General? He quoted from the Pacific Railway Act, and he saw from a document before him, the eighteen or nineteen persons were said to have taken \$10,000,000 worth of stock, and he asked if the money had been paid to the Receiver-General by those gentlemen. He asked if it would really be believed that that money had been paid in. He asked if it was believed that the persons really believed in the enterprise when they had not paid up a single sixpence on the share they were said to have taken, and it was proposed to issue bonds to float on the English market. This was the way the money was to be paid. They would not risk a single dollar of their own, and their expense probably would have to come out of the consolidated revenue.

He deprecated the manner in which the Government had met the charges made against them, and stated he would have met it openly. He asked why the House and the country were not taken into the confidence of the Government and the work proceeded with. He

had no confidence in the Company, and the hon. gentleman was quite right when he, by action, said the company was a sham one. It would die on the English market, as it had done on others.

Mr. GLASS contended that the deposits made by the Canadian Pacific Railway Company were in accordance with the terms of the Act, and could not be withdrawn except on the order of Parliament. As to the money for the survey, it could make no possible difference, as the country was bound to give thirty millions of dollars to aid in the construction of the railway, whether a portion of that money was expended this year in pushing forward the survey as rapidly as possible, or whether it should wait until next year. He pointed out the unpatriotic course which the Opposition had pursued in endeavouring to destroy confidence in our credit in England.

Mr. BODWELL said the hon. member for Vancouver (Hon. Sir Francis Hincks) had made a very rash statement when he said that all the members on this side of the House were agreed in obstructing the Pacific Railway. He denied it. Gentlemen on this side of the House were as anxious to see that road completed as any on the other side, but they took exception and he took exception to the extraordinary conduct of the Government in carrying out that scheme of granting large sums of money en bloc to the Company, to their system of land grant, and to placing a fixed value upon their lands. He took the ground that the Company should take these lands as they came good or bad, because all lands worth settling upon would thus be swallowed up. He thought the Government should have reserved to themselves power to grant these lands to settlers without any money payment. He took exception to the limit of ten years, and thought it was more than British Columbia demanded. Moreover it was an undertaking which it would be impossible to carry out, notwithstanding the assertions of the Minister of Justice that it must be done. He claimed in asking this additional appropriation that the Government should give more full information as to whether Sir Hugh Allan had been successful or not.

The item was then carried.

On item for mail service for Sarnia and the West,

In reply to Hon. Mr. Mackenzie,

Hon. Mr. TUPPER said the arrangement of the last year would be carried out.

On item of \$4,500 for tug service (*Richibucto and Miramichi*) on the St. Lawrence,

Hon. Mr. MACKENZIE objected to it, both on account of the viciousness of the system and because it was not extended to other rivers.

Hon. Sir JOHN A. MACDONALD said it was preferable to the former system, when large shipping firms took contracts for that service, and did not care whether they towed other vessels or not,

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even did not care whether they were paid or not, so that they served their vessels. It was the system which caused the Government to take the matter in hand.

Hon. Mr. MACKENZIE said it was simply a bonus to one of the largest shipping companies in the Dominion, who would, of course, give preference to their own vessels. They merely got this as a subsidy, and charged so much upon each vessel in addition only. On account of the Government bonus they were able to drive all competitors out of the field.

The item was then agreed to; also \$8,600 for lighthouse and coast service; also \$8,500 to Indians.

The following item also passed:—

To provide a humane station at Cape Canso, Nova Scotia: \$150.

On item \$6,142 to refund amount received as proceeds of stone illegally seized on the York roads,

Hon. Mr. MACKENZIE said this was a matter for the local Parliament.

Hon. Mr. TILLEY in reply to Hon. Mr. Mackenzie said this did not form part of the \$33,000 debt which was part of the debt of the Dominion, but was for stores illegally seized on the York roads.

Hon. Mr. WOOD said if the hon. gentleman had consulted the Auditor he would have found that those items could not or should not be paid without consulting the Provinces.

Hon. Mr. HOLTON said he differed from his hon. friend as to whether the late proprietors of the York roads had a legitimate claim on the Dominion or not. The great question was whether the claim was legitimate. He referred to the investigation before the Public Accounts Committee on this question, and his impression was that the result of that showed that no valid claim existed.

Hon. Mr. CAMERON (Cardwell) thought his hon. friend had not recollected the facts correctly. He argued that the payment was perfectly just and that this was according to the finding of the Public Accounts committee. There was also a report made upon the legality of the claim, which was clearly established. He also referred to the action in the Court of Chancery, and held that the matter was settled in favour of the York Roads Company just as legally as if the Court had given a decision by the report of Mr. McDougall.

Hon. Mr. HOLTON reminded the hon. gentleman that Mr. McDougall, as Minister of Public Works, was a political officer, and that there had been no judicial decision.

Hon. Mr. WOOD gave a sketch of the history of the York roads, which, he said, were justly or unjustly, the subject of a good deal of comment in their time. What he would propose was this, that the

matter should be referred to the Government of Ontario. He presumed that the Government of Ontario would act fairly and honestly. He said the Premier of that Government was for a long time an Equity Judge, and no one would say there was a more conscientious man in existence, whatever might be said of him as a politician. For his own part, he had a high opinion of him as a politician.

He had no objection to paying this amount. If it was due, and he would not oppose it if the following amendment were agreed to:—“Provided the consent of the Ontario Government be obtained to such payment”. He thought it would be nothing more than fair to the Ontario Government that this should be done, as it would be added to the debt of that Province.

Hon. Sir JOHN A. MACDONALD said he was of opinion that this was a debt assumed by the Dominion Government at Confederation, and ought to be paid without reference to the Local Government the same as the \$11,000 lately paid on the same account. He also entered into the history of the York Roads Company. These stores were the property of private individuals, and were wrongfully sold to the county of York when the Government disposed of the roads to that corporation. The Government got the money. They had no right to it, and they ought to reimburse it.

Hon. Mr. MACKENZIE said the hon. gentleman had spoken of this matter as if there had been a judgment in the case. There was no evidence before his Committee for the payment of that money, and it was well known that Mr. Richards, who had examined into the matter, did not think that any amount was due. He asked if Mr. Richards' opinion had ever been asked.

Hon. Sir JOHN A. MACDONALD said, in a conversation with Mr. Richards some years ago, that that gentleman had stated to him that he intended to find in favour of the claim.

Hon. Mr. MACKENZIE thought it was quite out of the question to pay this money and charge it to the Province of Quebec and Ontario without any references to those Governments. That would, in his opinion, be a sufficient reason for disallowing it in the meantime. He declared that it was a robbery of the Province of Ontario and Quebec to have these \$6,000 put into the pocket of one of his supporters, and he would divide the Committee of the House upon it in every stage to show the public what he thought was justice and right. The Local Governments must be considered to be quite as honest as this Government. The Opposition had shown their desire to act fairly in the matter, when they proposed to leave it to this Government, with the consent of the Local Governments of Ontario and Quebec.

The Committee then divided on Hon. Mr. Wood's amendment, which was lost. The item was then carried.

On the vote of \$500 for testing spirituous liquors, as recommended by the Committee on Prohibition,

Mr. WILKES objected to the smallness of the sum considering the extent of the trade and considering the amount that was voted for the inspection of other articles such as butter, corn, flour, et cetera.

Mr. GRANT looked upon this as a step in the right direction. He did not know there was any country in the world where adulteration of spirits was carried on to the same extent as in this country. A very great proportion of the diseases he had treated were caused by poisonous liquors.

Mr. BODWELL said he had been requested by the Minister of Finance to explain the reasons of the Committee for asking this vote. He said in effect that it was for the purpose of obtaining monies of various kinds of liquors used in the country and having them chemically examined in order to ascertain to what extent they were adulterated, and they believed that this would show to the public that intoxicating liquors were adulterated to an extent not anticipated or contemplated.

After some further discussion, the item was carried.

Several other items were passed.

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MESSAGE FROM THE SENATE

The SPEAKER reported a message from the Senate, agreeing to the amendments to the bill respecting the Central Prison for Ontario; announcing the following bill passed without amendment:—To incorporate the Canada Car and Manufacturing Company; and amendments to the following bills:—To incorporate the Glasgow Canadian Land and Trust Company, Limited; to incorporate the Insurance Company of Canada; for granting certain powers to the Montreal, Chambly and Sorel Railway Company; to enable the Buffalo and Lake Huron Railway Company to make arrangements respecting their bond debt.

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INSURANCE COMPANY OF CANADA

On the motion of **Mr. DOMVILLE** the amendments to the bill incorporating the Insurance Company of Canada were read a first time.

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GLASGOW-CANADIAN LAND AND TRUST COMPANY

On the motion of **Mr. CARTER** the amendments to the bill incorporating the Glasgow Canadian Land and Trust company were concurred in.

BUFFALO AND LAKE HURON RAILWAY

On motion of **Mr. EDGAR** the amendment to the bill enabling the Buffalo and Lake Huron Railway Company to make arrangements respecting their bond debts were concurred in.

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MONTREAL, CHAMBLY AND SOREL RAILWAY

On motion of **Hon. Mr. DORION (Napierville)** the amendment to the bill granting certain powers to the Montreal, Chambly and Sorel Railway Company, were concurred in.

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CONCURRENCE

Hon. Mr. TILLEY moved the reception of the report of Concurrence of Supply, when concurrence was taken as a number of unopposed items.

On a vote of \$25,000 to the police of the Dominion,

Hon. Mr. MACKENZIE moved that the House be not now concurred in, but that it be referred back to the Committee of the Whole with instructions to reduce the amount to \$15,000 it being undesirable to interfere with the local authorities, to whom the preservation of the peace is by law entrusted.

The amendment was declared lost on a division.

Considerable discussion took place on the vote of \$20,000 for public health purposes which was finally passed.

The items under the head of Emigration and Public Works were concurred in after some discussion.

On the item of \$70,000 for a lock at Culbute Rapids,

Mr. FINDLAY moved that no part of the \$70,000 shall be expended for that purpose till an instrumental survey be made of the channel on the south side of Calbute's Island, with a view of locating the said canal in the best position for the public interest

Lost on division.

Hon. Mr. WOOD asked if the Minister of Public Works had his attention drawn to the importance of an appropriation for the removal of the bar at Fort William.

Hon. Mr. LANGEVIN said, this was the first time his attention had been called to it, and he would consider the matter.

The House then adjourned at 1.46 a.m.

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NOTICES OF MOTION

Hon Mr. WOOD—On Friday next—Address to His Excellency the Governor General for a statement of the agreed to receipts and expenditures of Canada in each Province from Confederation to the first day of July, 1873, as nearly as the same can be ascertained of approximated, classified under general heads with a statement of the receipts and expenditure of any which cannot be approximately distributed among the several Provinces, but must be taken as common to all, which are to be apportioned to the several Provinces according to population; and in the case of any receipt and expenditure or receipts or expenditures common to two or more Provinces which cannot be approximately decided the same to be apportioned between or among the said two or more Provinces, as the case may be, according to population, with a summary statement of the results.

Hon. Mr. MACKENZIE—On Monday—Order of House for statement showing the sum which each contract on the Intercolonial was undertaken; the quantities of the several kinds of materials or work on such contract, as estimated by the Chief Engineer at the time the contracts were let; the quantities of the several classes of the materials moved or work actually executed; the extent and class of reductions in quantities or work made on the works, showing what reductions were consequent on a change in location of the line; also the additional work done in like manner; the sums paid on each contract on the several classes of work, with rates; the rates on each class of material or work adopted at first, the money out of the contract sum; and the rates adopted as progress estimates.

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HOUSE OF COMMONS

Friday, May 16, 1873

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

Prayers

THE LIBRARY

Hon. Mr. BLANCHET presented a report of the Joint Library Committee of both Houses. The Committee recommended the appointment of a grant for an increase of the salaries for the clerks of the library and also recommended that some abatement with regard to superannuation be granted to the library clerks as to the other officers of the Government.

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NORTHUMBERLAND EAST ELECTION

Hon. Mr. HUNTINGTON presented the report of the Select Committee appointed to try the Northumberland East election case. The Committee recommend that they have power to adjourn till the 2nd of September next, in order to enable the petitioner and the sitting member to bring forward evidence.

On motion of **Hon. Mr. HUNTINGTON**, leave was granted.

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COLONEL BOUCHETTE'S PETITION

Mr. FORTIN presented the report of the Select Committee to whom was referred the petition of the late Colonel Joseph Bouchette.

On motion of **Mr. FORTIN**, the report was referred to the Committee on Printing.

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PRINCE EDWARD ISLAND

Hon. Mr. TILLEY presented a message from His Excellency, signed by his own hand, transmitting resolutions in relation to the union with Prince Edward Island. He trusted the terms would be found satisfactory to the House, and to complete the Confederation of the British North American provinces. (*Applause.*)

Hon. Mr. DORION (*Napierville*) enquired if the resolutions would be printed.

Hon. Mr. TILLEY hoped to have them printed by Monday next, when he would move the House into Committee on this subject.

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LOSS OF THE ATLANTIC

Hon. Mr. MITCHELL presented a message from His Excellency, signed by his own hand, in relation to the loss of the steamer *Atlantic*. The Governor General transmits to the House of Commons copies of all Orders in Council and minutes of proceedings of the court of enquiry into the circumstances connected with the loss of the steamer *Atlantic*.

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THE NORTHERN RAILWAY

Hon. Mr. TILLEY transmitted a report of the Lieutenant-Governor of Ontario with respect to the Northern Railway Company.

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DOMINION DOCK AND WAREHOUSING COMPANY

On motion of **Mr. CURRIER** the amendments made by the Senate to the bill entitled an Act to incorporate the Dominion Dock and Warehousing Company were read a first and second time.

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FARRAN'S POINT POSTMASTER

Hon. Mr. TUPPER presented all papers relating to the dismissal of the postmaster at Farran's Point.

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MAIL SERVICE TO WEST INDIES

Hon. Mr. TUPPER laid on the table correspondence on the subject of the West India mail service.

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PACIFIC RAILWAY COMMITTEE

Hon. Mr. CAMERON (*Cardwell*) moved that the Select Committee appointed to enquire into the Pacific Railway negotiations have leave to sit, although the House be not sitting at the time the said Committee meets. He said our rules provided that

all cases not specially provided for, the rules of Imperial Parliament should apply. We had no rules bearing upon this case, and the rule of the Imperial Parliament was, that unless the Select Committee was authorized by the House it could not sit if the House was not sitting. He therefore offered this motion.

Hon. Mr. DORION (Napierville) said this was the time when they should understand exactly what the views of the Government were with reference to the adjournment of the House. If it was understood that the Committee alone should meet and not the House he would point out one or two very serious inconveniences. He supposed that the Government and the House desired, when they agreed to this enquiry, that it should be an earnest enquiry. Well, if that was the intention, he would tell the House that if the House is not sitting, it could not have the character which the majority of the House desired it should have, and for this reason, the Committee had no right to compel the attendance of witnesses and even if the witnesses came before the Committee they had no power to compel witnesses to answer questions that may be put to them.

What would be the effect? Here was a Committee meeting to inquire into very grave charges, and yet the witnesses might either refuse to attend or attend only to laugh at the Committee and refuse to answer, but if the House were sitting, then the Committee could report the fact to the House and House could enforce any order it pleased. He believed, therefore, that it was of the highest importance that the House should sit at the time the Committee was sitting in order that its authority might be enforced by the action of the House at the time. He thought this proposition would not be denied for an instant. It would be a perfect farce to have the Committee meet if it had not power to enforce its order, and that they could have by the action of the House; therefore he held the House ought to be sitting when the Committee met.

At the suggestion of the Government, the other day, the House granted a delay of two months for the purpose of obtaining the presence of persons who were absent. He did not ask that decision to be reversed. The House, no doubt, did what they thought was an act of justice to the parties implicated; but he did say that the House ought to insist upon having the enquiry commenced as soon as possible, and having it a serious and real enquiry and not a sham enquiry. His firm conviction was that the enquiry could not be a serious enquiry unless the House was sitting at the time.

There was another reason why the House should be sitting, and it was this. These charges were of the utmost importance. These charges were the most serious he had ever heard brought against a Government of any country—charges equal to the worst charges brought against the Government of the United States and certain members of Congress. If the gentlemen on the Treasury Benches were not guilty and were acquitted, it was due to them that it should be announced, but if they were found guilty the country should at once know it. The House should be sitting at the time, in order that they might at once act on the evidence and discharge the hon. gentlemen from the charge hanging over them. If on the contrary

they were guilty of the charges they were unfit to retain for an hour the offices which they held. For that reason the House ought to be sitting when the Committee sits and when the Committee made its report, in order that action might be taken at once.

For these reasons he earnestly entreated the House not to grant the motion of the member for Cardwell (Hon. Mr. Cameron); and in order to have an expression of opinion on the point, upon which he felt deeply both as a man and a member of the House, he moved this amendment—“That inasmuch as the Committee will have no power either to enforce the attendance of witnesses or to compel them when in attendance to give testimony without the action of the House, it is essential to the proper conduct of the investigation that it should be prosecuted under the circumstances that will admit of the prompt exercise of the authority of the House, and it is therefore necessary that the House should sit on the day to which the Committee has leave to adjourn.”

He would add but a few words. He knew there was great anxiety, naturally, on the part of members to get home, but no inconvenience would arise if the House adjourned to the 2nd of July, and met for eight or ten or fifteen days if it was necessary. He was convinced, that if there was anything in these charges, evidence could be brought forward within a week after the meeting of the Committee so as to justify the charges or enable the Committee to pronounce them unfounded. Far better that the House should meet on the 2nd of July and remain in session till the enquiry was closed than to allow the enquiry to fade through from want of authority on the part of the Committee.

For these reasons he hoped the House would see that there was no necessity for the motion of the hon. gentleman, but, on the contrary, that it was absolutely necessary that the House should sit at the same time that the Committee sat. Although he did not mean to say that he had reason to think that the majority of the Committee would be unfair to the minority, yet differences of opinion might arise which it might be well to refer to the House. No more important charges were ever made against the Government, and this House ought to surround the enquiry into these charges with all the authority necessary, in order that the result might carry weight with the public. The House would recollect that although the Committee had under consideration the course of proceeding which should be adopted, the motion of the member for Cardwell had not been recommended by the Committee. The Committee made several recommendations, but this was not one of them.

Hon. Mr. CAMERON (Cardwell) explained that Hon. Mr. McDonald (Pictou) understood that the resolution carried at the former meeting of the Committee included the power of the Committee sitting, although the House was not in session. On examining into the question, he (Hon. Mr. Cameron) found it was not so, and, therefore, with the consent of Messrs. McDonald and Blanchet he made the motion separately.

Hon. Mr. DORION (Napierville) said it would be in the recollection of the House that on the previous occasion he objected

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to those words, that the Committee should sit whether the House was in session or not, being put in the motion, because they were not recommended by the Committee. They were taken out, and the hon. gentleman said he would give notice of the motion he would bring forward upon the point. The Committee met the next day, and he thought that would have been the proper time for the subject to have been brought before the Committee, but not a word was said upon the point. Several resolutions were carried by the Committee and it would have been much more regular if the subject had been brought up in Committee.

Hon. Mr. MACKENZIE asked if the hon. leader of the Government did not intend to say something on this point. Was it true or not that the Committee had no power to compel witnesses to attend the meeting of the Committee when the House was not in session? What was the use of the Committee meeting if it was powerless to effect its object? What was asked by the hon. member for Napierville (Hon. Mr. Dorion) was that the House should give the Committee the authority that might be necessary to enable the Committee to carry on the examination. Did the Government admit that it was intended to postpone the Committee till Parliament was not sitting, in order that the Committee would not possess the power to compelling witnesses to give evidence?

Hon. Sir JOHN A. MACDONALD said then if the House were sitting and the Committee should sit on Saturday, they could get no power to compel the attendance of witnesses till Monday. The Committee when it met on the 2nd of July would have the same power as if the House was actually sitting; that is to say, they had the power to summons witnesses, and if witnesses did not attend they could apply to Parliament to punish such witnesses. He could only inform the gentlemen opposite that so far as his colleagues or any officer of the Government or any person over whom it might be supposed the Government had any influence were concerned, they would all attend, and if any other witnesses refused to obey the summons to attend, they must know that when Parliament met in January next, they could be punished. (*Several voices "Not till January!"*) He did not think that any of the witnesses would have the hardihood after being summoned by the Committee to run the risk of that condign punishment that would be dealt out to them by the House, if they disobeyed the order of the Committee.

It would be remembered that he contemplated all this difficulty and that he offered to overcome it by leading a Royal Commission, which, by law, would have the power to summon witnesses and punish them if they did not attend (*hear, hear*); but he would say this, that if the Committee and when they meet on the 2nd July that there are any witnesses who will not attend upon a simple application, he would undertake to issue a Commission to the Committee so that they would have power to compel the attendance of witnesses.

Hon. Mr. HOLTON said the hon. gentleman had promised that those persons connected with the Government would attend, but Sir Hugh Allan and Mr. Abbott were not connected with the Government and there would be other witnesses who would not be under the control of the Government. As to the terrible penalties

that might come from a refusal to appear before the Committee and answer questions he apprehended that they were not of a very terrifying character, but what startled him most in the observations of the hon. gentleman was his statement that the fact of any witnesses refusing to answer would be reported to Parliament in January. When the subject was first mentioned the hon. gentleman proposed to adjourn for not longer than the middle of August, but now he said that Parliament might meet in January.

He (Hon. Mr. Holton) would say that if there were any pretext for this enquiry at all, for the passing of a Bill under exceptional circumstances, it would be unseemly that Parliament should delay pronouncing judgment for one week beyond the time necessary to complete the enquiry. Supposing even that the report of the Committee be of a mixed character, and not distinctly condemnatory of the Government, it would still be seemly that the Government should continue to administer the affairs of the country as if nothing had happened, while the matter remained unsettled. If even an ordinary motion of measure upon the Government involving their existence were made, all other business would be stopped till that question was disposed of. This was taking the most limited view of the result of these accusations. They were of infinitely more importance than any possible Parliamentary vote of want of confidence could be.

He hoped therefore, that the House would not negative the amendment with the full understanding of the consequences as explained by the leader of the Government.

Mr. THOMPSON (Cariboo) asked if hon. gentlemen opposite thought the members from the distant Provinces, who were anxious to get to their homes now, would return here on the second of July to listen to the ridiculous assertions which would be brought before the House by hon. gentlemen opposite. They were now making a sham repetition of the sham motion which they had previously brought before the House. By means of these ridiculous motions they were endeavouring to impede the legislation of the country. (*Cheers.*)

They thought that in July, when the members from the distant Provinces would be absent, they would be able to bring forward a partizan majority and attempt to carry their motion (*hear, hear*); but they were resting upon a broken reed.

They knew that they had no foundation for the statements they had made, but they wished to be able to say to the country that they had done all they could to drive a corrupt Ministry and their servile majority of convicted felons from their seats. (*Cheers and laughter.*) But it would not be permitted to them, and they would find that their accusations, like the baseless fabric of a vision, would dissolve. (*Hear, hear and laughter and cries of "Divide".*)

Hon. Mr. HOLTON rose and asked if the opinion just expressed by the hon. member for Cariboo (Mr. Thompson) expressed the sentiment of that side of the House. If they did there was a good deal more to be said.

Hon. Sir JOHN A. MACDONALD said he had not heard the whole of the remarks of the hon. member for Cariboo; and without waiting to be informed further he would simply state that he desired that this resolution should be taken upon the remarks of the mover of the resolution, the mover of the amendment, and himself.

Hon. Mr. MACKENZIE thought the hon. gentleman should be informed of the observations made by the hon. member for Cariboo. He had deliberately stated that the hon. member for Shefford (Hon. Mr. Huntington) had not the shadow of a foundation for the accusations he had made and that they were like the baseless fabric of a vision and left not a wrack behind.

Hon. Sir JOHN A. MACDONALD said the hon. member for Shefford was a gentleman who had held office in the Government. He was a man of intelligence and a man aware of the responsibility he assumed. He (Hon. Sir John A. Macdonald) believed he was deeply in error and that he would find he was in error, but he did not wish to say that the hon. gentleman did not think he had some grounds or ground for making the charge he had. He gave the hon. gentleman credit for thinking or supposing that he had reason for making the charge. Though he believed he had deeply wronged the Government he did him the credit of believing that he thought the charges were true. In fact he had reiterated his statement so often that he could not suppose that any man would make these statements unless he believed them to be true. (*Hear, hear.*)

Hon. Mr. HUNTINGTON said he desired to state once more that the statements which he made in this House be believed, and he believed he could prove it. He also believed that in making this charge and in prosecuting he was discharging one of the most sacred duties a man could discharge to his country; at the same time, firmly convinced as he was that the Government was compromised in the way he had stated, there was no man who more thoroughly realised the fact than he that the characters of our public men are the property of the people, and that there should be no attempt to rob any man of his fair fame without a fair, just, and impartial investigation. He understood perfectly the responsibilities resting on a member of Parliament.

He did not mind what the hon. member for Cariboo said. He had seen men like him, servants of the Government, come and go, and he was sure he did not mean what he said. He was sure it was only a rhetorical flourish, with which the hon. gentleman was probably more familiar than dealing with solemn questions of this kind. Even if the hon. gentleman was to remain in Cariboo, however much his own interests might suffer, the country would probably survive.

He accepted the statement of the right hon. gentleman the leader of the Government, with regard to his own honesty in bringing forward this charge, although he had felt that the hon. gentleman had indulged in very severe and unnecessary personal assaults upon him. The hon. gentleman might depend upon this, that although he believed the Government to have been compromised in the way he had stated, and that he would prove it before the Committee, yet no man in the House would be more glad if he could believe that the charges were baseless, that there was no foundation for them. He

came here today with the intention of placing himself right on this point and showing that his charges were not without foundation. He made them upon a very good basis, and he was prepared, if the House wanted to hear it or if the hon. member for Cariboo wanted to hear it, to give him enough in the way of *prima facie* evidence to satisfy him he had better stay two or three weeks to investigate. He was by no means at the mercy of those who wish to throw obstacles in his way. (*Hear, hear.*) He was prepared to substantiate in the face of the House and the country his charges.

He had in his hand the strongest evidence of the charges which he had made. (*Hear, hear.*) And if any hon. member of this House had the same evidence he would have been bound to have demanded an investigation as he had done. He wished yesterday to give the House and the country an intimation that he had not made this charge without reason and that intimation was that he had evidence of Sir Hugh Allan himself as to the arrangements he made with the Government. With regard to Sir Hugh Allan, he had, in fulfilling this painful duty, nothing to say against that gentleman except what his duty imposed upon him, but Sir Hugh Allan held such relations with the Government that when he proposed to produce his evidence, when he was showing that he had not made his statements upon trifling evidence, the House would not listen to him; and the hon. gentleman for Cariboo, who talked about statements was one of those who were unwilling to hear the evidence. Was the evidence of Sir Hugh Allan good evidence? He was not going to argue whether it was good policy to prevent him, who stood accused as much as the Government, from placing his evidence before the public; but the Government had adjourned this investigation because they wanted Sir Hugh Allan's evidence and yet he was forbidden from placing before the House the evidence of Sir Hugh Allan; and these very members who prevented him from doing this now taunted him with having no evidence.

He would repeat that he had other evidence and was prepared to lay it before the Committee and take the consequences, and if he was expelled, as had been threatened, to go even to Cariboo and justify his conduct. (*Cheers and laughter.*) He made these observations in his own justification. He acknowledged the courtesy of the right hon. gentleman, who had done him the justice to believe that he was acting conscientiously. He desired, as he had always done since these grave charges had been made, to reciprocate that courtesy so far as he possibly could do and be consistent with the duty imposed on him. After the taunts of the right hon. gentleman he might have ventured to go further and read the evidence which he was taunted with not having.

If hon. gentlemen wanted to go on, he was ready, but he was not willing to sit here and be taunted with his inability to proceed, by those who had gagged him when he sought to speak. (*Cheers.*) If hon. gentlemen wanted information with respect to this grave charge, let them give him a chance; but if they dared not hear, and would not hear, what he had to say, at least let them silence their claquers and not tempt him to do that which they besought him not to do from their places in the House. (*Cheers.*)

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Hon. Sir JOHN A. MACDONALD said there was a time when perhaps it would have been proper for the hon. gentleman to have prefaced his statement by sending to the House this *prima facie* evidence. He had, however, moved for a Committee in the ordinary way without any *ex parte* statement, and the House had accepted his declaration on its own merits. The hon. gentleman's statement had been sent to a Committee, and it would be remembered that when he (Hon. Sir John A. Macdonald) moved for that Committee, gentlemen opposite suggested that the evidence should be taken under oath.

It was now understood that the evidence was to be taken under oath, and he objected on principle, and in justice to the Government, and those charged, to any evidence being taken except before the committee and under oath. He was sure that this Committee when it met, would not receive any evidence but proved evidence under oath; and, seeing that the hon. gentleman had got the Committee on his statement, he thought it was unfair to the Government and to those who were accused, and who were absent from the House, to produce any evidence now. He thought this was so clear he would say no more.

Hon. Mr. DORION (Napierville) said he thought, as a matter of fairness to the minority on the Committee, the request he asked should be granted, that the House should sit at the same time as the Committee.

Hon. Mr. ANGLIN rose to speak amid noise and interruption from the Ministerial benches, which did not subside until Mr. Speaker called upon the House to sustain the Chair in keeping order. He said it would, no doubt, be difficult to persuade the majority of this House that it should continue to sit till July, or that it should reassemble then for the purpose of lending its weight and authority to the action of the Committee; yet it must be apparent to the House and the country that under the circumstances the Committee would be placed in great difficulty unless they were clothed with authority to compel the attendance of witnesses and compel those who do attend to give their evidence.

Too much had been done already to create an impression throughout the country that there is a desire to baffle and defeat the investigation, and if something were not done now to remedy the defect in the constitution of the Committee, which had been explained by the hon. member for Napierville, that impression would be strengthened very greatly, if the Government frankly refused to remedy this, then, indeed, would the country think, and have good reason to think, that that refusal was premeditated. He expected that the objections would have been made by members of the Government and others to this House meeting again, but he did think that some remedy would have been suggested. He knew it would be a great inconvenience to assemble here, again, but the circumstances were very grave.

The Government of this country stood charged with high crimes and misdemeanours which, in other days, if proved against them,

would have brought their heads to the block. It would in fact be nothing short of high treason. The hon. gentleman smiled at this. He might smile, for he knew that he would at least be safe from such consequences, though a verdict of guilty could not fail to bring down upon their heads the indignation of the public of this country. The Prime Minister had himself said, in speaking of this, that it amounted to an impeachment, and although not drawn up in the same way, it did in fact amount to that.

Now surely not only should this tribunal be above suspicion, in so far as our own actions were concerned, seeing the fearful importance to the country of the question, it was constituted to try, but some manner should be arrived at for clothing it with power which would enable it to make a full and thorough investigation. What would be the value to the Ministers themselves of a report in their favour if the public knew that any means had been taken to prevent obtaining any evidence, or that any means suggested for the purposes of enabling the Committee to procure that evidence had been neglected? It was more incumbent upon the Premier than upon any person else to provide a full and satisfactory investigation. It was more incumbent upon them, not only for their own sakes but for the sake of the prestige of the system of government and the country.

It was said the Ministers proposed to call the House together again in August, but they had also stated that the call would be merely nominal, that the assemblage would be merely for the purpose of a prorogation. He did not think it would be advisable that there should be a session but it was quite within the range of possibility that circumstances might arise which would cause a necessity for an actual session. He was not prepared to make any proposal, but if this Committee had not the power to compel the attendance of witnesses or to compel them to give their evidence while this House was not in session, it was quite clear that something ought to be done to supply such a material want in this grave and important investigation.

Hon. Mr. CAMERON (Cardwell) reminded the hon. gentleman that the Committee had not power to compel witnesses to give their evidence, even although the House was sitting. All they could do was to punish them if they refused. He would not be drawn into any observation upon the subject, except of a strictly legal character. He merely wished to say that he did not see why this House should assemble again; because if any of the witnesses refused to attend, or when in attendance refused to answer any questions that might be put to them, there was nothing easier than to clothe the Committee with the necessary powers in the manner in which the hon. Minister of Justice (Hon. Sir John A. Macdonald) had stated, and which would involve the same consequence to witnesses so refusing as if the House were sitting.

The House ought not to assume that these powers would be necessary. Every one ought to suppose that the witnesses would attend, and having attended would give their evidence without any trouble. If any witness refused to give evidence he thought it quite probable that within 48 hours the Committee would be invested

with all the powers they would have in the matter if the House were sitting, by means of a Commission. Under these circumstances he did not think that anyone had any reasons to complain.

The character of the gentleman who had made the charge was sufficient assurance to the House that he stated what he believed to be correct, and he did not think they ought to assume that some parties would not attend, or, attending, would not give their evidence, and no doubt every care would be taken to meet such a contingency.

Hon. Mr. HOLTON said his hon. friend's experience must have taught him that in any case of this kind witnesses are very unwilling to attend, and more unwilling to answer questions. His hon. friend had said that in case of witnesses refusing to give evidence the Committee could be clothed with the necessary power, which was equal to saying that they should be created a Royal Commission. From the moment they accepted that position they became officers of the Crown receiving their instructions from the Crown, and reporting the evidence they take by virtue of their Commission to the Crown, and not to this House.

Hon. Sir JOHN A. MACDONALD: Yes, if they do not receive instructions to the contrary.

Hon. Mr. HOLTON said in such a position they received the instructions from the Crown and not from this House, and in his opinion the statements of the hon. gentleman at the head of the Government did not affect the position taken by the hon. member for Napierville. (*Cheers.*)

The members were then called in.

Hon. Sir JOHN A. MACDONALD, across the floor of the House, said that the hon. member for Lambton (Hon. Mr. Mackenzie), as he had formerly said, had suggested the swearing of the witnesses.

The House then divided, when the amendment was negatived by 101 to 66.

YEAS

Messrs.

| | |
|-----------------------|------------------------------|
| Anglin | Archibald |
| Bain | Béchar |
| Bergin | Blain |
| Bodwell | Bourassa |
| Bowman | Brouse |
| Buell | Cartwright |
| Casey | Casgrain |
| Cauchon | Church |
| Cockburn (Muskoka) | Delorme |
| De Saint-Georges | Dorion (Drummond—Arthabaska) |
| Dorion (Napierville) | Edgar |
| Findlay | Fiset |
| Fleming | Fournier |
| Geoffrion | Gibson |
| Gillies | Harvey |
| Higinbotham | Holton |
| Horton | Huntington |
| Laflamme | Landerkin |
| Macdonald (Glengarry) | Mackenzie |

| | |
|-----------------------|---------------------------|
| Metcalfe | Mills |
| Oliver | Pâquet |
| Paterson | Pelletier |
| Pozer | Prévost |
| Richard (Mégantic) | Richards |
| Ross (Durham East) | Ross (Middlesex West) |
| Ross (Prince Edward) | Ross (Wellington Centre) |
| Rymal | Scatcherd |
| Smith (Peel) | Snider |
| Stirton | Taschereau |
| Thompson (Haldimand) | Tremblay |
| Trow | White (Halton) |
| Wilkes | Wood |
| Young (Montreal West) | Young (WaterlooSouth)—66. |

NAYS

Messrs.

| | |
|----------------------------|-------------------------|
| Archambault | Baby |
| Baker | Beaty |
| Beaubien | Bellerose |
| Benoit | Blanchet |
| Bowell | Brooks |
| Brown | Burpee (St. John) |
| Burpee (Sunbury) | Cameron (Cardwell) |
| Campbell | Carling |
| Caron | Carter |
| Chipman | Chisholm |
| Cluxton | Costigan |
| Crawford | Cunningham |
| Currier | Cutler |
| Daly | De Cosmos |
| Dewdney | Domville |
| Dormer | Doull |
| Dugas | Duguay |
| Ferris | Flesher |
| Forbes | Fortin |
| Gaudet | Gendron |
| Gibbs (Ontario North) | Gibbs (Ontario South) |
| Glass | Grover |
| Harwood | Hincks (Sir Francis) |
| Jones | Keeler |
| Killam | Kirkpatrick |
| Lacerte | Langevin |
| Langlois | Lantier |
| Le Vesconte | Lewis |
| Little | Macdonald (Sir John A.) |
| McDonald (Antigonish) | McDonald (Cape Breton) |
| Mackay | Mailloux |
| Masson | Mathieu |
| McAdam | McDougall |
| Merritt | Mitchell |
| Moffatt | Morrison |
| Nathan | Nelson |
| O'Connor | O'Reilly |
| Pickard | Pinsonneault |
| Pope | Ray |
| Robillard | Robinson |
| Robitaille | Rochester |
| Ross (Champlain) | Ryan |
| Savary | Scriver |
| Smith (Selkirk) | Smith (Westmorland) |
| Staples | Stephenson |
| Thompson (Cariboo) | Tilley |
| Tobin | Tourangeau |
| Tupper | Wallace (Albert) |
| Wallace (Norfolk) | Webb |
| White (Hastings East) | Witton |
| Wright (Ottawa County)—101 | |

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The result was received with loud cheers from the Ministerial benches.

The original motion was carried on the same division.

Hon. Mr. CAMERON (Cardwell) said that on the 7th of May the Pacific Railway Enquiry Committee had submitted a report, a motion to adopt which he had already given notice of. There were at first two propositions in the report, the first of which was the proceedings be secret. This had been rescinded. The second was that during the enquiry the proceedings should be open to the public. This proposition, if carried, would interfere with the inherent right which was vested in them. With reference to the examination of witnesses, it was impossible to say at what period it would be necessary not only that the witnesses, but the general public should be excluded. This motion would disarm them of all power even to exclude strangers. It might be of the utmost importance, not only to the accuser, but to the accused, that the proceedings should be private, but if the proposition passed they would no longer have the power.

Hon. Sir JOHN A. MACDONALD said it would be much better that this proposition should be allowed to pass, or such a proposition would be construed into a desire to hide matters. He should therefore, vote for the report as it stands.

After remarks from Hon. Mr. Wood,

Hon. Mr. DORION (Napierville) said he believed that no inconvenience could result from it.

Hon. Mr. CAMERON's motion was then carried.

* * *

SHIPPING ACT (PLIMSOLL BILL)

Hon. Mr. McDONALD (Antigonish) with the concurrence of the House, inquired whether it is the intention of the Government to remonstrate with the Imperial Government against the passage of the Bill known as the Plimsoll Bill, now before Parliament, in relation to restrictions on shipping; whether they intend to remonstrate against general legislation relating to British shipping by the Imperial Parliament including in future within its operation Canadian shipping, as the Canadian Parliament have legislated and should in future be prepared to legislate, in relation to Canadian shipping, in accordance with the requirements of that interest; also whether the proposed legislation of the Imperial Parliament will place foreign shipping on a more favourable footing than that of Canada, and whether in practical effect will be to place Canadian shipping at any disadvantage as compared with the home shipping of the United Kingdom.

Hon. Mr. MITCHELL replied that the Government had remonstrated against the extension of the provisions of Plimsoll's Bill, as it stands, to Canadian shipping, and had also suggested that the Canadian Parliament should have the privilege of legislating for

Canadian shipping in accordance with the requirements of that interest.

With regard to the last question, he said it might put the Canadian shipping at some disadvantage under the present circumstances, but this Government would, no doubt, also see that this was remedied.

* * *

NEW BRUNSWICK SCHOOL LAW

Mr. COSTIGAN before the orders of the day were called, desired to ask of the Government whether they had taken any steps to give effect to the resolution passed by the House on Wednesday last.

Hon. Sir JOHN A. MACDONALD replied that the resolution of the House had been submitted by the Government to His Excellency.

* * *

NORTHERN COLONIZATION RAILWAY

Mr. BEAUBIEN rose to give an explanation in reference to a statement by the hon. member for Châteauguay (Hon. Mr. Holton) in reference to the Northern Colonization Railway and Sir Hugh Allan, and which that hon. gentleman had called upon him to hear out.

Hon. Mr. HOLTON rose to a question of order. The hon. gentleman could not make that statement now unless liberty was also given to him (Hon. Mr. Holton) to reply. Besides, the hon. gentleman could not make his statement now without referring, contrary to the rule of Parliament, to a previous debate. If he waited till this question came before the House in another form, he would have to have a full opportunity of making his statement without violating any rules.

The SPEAKER decided that the hon. gentleman was out of order.

Mr. MASSON moved the adjournment of the debate. He did so, as he thought it was but just that a statement having been made which was calculated to do an injury to an important Company, the earliest possible opportunity should be given to contradict it.

Mr. BEAUBIEN simply wanted to make the statement that Sir Hugh Allan had not abandoned the enterprise in any way whatever.

The motion was then withdrawn, and the matter dropped.

* * *

GOVERNMENT BUSINESS

Hon. Sir JOHN A. MACDONALD moved that after half past seven on Monday the Government orders be taken.

Mr. YOUNG (Waterloo South) reminded him of the report of the Printing Committee, which involved an expenditure of \$30,000, which would in all probability come up on Monday, and was likely to create some discussion. If it were stopped at half-past seven, very likely there would be no opportunity of bringing it up again until the last day of the session.

After some further remarks by Hon. Mr. Mackenzie, **Hon. Sir JOHN A. MACDONALD** amended his motion to effect that the report of the Printing Committee be considered a Government order at 7.20 p.m.

* * *

CONCURRENCE

On motion of **Hon. Mr. TILLEY** the House proceeded to concur in the estimates on the item of \$18,000 for the purchase of a quarry for the Quebec Penitentiary, which it was argued was too large a sum.

Hon. Sir JOHN A. MACDONALD read a memorandum from the Commissioners, showing that the property had been valued at \$25,000, but the Commissioners had considered this too much and had recommended the payment of \$18,000.

After some further remarks the item was adopted.

The following items were adopted:—

| | |
|--|--------------|
| Construction of light houses, fog trumpets, et cetera | \$120,000 |
| Salaries, allowance, et cetera, expenses of maintenance, et cetera | \$349,451.50 |
| Trinity House, Quebec | \$7,995 |
| Trinity House, Montreal | \$5,903 |
| Removal of wreck of bark <i>Chryseis</i> at St. Jean Port Joli, Quebec | \$1,600 |
| Sable and Seal Island Humane Establishments | \$8,000 |
| Cape Race light | \$300 |
| On item for salaries and disbursements of fishery overseers and wardens in Ontario | \$7,400 |
| Quebec | \$8,000 |
| Nova Scotia | \$9,755 |
| New Brunswick | \$7,080 |

Hon. Mr. MACKENZIE moved that the items should be referred back to the House with the opinion of this Committee that it is advisable that the same system for the freedom and protection of fish as exists in Nova Scotia be extended to the other provinces.

Hon. Mr. MITCHELL said this system had been in vogue in Ontario and Quebec and under it the people complained of the depletion of fish. Within the last six years the law now in existence had been introduced and as he was glad to find with very good results, as the fish were now beginning again to fill the rivers.

Hon. Mr. HOLTON asked if this law had worked altogether satisfactorily in Nova Scotia.

Hon. Mr. MITCHELL opposed the motion on the ground that the system presently in operation in Ontario and had been long in force and was acceptable to the people of that Province. (*Cries of "No, no"*.) Moreover, he considered it a good system, and thought that of Nova Scotia was bad.

He was still speaking when, it being six o'clock, the House rose for recess.

AFTER RECESS

MESSAGE FROM THE SENATE

The SPEAKER announced that he had received from the Senate the following bills to which they had assented:—

An Act to incorporate the Canada Cable Company;

To incorporate the Dominion Express Company;

Also, a bill to regulate weights and measures.

They had also agreed to the amendments to the Acts of incorporation for the Beaver and Toronto Mutual Insurance Company.

* * *

INSURANCE COMPANY OF CANADA

On the motion of **Mr. RYAN**, the amendment made by the Senate to the Bill to incorporate the Insurance Company of Canada was read a second time and concurred in.

* * *

CONCURRENCE

The discussion of **Hon. Mr. MACKENZIE's** motion with regard to the Fisheries of Ontario was resumed.

Hon. Mr. MITCHELL said he hoped in the course of the next session to be able to submit to Parliament a law which would assimilate the fisheries laws of all the Provinces in a manner that would be satisfactory to his hon. friend.

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Hon. Mr. MACKENZIE said the statement of his hon. friend was satisfactory. He only asked that the same freedom and protection should be afforded to all the other Provinces as were afforded in Nova Scotia. If this was the determination of the Government he could not understand why there should be any objection to his motion.

The consideration of this subject was postponed.

The Indian grants, et cetera, \$801.13 were concurred in.

The item of \$1,200 for postage of the *Canada Gazette* was, on motion of **Hon. Mr. TILLEY**, reduced to \$400.

The item of \$723,236 for Miscellaneous Expenses was then concurred in, as also were the items of \$602,237 for collection of Customs Revenue; Collection of Inland Revenue, \$218,300; Collection of Culling Timber Revenue, \$78,000; Collection of Public Works Revenues, \$20,698.45.

On item of \$25,000 for surveys in Manitoba,

Hon. Mr. TILLEY said, in answer to Hon. Mr. Mackenzie, that the cost of the surveys was six or seven cents per acre. He would furnish the hon. gentleman with the papers respecting this survey tomorrow.

Upon item of \$168,147, salaries and contingent expenses of ports in the Province of Quebec,

Hon. Mr. HOLTON asked whether any complaints of irregularities had been made as to the administration of Customs, to wit, the port of Montreal. If so, what was the result of the enquiry into these complaints?

Hon. Mr. TUPPER said that since his accession to office no complaints had come before him. He, however, would make enquiry, and lay the results before the House.

The items under the head of Collection of Revenue were also passed.

Hon. Mr. MACKENZIE said, with regard to the fisheries question, that after the explanation of the hon. Minister of Marine and Fisheries he would not press his amendment, as he had obtained the expression of opinion from the Government that he had no doubt the House would have given if he had pressed his amendment.

Mr. FOURNIER was opposed to the license system, which was oppressive to the fishermen and did not protect the streams. He accused the officers of the Marine and Fisheries Department of having used the powers of the Department for political purposes, and instanced the case of one Charbonneau, who had been severely punished for an alleged infringement of the law, whilst another person had violated the law with impunity because he was a Government supporter.

Mr. ROSS (Prince Edward) was in favour of the assimilation of the laws of the whole Dominion.

Hon. Mr. MITCHELL denied that the Department had used any of its powers in the manner stated. Charbonneau had fished during the close season, and was brought to task for it by the overseer of the district.

Mr. ROSS (Prince Edward) said the Deputy of Marine and Fisheries went to his county, and went round to several of the fishermen. He called upon them but what for he could not tell precisely. He had also documents in his possession from members of the Government that would astonish the House if he were to produce them.

Hon. Mr. ANGLIN said he knew the Minister of Marine and Fisheries had used the influence of his office for political purposes. He used them against him (Hon. Mr. Anglin) on the occasion of his first election, and on his second election the Minister of Marine and Fisheries had again used his influence against him.

Hon. Mr. MITCHELL denied that either he or any of the officials had used their influence for political purposes.

Hon. Mr. ANGLIN stated he had proof of his assertion.

* * *

SUPPLEMENTARY ESTIMATES

The following items in the Supplementary Estimates were concurred in:

| | |
|--------------------------------------|----------|
| Police | \$11,000 |
| Legislation | \$45,000 |
| Arts, Agriculture and Statistical | \$2,000 |
| Public Works and Buildings | \$84,000 |
| Ocean and River Steam Packet Service | \$5,000 |
| Penitentiaries | \$49,910 |
| Lighthouses and Coast Service | \$18,500 |

Supplementary estimates for the present year were taken up.

On item \$46,000, Red River road,

Hon. Mr. LANGEVIN in answer to Hon. Mr. Mackenzie, said the cost of the road together with the working expenses, was \$800,000, the working expense were \$200,000, leaving \$600,000 for the cost of the road.

On the item \$10,000 for collection of Customs,

Hon. Mr. ANGLIN complained of the serious mismanagement of St. John, New Brunswick Customhouse. There had, he stated been gross and culpable neglect, which had resulted in the loss of \$30,000 to the revenue. No attempt had been made to recover this

sum from the sureties of the collector, it being regarded as so much absolutely lost to the revenue. The hon. gentleman was proceeding with his observations when he was interrupted by a variety of discordant and deafening noises from the Government side of the House. He appealed to the House to listen to him patiently. The interruption being continued,

Hon. Mr. MACKENZIE appealed to the Speaker to preserve order. These noises were becoming a disgrace to the House. The hon. gentlemen on that side of the House, night after night, were interrupted in the most untimely manner and turned the House into a perfect beer garden. If the Speaker could not preserve order it was requisite that some other means should be adopted to assist him in preserving it. Such proceedings were disgraceful and should not be allowed to continue.

The SPEAKER said the House had to judge for itself in such matters, and he was unable to wholly control the House. Under such circumstances the House had a right to express its impatience in any way it chose. This was a perfectly parliamentary proceeding and a recognized means of expressing the opinions of the House, its satisfaction or dissatisfaction. Of course he might exercise his power to restore order, but if the House choose to evince their dissatisfaction on the matter described, he had no power over it.

Hon. Mr. MACKENZIE said a difference of opinion prevailed in his mind, and he would not submit to the Chair or the House when he believed it was contrary to law. He maintained it was not in accordance with Parliamentary practice, and he declined to submit to the statement that such conduct was Parliamentary.

Hon. Mr. TUPPER said he had never tried to interrupt the hon. gentlemen when speaking as long and as frequently as they pleased. At the same time he was bound to say that no gentleman who had ever attended the deliberations of the highest and most exalted Parliament in the world, the House of Commons of England, could fail to appreciate the force of the statement of the Speaker. There was nothing more distinctly recognized than the power of the House to prevent discussion growing tedious. It was an unquestionable fact that men of moral ability in the Imperial House of Commons were deprived frequently of the opportunity of speaking.

Hon. Mr. DORION (Napierville) asked if the House was invited by the Speaker to continue those disturbances.

The SPEAKER: Invited the House?

Hon. Mr. DORION (Napierville) said he understood his remarks to be an invitation to continue those signs of impatience, and those who listened to the same remarks could not have understood them in any other sense. He thought there was no precedent for the remarks uttered by the Speaker a moment previously. No such precedent had occurred in the House of Commons of England.

The eighth rule of the House said that the Speaker was to preserve order and decorum; and if he was to preserve order and decorum, were gentlemen at liberty, contrary to the direction of the Speaker, to make those noises and drown the voices of the speakers? The remarks were in reference to the loss of \$30,000 to the revenue, and it was the first time it had been brought to the notice of the House. The hon. gentleman had only spoken a short time, when his voice was drowned by the noises created on the other side of the House. If hon. gentlemen did not desire to hear the explanation they might go and kick their heels in the lobby. He held that such interruptions were not Parliamentary, and that it was the duty of the Speaker to prevent them occurring.

The SPEAKER said it was exceedingly unfortunate that hon. gentlemen should come and look only to their own side of the House. He had so thought when he spoke of anything that took place either on one side or the other. The hon. gentleman did not know that those noises came from behind him or not, as much as from the other side. (*Cries of no, no, and yes.*) What he desired to say to the House was that the House had a power of its own, which, in a great measure, was beyond the control of the Chair. He would always do his duty to maintain order, but there were occasions when it rested in a great measure with a member himself whether he got a fair hearing or not, and there were occasions when the Chair could not interfere to help him. Hon. gentlemen should bear in mind that if they trespass as long upon the patience of the House they must expect to meet with tokens of dissent.

As to the particular mode of showing that dissent he expressed no opinion. The hon. gentleman had spoken of slamming of desks. He (**The Speaker**) could not say that that was a Parliamentary mode of expressing dissent, but there were other modes of dissent which were beyond the control of the chair. With reference to this occasion he had tried to obtain a hearing for the hon. gentleman; but to say that he was responsible for obtaining order at all time, whether the speaker made himself acceptable to the House or not was to expect what was almost impossible.

The hon. member for Napierville, stated that he invited this mode of interruption. He hoped the hon. gentleman would withdraw that statement, when he assured him that he had not thought of doing anything of the kind. It was not with the view of encouraging these noises that he made his remarks, but with the view of answering what he felt to be an unjust attack upon the Chair by the member for Lambton who undertook to lecture the Chair for not exercising a power which he did not possess.

Hon. Mr. DORION (Napierville) said after the remarks of the Speaker he would most cheerfully withdraw the statement he had made.

Hon. Mr. ANGLIN tried to continue his remarks, but was at once met with noises from the Government side which drowned his voice.

The SPEAKER: I would ask the House to allow me to call it to order. I hope it will give the hon. gentleman a fair hearing.

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Hon. Mr. ANGLIN then continued, and gave a detailed statement of the facts of the case of fraud on the revenue.

Hon. Mr. TILLEY stated that he had had pleasure in laying on the table the correspondence on this subject at the request of the member for Gloucester (Hon. Mr. Anglin). The subject was afterwards remitted to the Public Accounts Committee, yet strange to say the member for Gloucester had not brought it forward. He explained that four Custom House officers at St. John, had been discharged, enquiry having been made into the facts of the case. Those officers, however, had been looked upon as among the most efficient officers in the service, but there was undoubtedly a peculiar combination of circumstances and neglect resting on each of those officers, otherwise the irregularities could not have occurred. The loss to the Dominion would not amount to more than from \$12,000 to \$13,000, and no one had been released from his security.

This item with others were then concurred in.

Hon. Mr. MACKENZIE took exception to the grant for the pier at Digby, which was nothing more nor less than a wharf within a harbour, and he considered this a most unwise use of the funds of the Dominion.

After some further discussion on this point,

Hon. Mr. MACKENZIE called attention to the difference of the conduct of the Government with reference to harbours in constituencies represented by their supporters and those of their opponents. He pointed out the difference with which Port Hope and Cobourg, one represented by a supporter of the Ministry and the other by a supporter of the Opposition, were treated. The hon. member for Grey North (Mr. Snider), last Saturday night, in a very forcible speech, referred to a very curious transaction in the Georgian Bay; but there was also the harbour of Owen Sound, which had had much money spent on it by the local authorities, receiving no assistance from the Government.

Referring to the tables of trade and navigation he found that there were three steam vessels entered that harbour last year (*laughter*), there were also five foreign vessels entered that port, and of these it appeared from these returns four were still there, as only one was entered as going out (*laughter*). He wished really to know what the Government intended to do as regards the harbours of Port Hope and Cobourg. Surely the Government had some policy in this, and of course they would explain it. If not, this House must take for granted that this was a policy of grab all round.

Hon. Mr. LANGEVIN said with reference to the harbour of Cobourg, it had been represented to the Government that that harbour was not of a character sufficient to meet the necessities of its trade that being a harbour of refuge; and the local authorities having agreed to increase the accommodation to meet the requirements of their own trade, it was agreed that the local authorities should pay one half the expenses and the Federal Government the other half.

Hon. Mr. MACKENZIE asked if we were to understand the hon. gentleman to say that Cobourg harbour was superior to that of Port Hope as a harbour of refuge?

Hon. Mr. LANGEVIN said he did mean to say no.

Hon. Mr. MACKENZIE asked if he made that statement on the authority of any report?

Hon. Mr. LANGEVIN said he made the statement on the authority of a report by Mr. Keefer.

Hon. Mr. MACKENZIE asked if the hon. gentleman would bring down the report tomorrow.

Hon. Mr. LANGEVIN said he would.

Hon. Mr. YOUNG (Montreal West) contended that the public money of the Dominion should only be expended for the great public interest. If it was to be spent for local purposes there could be no end to it. The only safe principle was to apply the revenue only for objects of general interest. He instanced dredging in the harbour of Sydney as a local work.

Hon. Mr. Le VESCONTE said Sydney was one of the great harbours of the Dominion; and was entitled to be improved at the expense of the Dominion Government.

Mr. ROSS (Victoria) said Sydney harbour did not need any dredging. The Great Eastern could float in.

Mr. ROSS (Prince Edward) pointed out with reference to the harbours on Lake Ontario that those places where the Government were supported got a grant for their harbours, while those that opposed the Government got nothing. Pictou and Port Hope got nothing, though they were both important harbours, while Cobourg and Kingston got large grants.

Mr. WHITE (Hastings East) said he had supported the Government, and he could not say that his county got any favours.

On item of \$62,500,

Hon. Mr. MACKENZIE asked how it was that the Collingwood line got \$12,500, while this line got only half that sum.

Hon. Mr. TILLEY said Hon. Mr. Tupper, who represented the Postmaster-General, was absent, but he thought the contract with the Collingwood Line was for three years, and that the amount was required under the contracts.

Hon. Mr. MACKENZIE said what he recommended was that the mail service should be given by tender, and that the largest tender should get the subsidy; but if each line was to be subsidized irrespective of tender, the one was entitled to as much as the others.

The item was concurred in.

On the item of \$500,000 for the Canadian Pacific Railway survey for 1873 and 1874,

Hon. Mr. MACKENZIE objected to this vote because the Company were obliged by their charter to pay the expenses of the survey from the 1st of January 1874 while this was a vote to carry on the survey from the 1st of July 1873. They had time enough to complete their arrangements, so as to be able to spend their own money for this survey. The Company was a mere stock jobbing concern, composed of men who paid no money into the hands of the Receiver-General. No attempt had been made by the Company to raise capital to enable them to commence the work by the 20th of July next; but the Company was merely organized for the purpose of endeavouring to make a large stock-jobbing operation in Canada, and the real work of constructing the road would be delegated to other parties. They had abundant evidence of that.

The Government were bound to ask the sanction of Parliament to the land clause of the charter, but they had not done so. The natural inference was that the Government purposely delayed asking that sanction till they ascertained whether the Company would be successful in England or not. If they were not successful, even the stock-jobbing operation was at an end, and there was no need of the sanction of the House to this clause. Now they were at the last days of the session, and instead of bringing in a measure to sanction this clause, the Government asked a vote of half a million, most ostensibly as an advance to the Company, but really because they had no faith but the Company will be able to find the funds necessary to carry on this work. The whole arrangement with the Company was a scandal from the beginning to end. He moved that this item be struck out.

Hon. Mr. TILLEY recollected that about September or October last, a very able article had appeared in the *Globe*, favouring the construction of the road with the utmost speed. This article had been received in British Columbia as an evidence of the conclusion of the building of the road at a very early day. The hon. member for Lambton (Hon. Mr. Mackenzie) took direct opposition to the policy of the Government. He had said he was an earnest supporter of the Pacific Railway. There had not been one item brought forward since that he had not opposed. It had been said that the Government had been working in the interest of the Northern Pacific Railway.

It would be found by looking at the Act of incorporation that every step had been taken to prevent the Canadian Pacific Railway going into the hands of the Northern Pacific Railway. The most zealous advocates of the Northern Pacific could not have tried any object more likely to prevent the construction of the Canadian Pacific than the hon. gentleman opposite had by their line of policy done. He showed that whether the Allan Company succeeded or not, no loss would accrue to the Dominion by having the surveys completed, because the information would have to be obtained, since the line would have to be constructed under the terms of Agreement with British Columbia.

Hon. Mr. MACKENZIE said the hon. gentleman had insinuated that he was connected with the Northern Pacific Railway. If the hon. gentleman repeated that insinuation he would produce evidence to show who was connected with the Northern Pacific. He defied the hon. gentleman to point to a single syllable he had uttered opposed to the Pacific Railway. He had opposed the agreement with British Columbia to build the road within ten years, but he never opposed the Railway.

Hon. Mr. WOOD said the hon. gentleman had endeavoured to justify this vote, but in his opinion he had most miserably failed. Asking for their vote was an admission, and he wished the country to know it, that this was a sham Company and that not one dollar had been paid on these ten per cent receipts, and that the whole matter depended on the success of the Company in the English market. For the sake of the gentlemen whose names were on the list of shareholders and their credit in the English market, they should have at least deposited some thousand dollars to enable them to go on with their work and not be dependent on a subsidy from the Government.

He felt himself in an awkward position. He was opposed to this grant *in toto* if it were to enable the Company—this sham company—to proceed with the work which they had stipulated to do on their own responsibility; but if it was an admission, and he called upon the hon. Minister of Finance (Hon. Mr. Tilley) to make a statement one way or the other, that Sir Hugh Allan and his associates had entirely failed in their mission to London, he could hardly help voting for it, only he wished the country to know the grounds upon which he did so, and the whole truth in regard to the matter.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman had some time ago expressed an opinion that this road should be built by the Government of the country and not by a private company. If it were true as that hon. gentleman had stated that Sir Hugh Allan had failed in London, and that the Company would not build this road, he could not well oppose the vote for this survey, for of course if the Government had to build the road they must also survey it.

Hon. Mr. WOOD: I said so.

Hon. Sir JOHN A. MACDONALD said this was disposed of then, so far as the hon. member for Durham West was concerned. He would now go back to a statement of the hon. member for Lambton, who had said he had always been in favour of building the Pacific Railway. He did not know about that hon. gentleman's speeches, but he would look at his votes. There was not a single amendment moved to the scheme of the Government, or one which was likely to throw an obstruction in their way, which he had not voted for, and there was always standing in the way of a union with British Columbia. British Columbia would not have come into the union but for this railway, and they would have been great fools if they had.

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Hon. Mr. MACKENZIE said he opposed the terms of the British Columbia Legislature.

Hon. Sir JOHN A. MACDONALD quoted the vote of the hon. member for Lambton on amendments proposed to the motion of Sir George-É. Cartier by himself (Hon. Mr. Mackenzie), Mr. Jones (Halifax), and Mr. Ross (Dundas) and asked if that was not opposition to the Pacific Railway.

Hon. Mr. MACKENZIE said he expected the hon. gentleman would have actually managed to make a better case and to bring up some utterance that might be construed to mean opposition to the Pacific Railway. He reminded the hon. gentleman that the amendment which was considered most in opposition to the schemes of the Government was moved by a gentleman supporting the Government, and he quoted from the vote on that occasion to show that about twenty Government supporters voted for that amendment. He defied the hon. gentleman to put his finger upon a single utterance of his which indicated hostility to the Pacific Railway. The hon. gentleman did not expect him to favour the plans put forward by him (Hon. Sir John A. Macdonald). His plan had never been anything but an abortion, and could inspire but small confidence. (*Cheers.*)

Hon. Sir JOHN A. MACDONALD said he had got the hon. member for Lambton in a trap. That hon. member voted for the amendment of Hon. Mr. Dorion, which declares it inexpedient to proceed with such a vast work as proposed with so many canals and public works going on.

Mr. YOUNG (Waterloo South) said it was marvellous that the delegates had obtained such terms. Their Governor expressed himself amazed at the terms they got. He said it did appear that it had been determined by the Government to surround themselves by a ring of railway speculators sitting in Parliament to keep them in power. This side of the House had never objected to the Pacific Railway, but others did object and still objected to the course that had been presented, which, he contended, was one which was calculated to hinder the progress of the construction of that line. He contended they had broken faith with Parliament and the country in regard to the Charter, and, under pretence of endeavouring to act more freely than they could under the pressure of two charters, they had betrayed the country in order to secure this charter for their friends. It was no wonder that their conduct should inspire doubt and misapprehension in the minds of the people of England, or that the scheme should have failed in the English market, as he saw by a telegram in a paper this evening it had done.

Mr. RYAN: What paper?

Hon. Mr. MACKENZIE: The paper. (*Laughter and cheers.*)

Mr. YOUNG (Waterloo South) said the hon. gentleman asked what paper. He would inform him in reply that it was *The Globe*. (*Loud cheers.*)

Hon. Sir FRANCIS HINCKS: The foul, lying *Globe*. (*Laughter and great cheering.*) The person who sent these telegrams has been hired to go and send false and lying telegrams. (*Oh, oh! Laughter and cheers.*)

Mr. YOUNG (Waterloo South) said a few years ago that gentleman was considered worthy of the confidence of gentlemen opposite. He proceeded to say that the course taken by the Government was calculated to delay the construction of the Pacific Railway. The Company formed was a bogus company—it existed only on paper and it could not be expected to succeed. The country had no guarantee that the road would be built, or that it would be run if it was built. Knowing the character of the scheme from the beginning to the end, he believed the best interests of the country would be promoted if Sir Hugh Allan did fail in getting the necessary capital to carry out his scheme.

Hon. Sir JOHN A. MACDONALD: Why?

Mr. YOUNG (Waterloo South) said because he believed that this Company was a mere sham company.

Hon. Sir JOHN A. MACDONALD: It would not be a sham company if they raised the money.

Mr. YOUNG (Waterloo South) said the country would have no guarantee that the road would be built, or run if built; and there was another point. If the Company, holding, as it did such close relations with the Government, borrowed money from the people of England and the road failed to pay a reasonable dividend, the credit of this country in England would be ruined; therefore he repeated he believed it would be in the interest of the country if Sir Hugh Allan did fail, and the plan advocated by the Opposition were resorted to.

Mr. TROW said the subject was one worthy of the consideration of the House. It was questionable whether further aid should be given. He thought the experiences of the Grand Trunk should be taken advantage of as to portions of the line which it would be impossible to use during winter.

Hon. Mr. MACKENZIE'S amendment was lost on division.

Hon. Mr. WOOD then moved that the said resolution be referred back to the Committee of the Whole to be amended by the following words “provided always that the said money be taken out of the \$1,000,000 deposited with the Receiver-General and under the control of Parliament.”

Hon. Mr. WOOD'S amendment was then put—Yeas 39; Nays 67.

YEAS

Messrs.

Anglin
Bain
Buell
Casgrain

Archibald
Bowman
Casey
Delorme

De Saint-George
Findlay
Fleming
Gillies
Higinbotham
Horton
Macdonald (Glengarry)
Mercier
Oliver
Pelletier
Ross (Middlesex West)
Ross (Wellington Centre)
Smith (Peel)
Thompson (Haldimand)
Wilkes
Young (Waterloo South)—39

Edgar
Fiset
Fournier
Harvey
Holton
Landerkin
Mackenzie
Mills
Paterson
Richard (Mégantic)
Ross (Prince Edward)
Scatcherd
Taschereau
White (Halton)
Young (Montreal West)

NAYS

Messrs.

Baker
Benoit
Bowell
Cameron (Cardwell)
Carling
Carter
Chisholm
Costigan
Cunningham
Dewdney
Duguay
Fortin
Gendron
Glass
Hincks (Sir Francis)
Killam
Lacerte
Langlois
Macdonald (Sir John A.)
Mackay
Mathieu
Mitchell
Morrison
Nelson
Pickard
Robillard
Robitaille
Ryan
Scriver
Staples
Thompson (Cariboo)
Tourangeau
Wallace (Norfolk South)
Witton—67

Bellerose
Blanchet
Burpee (St. John)
Campbell
Caron
Chipman
Coffin
Crawford
Cutler
Dormer
Forbes
Gaudet
Gibbs (Ontario South)
Harwood
Keeler
Kirkpatrick
Langevin
Lantier
McDonald (Cape Breton)
Masson
McAdam
Moffatt
Nathan
O'Reilly
Pope
Robinson
Ross (Champlain)
Savary
Smith (Selkirk)
Stephenson
Tilley
Tupper
White (Hastings East)

Mr. ROSS (Durham East) paired with Mr. Currier; Hon. Mr. Wood with Mr. O'Connor and Mr. Trow with Mr. Daly.

On item \$6,142 to pay for stone illegally seized on the York Roads,

Mr. OLIVER moved that the said resolution be amended by the words "provided that the consent of the Government of Quebec and Ontario to such payment be first obtained."

On division there were Yeas 37; nays 59

YEAS

Messrs.

Anglin
Bain
Buell
Delorme
Edgar
Fiset
Fournier
Harvey
Holton
Landerkin
Mackenzie
Mills
Paterson
Richard (Mégantic)
Ross (Prince Edward)
Scatcherd
Taschereau
White (Halton)
Young (Montreal West)

Archibald
Bowman
Casey
De Saint-George
Findlay
Fleming
Gillies
Higinbotham
Horton
Macdonald (Glengarry)
Mercier
Oliver
Pelletier
Ross (Middlesex West)

Smith (Peel)
Thompson (Haldimand)
Wilkes
Young (Waterloo South)—37

NAYS

Messrs.

Baker
Benoit
Bowell
Campbell
Caron
Chipman
Coffin
Crawford
Dormer
Forbes
Gendron
Glass
Hincks (Sir Francis)
Killam
Langevin
Macdonald (Sir John A.)
Mackay
Mathieu
Mitchell
Morrison
Nelson
Pope
Robinson
Ross (Champlain)
Savary
Staples
Thompson (Cariboo)
Tourangeau
Wallace (Norfolk South)
Witton—59

Bellerose
Blanchet
Burpee (St. John)
Carling
Carter
Chisholm
Costigan
Dewdney
Duguay
Gaudet
Gibbs (Ontario South)
Harwood
Keeler
Lacerte
Lantier
McDonald (Cape Breton)
Masson
McAdam
Moffatt
Nathan
O'Reilly
Robillard
Robitaille
Ryan
Smith (Selkirk)
Stephenson
Tilley
Tupper
White (Hastings East)

Hon. Mr. HOLTON moved as an amendment "provided the road seizure shall be declared to be illegal by any competent Court of Jurisdiction."

The amendment was lost on the same division.

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THIRD READINGS

The House then went into Committee on the Bill respecting the shipping of seamen. The Bill was reported with amendments which were read a second time, and the Bill was read a third time and carried.

The House then went into Committee on the Bill to amend the Act respecting the militia and defence of the Dominion of Canada. The Committee rose and reported the Bill with amendments, which were adopted.

The bill was read a third time and passed.

* * *

QUEBEC HARBOUR TRUST

The House went into Committee to consider certain resolutions providing for the lease of 5 per cent Dominion debentures to the amount of \$1,200,000 for the relief of the Quebec Harbour Trust.

The resolutions were reported and read a first time.

NOTICE OF MOTION

Mr. WEBB—On Monday next—Address to His Excellency the Governor General for copies of all correspondence with the Department of Militia and Defence and any Volunteer Militia officer or officers respecting the causes which led to the removal of Sergeant A.E. Shaw, of the 54th Battalion of Volunteer Militia, from the Wimbledon team sent last year to England, after the said Shaw had fairly won his place therein, had been duly notified thereof, and had made all the necessary arrangements to accompany the said team to England, and why another was substituted in his place who was not in any way entitled to the same.

Hon. Mr. MACKENZIE:—Order of the House for copy of Mr. Murdock's report of the survey of the railway route from Thunder Bay to Fort Garry.

The House adjourned at 1.35 a.m.

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HOUSE OF COMMONS

Saturday, May 17, 1873

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

Prayers

PRINTING

Hon. Mr. BLANCHET moved the adoption of the report of the Joint Committee on Printing.—Carried.

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PRIVATE BILLS

Hon. Mr. McDONALD (Antigonish) moved the adoption of the report of the Committee on Private Bills, recommending an alteration of the rules.—Carried.

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INCREASE OF SALARIES - LIBRARY

After routine,

The Library Committee's report, recommending an increase of salaries was adopted.

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PACIFIC RAILWAY INVESTIGATION COMMITTEE

Hon. Mr. HOLTON desired to call the attention of the House to a matter of some importance. The House had ordered a Committee of investigation into certain matters connected with the Pacific Railway. That Committee had adjourned until the 2nd July. It was empowered to summon witnesses, and to adjourn, not only from time to time, but from place to place. Under the ordinary procedure of the House, committees had no authority to incur any expenditure whatever connected with the summoning of witnesses until those witnesses had appeared. The Committee would undoubtedly require to incur expenses of various kinds and of a contingent nature. It was quite possible that witnesses might decline to travel considerable distance until their travelling expenses were furnished.

It appeared to him, therefore, that it was essentially necessary in some way to place the Chairman in a position to defray the necessary expense of prosecuting the inquiry, whether it was by the vote of the House or by action of Government. It was quite clear

something ought to be done in order to carry out the express will of the House in the matter.

Hon. Sir JOHN A. MACDONALD said he quite agreed with the hon. gentleman, and he suggested that the necessary sums should be advanced by Mr. Speaker from the Contingencies, on the demand of the chairman of the Committee.

The suggestion was agreed to.

* * *

ADMISSION OF PRINCE EDWARD ISLAND

Hon. Mr. TILLEY moved, "That the House will on Monday next resolve itself into a Committee of the Whole to consider certain resolutions with reference to the proposed admission of Prince Edward Island into the Dominion of Canada, and the message of His Excellency the Governor General on that subject."

He said it was pretty well known what was the nature of the proposition made to the Island Government in 1869 under the authority of this House by resolutions authorizing the Government to enter into negotiations and in those negotiations to provide for the purchase of lands owned by absentee proprietors. The Government then undertook on behalf of the Parliament of Canada to give the Island a sum of \$800,000 in lieu of crown lands, to enable the Government of the Island to purchase the lands owned by absentee proprietors. Hon. members generally were aware that the proposition of 1869 varied very little from that made to the other Provinces except in this particular, and also in the fact that the Government undertook to maintain steam communication between the Island and the Dominion.

He would state the changes which had been made in subsequent negotiations. In the proposition of 1869 the Island was to come in with a debt of \$27.77 per head according to populations, and, of course, was to receive eighty cents per head, to be increased every ten years after the taking of the census. One of the changes consisted in increasing the debt to \$50 per head. That was arrived at in this manner. The expenditure on the Intercolonial Railway had not been made in 1869, neither had the money been voted for the Pacific Railway, neither had the canal policy, involving a large expenditure of money, been settled by the Parliament of Canada; neither had the Island constructed any public works of consequence.

Hon. Mr. MACKENZIE: The canal policy had been settled.

Hon. Mr. TILLEY said the extent of it had not been settled. The Commission had been appointed since then, and it was upon that

report that the nature and extent of the canal works were decided upon. Since that date, the Island Government had entered into contracts for the construction of railways nearly 200 miles in length at a cost of \$3,250,000, including the purchase of lands and other matters. These public works would become the property of the Dominion. Some of the railway was under construction, and a portion about ninety miles long would be completed by midsummer.

From the fact that the Dominion Government and Parliament had undertaken the construction of the Intercolonial Railway at a cost of \$20,000,000, that the Pacific Railway was to be built with a contribution on the part of the Dominion of \$30,000,000, that \$20,000,000 or \$25,000,000 was to be expended on canals, that it was contemplated to readjust the debts of the Dominion by assuming the Surplus of Ontario and Quebec and giving sums in proportion to the other Provinces, and that the Island would not have public works constructed after it came into the Dominion at all in proportion to the other Provinces, it was agreed to extend the Island debt to be assumed to \$50 a head. At the negotiations in January last the sum was fixed at \$45 a head. That had been submitted to the people of the Island and the result was that the newly elected Legislature had rejected the terms and authorised another deputation to come to Ottawa, with power to enter into negotiations with the Government for the extension of the amount to \$50.

Hon. Mr. HOLTON: Does that increase extinguish the \$800,000 to be paid for the purchase of the land?

Hon. Mr. TILLEY said no, that still remained. The only other change from the proposition of 1869 was that, as the Island had constructed a building used as a post office and court house, which would be used partly for Dominion purposes, the Government should take that building on paying the Island \$69,000. The Island had also entered into a contract for the construction of a dredge at a cost of \$22,000 and the Dominion took that off their hands, and also undertook to assume a liability of \$2,000 a year, payable to a Company to keep up the telegraphic communication by cable between the Island and the Dominion. These were the changes made in the propositions of 1869, and those in the terms agreed on in January were only to increase the debt from \$45 to \$50 per head, and to undertake to pay the \$2,000 a year for the telegraphic communication. The papers would be printed this afternoon, and would be in the hands of hon. gentlemen a sufficient time to enable them to consider them.

Hon. Mr. ANGLIN asked if the provision for steam communication was in the original arrangement.

Hon. Mr. TILLEY: Yes

Mr. CARTWRIGHT asked if the Crown Lands would become the property of the Dominion.

Hon. Mr. TILLEY said they would be the property of the Island. The Province was in a different position to that of any other Province in the Dominion. What passed to the other Provinces as Crown Lands had, in the case of Prince Edward Island, been sold to parties in England by the Imperial Government, so that they had no Crown Lands, and derived no revenue from such a source for local purposes as every other Province did. These lands being held by absentee proprietors, the only persons living on them were tenants, and this was a very unsatisfactory state of things, and had prevented the Island from taking the position it would otherwise have taken. It was in consequence of this that the Legislature, in 1869, authorised the Government to make arrangements for the admission of the Island including the purchase of the Crown Lands. The Island had since then purchased some small portion, but a very large portion remained in the hands of absentee proprietors. The quantity yet to be purchased was between 400,000 and 500,000 acres.

Hon. Mr. MACKENZIE: It was about 800,000 in 1869.

Hon. Mr. TILLEY said no, the Island altogether with the small Islands adjacent to it had only about a million and a quarter, and there were yet about 400,000 or 500,000 acres which had not been purchased. The construction of the railway required the payment of a larger sum now than in 1869, but the lands would be also more valuable.

Hon. Mr. MACKENZIE asked if the papers contained any statement of the present revenue and expenditure of the Island.

Hon. Mr. TILLEY thought not. The Government had it before them, but it did not enter into the correspondence. They could, however, send it to be printed.

Hon. Mr. MACKENZIE said it was evident that all these financial statements should go with the other papers. Of course they were all very glad at the prospect of the Island joining the Confederation—(*hear, hear*)—and no member of the House, especially amongst those who were the originators of the Confederation project, would be disposed to treat the matter otherwise than in an amicable way. (*Hear, hear.*) Still it was necessary to have the fullest information. The Islanders had very properly manifested a careful survey of their own particular position and interest and while the smaller party might be supposed to have very strong views on that subject more than the stronger party, still it was necessary to have such data as would enable the House to discuss the matter intelligibly.

Hon. Mr. TILLEY said he would have the statement printed at once.

The motion was then carried.

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THE CHICOUTIMI AND CHARLEVOIX ELECTIONS

On the orders of the day having been called,

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Hon. Mr. DORION (Napierville) said it was well known that some time ago, when he brought before the House certain papers relating to the interference of the Minister of Public Works (Hon. Mr. Langevin) in the elections of Chicoutimi and Charlevoix, he gave notice of his intention of bringing this subject before the House at the earliest opportunity afforded him. Considering, however, the advanced state of the session, and believing it would not be acceptable to members to have the matter brought before the House just now, he should take the earliest opportunity to have the matter brought up next session, and have an explicit expression of opinion upon that interference. He had a motion ready, but for the reason already given, he would leave it over till next session.

Mr. TREMBLAY said in reply to the denial made by the Minister of Public Works that he had never sent such letters to Chicoutimi, that he had in his possession now, and would be willing to show to the House, two of the letters complained of, written in the names of the Minister of Public Works and signed with his signature.

Hon. Sir JOHN A. MACDONALD said he could only tell the hon. gentleman, whether it was this year or next year that the matter was brought up, it would be dealt with by the House in a suitable manner.

* * *

NEW BRUNSWICK LUMBER DUTIES

Hon. Sir JOHN A. MACDONALD moved the House into Committee, on the following resolutions:—

1. That by chapter 15, Title 3, of the Revised Statutes of New Brunswick, amended and made permanent by later Acts of the Legislature of that Province, certain duties of export on lumber shipped therefrom are imposed, the proceeds whereof belong to the said Province.

2. That by section 124 of the British North America Act, 1867, it is provided that nothing in that Act shall affect the right of New Brunswick to levy the lumber dues imposed by the said Provincial Act or any Act amending it before or after the Union.

3. That by article XXX of the Treaty of Washington, it is agreed that for the term of years mentioned in article XXXIII, Her Majesty's subjects may carry in British vessels without payment of duty, goods, wares and merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the Great Lakes, and the Rivers connecting the same, to another port of place within the territory of the United States as aforesaid; Provided that a portion of such transportation is made through the Dominion of Canada by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States;—and that, by Article XXXI of the said Treaty, it is declared that Her Britannic Majesty further engages to urge upon the Parliament of

the Dominion of Canada, and the Legislature of New Brunswick that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine, watered by the River Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick, and that in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratification of the said Treaty, it is agreed that the Government of the United States may suspend the right of carrying therein before granted under article XXX of the said Treaty for such period as such export or other duty may be levied.

4. That the privilege granted by article XXX of the said Treaty will be of advantage to Her Majesty's subjects in Canada, and tend to facilitate the commerce of the Dominion with the United States, and that it is therefore desirable that such arrangements should be made with the Province of New Brunswick respecting the said export duty on lumber as will prevent the suspension of the said privilege, and with that view to offer to the said Province such fair indemnity, not exceeding the sum of \$150,000 per annum as would compensate for the present and prospective loss it would sustain by the total repeal of the said export duty and the abandonment of the right to impose any such duty in future, inasmuch as it would be difficult to abolish the said duty on lumber cut on American territory only, without incurring great loss and expense and the risk of possible misunderstanding with citizens and authorities of the United States.

Hon. Sir JOHN A. MACDONALD in moving the resolution said New Brunswick had a right to impose what duties she pleased—that the export duty on lumber was the only one which remained—that it was very inconvenient for any Province to be allowed to levy any duties it pleased, and it had been thought best to reimburse the Province for this export duty and abandon it. This was a good bargain with New Brunswick; it would encourage the lumber trade, and was rendered necessary by the Washington Treaty, the only point of which now remaining to be settled was the value of our fisheries over those of the United States.

As of New Brunswick, the real question was, what was a fair compensation for the advantages of this right of imposing taxation? (*Hear, hear.*) On that point he must ask his hon. friend the Minister of Finance to address the Committee and when he had gone into the merits of the case he had no doubt he would convince the Committee that we were making a good bargain, and that our trade returns with the United States would be improved and encouraged. He would move the first resolution, and call upon the Minister of Finance to enter into the details of the question from an international point of view.

Hon. Mr. TILLEY said it was his intention when moving the resolution respecting the readjustment of the debt to refer to the financial operations of the present year and the prospects of next year. He said this export duty was levied more than twenty or

twenty-five years ago—probably thirty years ago—in the Province of New Brunswick as a means of obtaining a portion of the revenue for the maintenance of the Government of the Province. It was really a duty on all lumber exported from the port of St. John and floated down the river Saint John, no matter whether cut on private property or Crown Lands. A tax was thus involved upon the people of the United States and old Canada, as a large quantity of lumber was cut in Lower Canada and in the United States and floated down the Saint John. The timber out of the State of Maine and floated down the river contributed largely to this local revenue.

Remonstrances were made by the Americans, and the explanation given was that the Government had spent a large sum in improving the navigation of the river, and that it was necessary to improve the bar. By the Reciprocity Treaty of 1854, timber cut on the United States territory was exempted from the duty but at the expiration of that treaty the revenue was again collected, and had been collected since. At the time of Confederation this question came up, and the representatives from New Brunswick took a strong ground, and said: "If you deprive us of that power you must give us an equivalent for it." It was ultimately decided to make an exception with regard to New Brunswick. He explained that, by the condition that lumber cut in the Province of Quebec and floated down the River Saint John should not be subject to the duty, the Province had lost a considerable amount of revenue.

An Act which was subsequently passed also acted injuriously to the Province—namely, that by which American lumber manufactured in the Province of New Brunswick and floated down the Saint John, should go duty free. The practical result of this law was, that three-fourths of the lumber mills on the River Saint John were worked by citizens of the United States. A lumberer had only to certify that certain lumber had been cut upon United States territory in order to be relieved of the duty, and it was known by man that lumber cut in the Province of New Brunswick had been passed duty free in consequence of it having been certified that it had been cut in the State of Maine. In 1853 the amount of these duties collected was \$79,000; in 1854, \$82,644; in 1855, when the Reciprocity Treaty came into operation, it decreased \$65,922; in 1871 the sum collected was \$67,000. The duty at present was only levied on square timber logs, and deals over nine feet in length; it did not apply to scantlings, clapboard, rails, sleepers and other kinds of lumber. He had prepared a statement to show that, if these exceptions were removed, the revenue would be increased by \$72,000, in addition to the \$67,000 collected last year. He showed that the opening up of railway communication was increasing; and that if the New Brunswick Government had power to levy the duty, the revenue would be largely increased.

The proposal was to give New Brunswick \$150,000 a year to recoup her for the loss of revenue, through the United States being exempted from duty and from the loss of revenue on lumber from Quebec, consequent on her union with Canada. These were the grounds on which they had passed an Act authorizing the commission of export duty on lumber shipped through New

Brunswick, and that Act was to come into operation on the proclamation of the Lieutenant-Governor.

Mr. FINDLAY asked how many years it was estimated this quantity of timber would be brought down the Saint John River.

Hon. Mr. TILLEY said that 25 years ago the general opinion was that their lumber would not last long, but it was found that even after lumbermen passed over a section of timber territory, there was a large growth of spruce timber which was valuable for exportation.

Hon. Mr. POPE (Compton) said they had the same experience in Quebec.

Hon. Mr. HOLTON said he understood the basis of the whole transaction was the purchase by the Dominion, rendered necessary by the Washington Treaty, of the right of New Brunswick to impose export duties upon American lumber floated down the Saint John. Now in order to arrive at the money value of this right, they ought to know how much this duty had produced. It was quite aside of the matter to calculate the amount of lumber brought to St. John by railway. He admitted that under the Treaty they must buy out this right from New Brunswick. It might be expedient to give New Brunswick more than the money value of that right, but in the first place they ought to understand exactly what the value of that was which they were compelled to purchase, and then they would be in a position to determine what they should do for New Brunswick upon other and wholly different grounds.

Mr. BURPEE (St. John City and County) said the quantity of lumber floated down the Saint John from American territory was fully equal to the quantity of New Brunswick lumber.

Hon. Mr. TILLEY said he could not state distinctly what the value of the duty on American lumber was, but looking at the reduction in the revenue under the Reciprocity Treaty, he would estimate the amount at about \$200,000. The difficulty, however, in respect to certificates, was such that the abrogation of any portion of the tax must be the relinquishment of the whole.

Hon. Mr. MITCHELL pointed out that unless the abrogation of duty were general and not applicable to the Port of St. John only, it would be resisted by other portions of the Province.

Hon. Mr. HOLTON pointed out that the Reciprocity Treaty did not prohibit the duty upon lumber exported to Great Britain and West Indies, but only on lumber sent to the United States.

Hon. Mr. TILLEY said that would account for the smallness of the reduction in the revenue, but at that time a great deal of square lumber was got out which was sent to the English market, while now the exports were nearly all lumber which was sent to the United States. The point was that it would be impossible for the New Brunswick Government to levy export duty on lumber at all if they had not the right to levy it on all lumber. There would be so

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great an inducement to certify that lumber cut in New Brunswick was from American territory that it would be impossible to prevent large frauds.

Mr. FINDLAY pointed out that it was proposed to pay \$150,000 a year for all time, while the timber supply would in course of time fail.

Hon. Mr. HOLTON said there seemed to be some difficulty in eliciting the precise money value of the right which the Dominion was bound to purchase. It appeared the gross amount of this export duty in 1872, including that which they were bound to buy, and that which they were not bound to buy, but which it might be very expedient to buy, was \$67,000. He ventured to affirm that not one-half of this sum was upon American lumber. The value then of that which they were obliged to purchase he therefore estimated at about \$30,000 per annum, and for this it was proposed to pay \$150,000 for all time, although they were bound to purchase this right for only twelve years.

He (Hon. Mr. Holton) did not think the proposition had been fairly submitted to them. The intention no doubt was to give New Brunswick a considerable increase to her subsidy under the excuse of this purchase of the export duty. (*Hear, hear.*) He was prepared for one to deal fairly with New Brunswick if the question was put upon its proper basis, but it was not put upon its proper basis by the hon. gentleman. The difference between \$30,000 and \$150,000 was \$120,000, which at five per cent was equal to a capital of \$2,400,000. The proposition was therefore to give New Brunswick \$2,400,000.

If the hon. gentleman could show that New Brunswick was entitled to this upon a fair revision of the financial basis of the Union, he was prepared to vote that sum, but the difficulty in which he was placed arose from the impression made upon him by the Finance Minister, who four or five years ago contended that not only had New Brunswick got justice by the original terms of the Union, but was in point of fact better off than any of the other Provinces. He had no doubt the hon. gentleman, with that versatility that distinguished him would be able now to show that there he was entirely wrong.

Hon. Mr. TILLEY said that at the London Conference a very liberal offer had been made by Ontario and Quebec representatives to purchase this right to levy the export duty. This showed that there was an important consideration involved beyond the mere money consideration. It was thought advisable that this right should belong to the Dominion, and not to one Province. He contended that New Brunswick could not give up the right to levy an export duty on American lumber without abolishing the export duty on all timber.

Hon. Sir FRANCIS HINCKS said he believed the Government had made the best arrangement possible, and he had full confidence in the Government. (*Laughter.*) He never knew an occasion on which the Opposition had not opposed the treaty arrangements entered into by the Government.

Hon. Mr. MACKENZIE, after retorting upon the member for Vancouver (Hon. Sir Francis Hincks) for his lecture to the Opposition, said the Government had not brought down any information of the amount of this export duty. He quite admitted the inconvenience to the New Brunswick Government of levying duty on New Brunswick lumber, while American lumber was sent through free, and New Brunswick was entitled to all that she would lose by the operation of the Treaty, but considering all that, he did not think it would amount to more than one half the amount put down in this resolution.

His own impression of the whole situation was this. At the time of Confederation both the Minister of Finance and the Minister of Customs contended that the terms upon which Nova Scotia and New Brunswick entered the Union were fair and equitable to both these Provinces. With reference to Nova Scotia better terms he (Hon. Mr. Mackenzie) thought there was a care made out for a considerable amount and the objection he took to it in the first place, and, indeed, in the last place, was that the amounts should be arrived at by a conference between the parties to the Treaty, and fixed by the Imperial Government. It turned out that in the Province of New Brunswick, although the fact was carefully concealed in making this proposition, the revenue was practically insufficient to meet the local expenditure. Although the proposal came before the House in this form, he assumed it was a statement that they found their local revenue insufficient to meet their wants.

During the discussion of the Nova Scotia question, we heard frequently that the Province of Ontario enjoyed a large surplus revenue, while the old Province of Canada prior to Confederation was in a state bordering upon a deficit, and, indeed, for two years had an actual deficit, and it was supposed that Confederation had, by some unexplained reason, brought a large sum to Ontario in the way of revenue which she did not formerly possess. He pointed out at the time that it was an excessive amount of local taxation and local contribution caused this, and last year, in laying the statement of finance of the Province before its Legislature, of which he was then Treasurer, he was obliged to show the amounts contributed by the Provincial Government for local purposes in detail, and compare them with those contributed by the Legislatures of the various Provinces during the year 1871 for the purposes of education.

The Ontario Government contributed 24 cents per head, Quebec 26 cents, Nova Scotia 42 cents, and New Brunswick 47 cents. In other words the Government of New Brunswick contributed as much for this purpose as the Government of Ontario, or as he might also put it, the people of Ontario levied by local taxation 28 cents more than was levied in New Brunswick for the same object. Then for roads and bridges there was expended by the Government of Ontario four cents per head, and that was for districts where there was no population, principally the Algoma district. In the Province of Quebec, for the same year, the expenditure for this purpose was twelve and a half cents per head, and he might say also chiefly on Colonization roads. In Nova Scotia, for the same year, 55 cents per

head were contributed by the local treasury, and in New Brunswick an equal sum, and this for the maintenance of the ordinary roads of the country. This showed that the western Province had accumulated this surplus by severely taxing themselves for the maintenance of works for which Nova Scotia and New Brunswick paid for largely out of their Provincial funds.

For the purpose of showing further the extent to which municipal taxation was carried he (Hon. Mr. Mackenzie) might give the statement Mr. Langton prepared during the discussion which preceded the passage of the Nova Scotia Relief Bill. This showed that the local Parliaments and the municipal authorities in the four Provinces contributed per head for purely local purposes, in addition to the money received from the Dominion, from which the Dominion subsidy is derived as follows:—Ontario, \$4.01; Quebec, \$2.09; Nova Scotia, \$1.83 $\frac{3}{4}$; New Brunswick, \$1.51 $\frac{1}{2}$.

The amount raised in 1868 by Municipal Councils for local purposes was \$3,151,085. The amount of statute labour in round numbers was one million dollars. The amount contributed for educational purposes from local school rates, and the amount voted from the Municipal special funds, were together equal to \$1,750,704, making an entire taxation for the year 1868 of \$5,251,789 or \$3.23 per head of the whole population. This was a very large amount of taxation for these local purposes. Under the census of 1861, which governed the contribution to the respective Provinces, Ontario received a subsidy of 85 $\frac{1}{4}$ cents per head, Quebec 86 cents, Nova Scotia 98 cents, and New Brunswick \$1.25. These were the figures which referred to the local taxation of the different Provinces. He admitted at once, because it must be admitted, that the smaller Provinces must expend a greater amount per head than the larger Provinces, and he likewise admitted that for New Brunswick, the smallest of the four Provinces, \$1.25 was not more than equal to 85 $\frac{1}{4}$ cents in Ontario.

What was necessary in the present circumstances for the Government to do, or at least what would have been best for them to do, would have been to come down with the exact figures, or as nearly as they could be ascertained, of what we had to pay to New Brunswick to make good the losses that will be suffered by her in connection with the Washington Treaty, and if the terms given to the Province by the Union Act considering the extent of its territory and the number of its population, and if a further subsidy were necessary in order to meet the necessary wants of the Province in such matters as are provided for in the subsidy, then the Government ought to propose a specific sum in the way he and other gentlemen had suggested and voted for in reference to the Nova Scotia transaction.

He (Hon. Mr. Mackenzie) quoted his motion on that occasion, embodying the principle that these increased subsidies should be granted on a duly recognized principle, and which would make them permanent, not at the mercy or the caprice of the Government of the day. That was the principle upon which he had voted last Parliament, and he would much rather prefer that course now. Since that time we had admitted British Columbia and Manitoba into the

Union, and we were now about to admit Prince Edward Island. It would be much more statesmanlike, he thought, to reconsider these terms with a view to such a readjustment as might be satisfactory to all the parties to the contract. As it was, this House assumed that this was really not merely an equivalent to New Brunswick for her loss of the export duties on timber; it was not even contended by the hon. gentleman opposite that it was merely for the ten years Treaty of Washington. Indeed, if we might gather anything from the spirit in which it was viewed at present, we might safely say it would not be renewed. In that case this amount would at once cease to be a debt on the part of the Dominion to New Brunswick.

Of course the result must be foreseen at a glance. New Brunswick would immediately come to the House and require to have the grant continued, alleging, no doubt, that such a large sum of money was not granted in 1873 merely in return for the timber dues, but really because there was not in the Province a sufficient revenue to carry on the Local Government well. If it was explained that, in view of the difficulties surrounding the Government of a small Province, she should receive a larger amount of money to carry on her Local Government, she ought to get it. It would be quite competent for this House tomorrow to take away the amount given to Nova Scotia, and he pointed that out to the Nova Scotian gentlemen in 1869.

This it would not be able to do had they obtained a settlement upon a permanent basis, as he (Hon. Mackenzie) wished them to do at the time, one that would be just to Nova Scotia. The great difficulty he felt in this matter was just on this ground. After six or seven years experience of the working of Confederation, we should be able to open and reconsider the financial arrangements entered into in 1867, and he held that the manner in which the Government proceeded to deal with it was not competent or statesmanlike.

He himself (Hon. Mr. Mackenzie) was disposed to consider the settlement of this question in a most liberal light, and his views upon this question had been most grossly misrepresented by hon. gentlemen opposite, who had an interest in leading these Provinces to believe that he was averse to dealing with them liberally and justly, though at the same time upon constitutional basis. A large majority of the members from these Provinces supported the Government now in power; and it had been studiously represented to them and by them that because he took this fair and liberal view of the question when the Nova Scotia subsidy was before this House, he was simply and purely an enemy of these Provinces, and an opponent of granting them any consideration that was necessary on account of their peculiar circumstances in regard to the Local Government. That was a gross misrepresentation. He merely stated the same objection to the mode of granting, and not the amount granted, as he did on this occasion.

In his position in this House, and as one having some greater responsibility resting upon him than an ordinary private member, he had given some attention to this matter, and he found from statements in the press, and information gathered otherwise, that the cost of the Local Government and the amount of local taxation were

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increasing prodigiously in the Province of New Brunswick during the past year or two. He had no doubt of this fact, that in a very large proportion of the territory of that Province they were not in such a good position to sustain local taxation as in the Province of Ontario, and he was sensible of the fact, too, that it was extremely difficult for that Province to carry out the administration of its local affairs without falling into financial difficulties. He was therefore prepared to give these matters the most liberal consideration which would be consistent with the dignity we owe to our established laws.

The difficulty, as he had stated it already, was that we were asked to make more extensive provision for the Government of that Province than they now enjoy, and that through a false medium. It was quite clear that this export duty formed a comparatively small portion of the amount asked, and the residue was simply what had now come to be known as Better Terms. He was not saying that in this case the amount was more than it ought to be, but simply proposed to discuss some of the proposals made by the Government as to the mode of giving that amount. This he did even at the risk of incurring the wrath of the hon. member for Vancouver (Hon. Sir Francis Hincks).

It was a matter upon which his hon. friend behind him (Hon. Mr. Smith, Westmorland) had taken the same view in 1869, as well as other gentlemen behind him from the same Province.

Hon. Mr. ANGLIN: I did not.

Hon. Mr. MACKENZIE said he believed his hon. friend from Gloucester did not, but he believed that he was sometimes wrong as well as others. (*Laughter.*) He recollected that that hon. gentleman took the ground that the Province of New Brunswick had not been treated fairly, and that he held himself open to make a claim for Better Terms on the first opportunity. He was not getting a chance. (*Hear, hear.*) He (Hon. Mr. Mackenzie) would be prepared to make a liberal concession to New Brunswick, but a large proportion of that grant was made in a manner which it should not be.

He (Hon. Mr. Mackenzie) desired to say a word in reference to what had been said by the hon. Prime Minister in regard to compensation we are to receive. That hon. gentleman was mistaken in saying that Canadian vessels through the Welland Canal could enter American ports, and the privilege so far as it extended was of very little use. He computed this consideration to New Brunswick as equal to two and a half million of capital, as the sum proposed to be paid yearly was equal to the interest on that amount. Of course he admitted that New Brunswick paid her full share of this. He believed the motion was wrong, in so far as it disguised the Better Terms in an attempt to make it appear as compensation for losses.

He (Hon. Mr. Mackenzie) was not, however, disposed to divide the House upon this matter. (*Hear, hear.*) He warned hon. gentlemen that they were committing an error, and that it would lead to evil consequences. They ought to confess and discuss the

inability of the Local Government to sustain itself at once and for all, instead of constantly tampering with the Constitutional Act. They used this matter as a lever by which to unite the New Brunswick members in supporting them, and setting them in opposition to the other and more powerful Province. He need not say how undesirable it was to take such a course, or how certain it was to excite internal jealousies and sectional combinations, such as were formed by the Lower Provinces in the House at the present time, for the purpose of keeping the hon. gentlemen opposite in power, or how certain the greater Province would be if it became united—and it would become united, if hon. gentlemen continued their present policy—to swamp both them and their power in this House. (*Cheers.*) Under the circumstances he would content himself with saying what he thought as proper for the Government to do in reference to this matter.

Hon. Sir FRANCIS HINCKS replied to the remarks of Hon. Mr. Mackenzie with reference to himself and pointed out that the Government of the Dominion could not force New Brunswick to give up this export duty. They had to make arrangements with the Local Government, and he ventured to say they endeavoured to get more favourable terms for the Dominion than they ultimately agreed to.

He pointed out that the Opposition had a great advantage over the Government in the case of a treaty, as the Administration had to deal with another Government.

Referring to Hon. Mr. Mackenzie's statement that he was an Imperial pensioner, he said he did not object to be called by such a term, but the insinuation of the member for Lambton (Hon. Mr. Mackenzie) had been that he (Hon. Sir Francis Hincks) being an imperial pensioner could not act independently in Parliament; he could tell the hon. gentleman that every Imperial pensioner could act quite independently. The hon. member had boasted, as he had often done before, of leading the majority in Ontario; the hon. gentleman had gained this majority, but a small one, by exciting the people of Ontario against the smaller Provinces, and he had himself to blame that the majority of the Maritime Provinces' representatives opposed him.

Hon. Mr. WOOD adverted to the Confederation negotiations and the terms which had been agreed upon by the delegates from all the Provinces, and pointed out that the intention then was that the settlement then agreed to should be final.

It being six o'clock, the House rose.

AFTER RECESS

CONCURRED IN

The amendments by the Senate to the following bills were concurred in:—

An Act to enable James K. Ward to place booms in the channel near Isle St. Ignace in the Richelieu River.

An Act to incorporate the Canadian Metal Importation Company.

* * *

CRIMINAL PROCEDURE

On the motion of **Hon. Sir JOHN A. MACDONALD** the bill from the Senate to amend the laws relating to procedure in criminal cases was read a first time.

* * *

DOMINION DOCK BILL

On Motion of **Mr. CURRIER** the amendments made by the Senate to the bill to incorporate the Dominion Dock Warehousing Company were concurred in.

* * *

NEW BRUNSWICK LUMBER DUTIES

Hon. Mr. TUPPER suggested that the hon. gentleman would consult the convenience of the House if he would have his speech considered as read, and re-print his speech on the Nova Scotia resolutions of which this was a repetition. (*Hear, Hear.*)

Hon. Mr. WOOD denied that he was repeating his former speech, charged the Minister of Customs with wilfully misrepresenting Ontario, and after commenting on that hon. gentleman's personal appearance and alleging that he had never heard him utter a patriotic sentiment, proceeded in an almost empty House to enter into the statistics in detail.

He resumed the debate on the resolutions respecting the New Brunswick export duty on lumber, after being interrupted by Hon. Mr. Tupper.

He maintained that the hon. Minister of Customs had persistently and systematically misrepresented Ontario in his own Province. He said \$20,000 of the \$70,000 collected on these dues was levied upon American timber, and consequently the remaining \$50,000 was collected on their own timber, and therefore it would be a relief to the country to discontinue these dues. They were asked to increase their public debt by \$3,000,000 for the loss to New Brunswick of \$20,000 or \$30,000 per annum. He admitted New Brunswick must have more money. The resolutions proposed the payment of \$150,000 yearly forever, but for that the Dominion might carry goods from one port in the United States to another port in the United States, provided they would unload their cargoes and carry them some portions of the distance over Canadian soil. He

would much rather New Brunswick should keep their own dues, and that the people of the Dominion should endeavour to do without the advantage he had described. He thought there might be established a body of police without great expense or difficulty, to prevent any defrauding of the revenue. He thought it was a great pity the matter had been brought before them as it had. The Constitution was being gradually broken up, and if this went on it would result in the final overthrow of the Confederate system.

Mr. MERRITT pointed out the advantages of that section of the Treaty which permitted the transportation of goods from one American port to another over Canadian territory. He had confidence that this Treaty would be a great boon to the United States, and would be of great benefit to the inland trade of our country.

Mr. PICKARD believed it to be in the interest of the Dominion to give the amount now asked.

Mr. CURRIER did not see why the lumbermen of New Brunswick should not be taxed. The lumbermen of Ontario were, to raise the money required for the Province. On this ground he was opposed to the resolutions.

The resolutions were read a first and second time, and a Bill was introduced on the resolutions which was read a first and second time.

Hon. Mr. HOLTON was very much struck by the proposition of the hon. leader of the Government, namely, that the British North America Act, while it served as a protection against any reduction of the payments to them stipulated for in that, yet it did not restrain that House from increasing to any extent the payments to be made to any or all of the Provinces. He (Hon. Mr. Holton) thought the proposition of the hon. gentleman was fraught with infinite danger to the whole system of this Government. By this means a Government could confer some advantage on one of the Provinces in order to convert an uncertain majority or minority into a majority. He had no doubt that before the measure passed to its formal stage he would have an opportunity of emphasizing his protest against a doctrine which was fraught, as he believed, with a danger to our present system of Government.

Hon. Sir JOHN A. MACDONALD said this was no new doctrine so far as he was concerned. He had taken the same ground when the Nova Scotia resolutions were discussed. He was fixed in that belief, and he was happy to say that he had the support of Her Majesty's Government in that belief. Some hon. gentlemen had said that the better terms should only be granted to Nova Scotia by an Act of the Imperial Parliament, but the Imperial Government had said they could not introduce such a measure into the Imperial Parliament, because it would be an infringement on the constitution and jurisdiction of the Canadian Parliament.

So far as was consistent with our colonial position, the Dominion Parliament was clothed with the same powers and responsibility as the Parliament of England, and it need not be afraid to exercise

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those powers. The people would take care that if Parliament acted improperly they would soon dispose of it, and send other representatives to supply their places.

Mr. MILLS said he dissented from that contention when it was given utterance to before, holding that it was subversive of the best interests of the country. The Minister of Finance (Hon. Mr. Tilley) has said that about \$30,000 was collected from American lumbermen, the rest upon the people of New Brunswick. They asked for compensation for a remission of taxation to that extent, and it was saying that the House had power to remit taxation to the extent of \$100,000, to which those dues could have been increased, and diffusing it over the whole Dominion. He would not discuss the propriety of this step. The responsibility rested with the Administration, but he deemed that they had made out a case on which they could come into the House and make the demand.

Mr. MATHIEU was of the opinion that the House had a right to dispose of its money as it pleased. He submitted, however, that to grant money to any Province would be unconstitutional, unless the consent of the Provincial Governments were first obtained.

Hon. Mr. MACKENZIE adverted to the remarks of the member for Vancouver (Hon. Sir Francis Hincks) that the Opposition had raised the sectional cry in Ontario respecting the increased subsidy in Nova Scotia. He invited the hon. gentleman to look at any of the speeches he or his friends had made during the election campaign, and he defied them to point out a single word that would bear out that accusation.

The Bill was then read a second time.

* * *

ASSUMPTION OF PROVINCIAL DEBTS

The House went into Committee on the resolutions respecting the assumption of the surplus debts of Ontario and Quebec.

[Editor's Note: Pages are missing and therefore not certain if Hon. Sir John A. Macdonald is the speaker.]

Hon. Sir JOHN A. MACDONALD said the Dominion had now arrived at such a position as to be justified in assuming the whole debt of Ontario and Quebec, giving to the other Provinces like considerations.

When he made his financial statement he showed that during the first five years of Confederation the surplus expenditure chargeable against income was equal to the interest, after providing for the sinking fund of an increased debt of thirty million dollars with a tariff equal to twelve and three-quarters per cent. He estimated that on the present year with very largely increased expenditure, there would be a surplus of \$700,000. He therefore asked if there were any reasons why the Dominion should not, if it were possible

without increasing the taxes, assume this additional responsibility. He showed that by the change in value of money since Confederation the dollar then was now only worth eighty cents, and that the object of the proposition was to place the Provinces in the same position as regards finances that they occupied at the time of Union.

He considered the Government were justified in making this proposition, because while the value of the subsidies to the Provinces had been reduced, the value of the goods imported into the Dominion had increased from twenty to fifty per cent, and since an *ad valorem* duty was mainly imposed, the advance was equal to an increase of twenty per cent in the Dominion revenue, and, therefore, the revenue had been largely increased, not only from the increased importations, but also from the increased value of the articles imported. He then showed that, notwithstanding the additional charges imposed upon the revenue of the present year, the surplus would reach \$700,000. The surplus next year he had estimated at \$913,000, but the supplementary estimates and propositions before the House would require \$1,542,000 odd, which would leave a deficiency of about \$628,000. Owing to the surplus in the present year no deficiency would arise.

The proposition now before the House did not increase the debt of the Dominion as was contended by hon. gentlemen opposite, but merely changed it from the Provinces to the Dominion, which received the benefit of the increased prices of goods in the increased revenue, whilst the change reduced the value of the subsidies of the different Provinces.

[Editor's Note: Pages are missing and therefore not certain if the subject is still Assumption of Provincial Debts.]

Hon. Mr. MACKENZIE: But the Lord Chancellor is a judge.

Hon. Sir JOHN A. MACDONALD said it was quite true, but the Prime Minister was responsible for all the important legislation of that great Empire, and was, in fact, the highest judge in the land. It was true there were some officers of the Crown who only had 5,000 pounds, and some had as low as 2,000 pounds, but those officers were originally departmental, and the salaries proportionated to the nature of the duties entailed, without reference to the political position of the holders. The Lord Privy Seal for instance, was a mere honorary position. The holder was always selected from the wealthiest peers of the land, and the matter of a few thousand pounds to him was not worth even the slightest consideration. He repeated it would not be for the good of the country to introduce a principle of inequality in the salaries of the advisers of His Excellency, and he had even had some grave doubts about introducing the resolution giving the First Minister an additional \$2,000. The hon. gentleman opposite would no doubt be called in some day to form an Administration, and the very fact of an inequality is the emolument attached to the different offices would be in itself an element of discord.

Any hon. gentleman called upon to select a Ministry of twelve or thirteen names of course select a few of the leading spirits, but he would find that the very existence of the inequality would be a source of heart burning and intense discord. It was quite true that some of the offices involved an immense amount of work as compared with others, but the better we adhered to the principle of equality, the better they would secure harmony and concord among the member of the Government. These were the reasons which induced him to introduce the resolutions in their present form. The President of the Council for instance was an office to which no particularly heavy duties were attached, but it was an office that was absolutely necessary nevertheless. The President presided over the Privy Council in the absence of the Governor General. His own opinion was unless the person selected to form an Administration held the office of Minister of Justice or Minister of Finance, as a general rule he ought to be the President of the Council.

The political duties of the First Minister were so great that he ought to have as few departmental duties as possible. In England he was first Lord of the Treasury, although it was well known he had no work to do in connection with the Treasury. He had himself felt very much as Minister of Justice and Attorney General that duties attached to his office interfered very considerably with his efficiency as First Minister. Duties were increasing, and, although not in his day, it would unquestionably soon be necessary to have that Department organized upon a very much larger scale than at present. He, however, had taken to office on the principle of Natural Selection, having been Attorney General for the West for many years, and it being absolutely necessary that either he or the Attorney General for Lower Canada should take the office of Minister of Justice; but, as he had said before, in his opinion the First Minister, as a general rule, should hold some such office as President of the Council or Receiver General—same office which, in attention to details, would not withdraw his attention from the general administration of the affairs of the Dominion.

Hon. Mr. MACKENZIE quite admitted the first part of the hon. gentleman's remarks, that was that the First Minister should not have the charge of any heavy department, the duties of which

devolving upon him would necessarily take up the greater portion of his time. Notwithstanding the remarks of the hon. leader of the Government, to which no doubt considerable weight would have to be attached, he remained of the same opinion. He admitted that difficulties might be experienced such as he (Hon. Sir John A. Macdonald) had pointed out, but on the other hand the manifest importance of some offices as contrasted with others, must be patent to every one.

The public, he thought, could only appreciate the difference that should exist between the different offices. They found a Minister, sometimes, took a higher rank. Now, a higher rank simply meant the imposition of a much larger amount of work, with more responsible duties, than he previously held, while a junior stepped in who had, perhaps, never been much in Parliament, and who had never been in a Government before, and received an equal salary for the discharge of duties which required comparatively little ability compared with other offices of the Government. He did not think that promotion in the Government should consist in the imposition of increased duties and responsibility, and he believed the views he had expressed were views that would obtain concurrence generally in the country. (*Hear, hear.*)

The Committee rose and reported the resolutions.

* * *

NEW BRUNSWICK SCHOOL LAWS

Mr. COSTIGAN asked the leader of the Government whether he was prepared to answer the question put by him on a former occasion as to whether His Excellency had been advised to disallow the New Brunswick School Law.

Hon. Sir JOHN A. MACDONALD said he hoped to be able to give him an answer on Monday.

The House adjourned at 11.43 p.m.

May 19, 1873

HOUSE OF COMMONS

Monday, May 19, 1873

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

Prayers

IMMIGRATION REPORT

Hon. Mr. CARLING submitted the report of the Committee on Immigration, which was read at the table. He also moved the adoption of the report, and its reference to the Committee on Printing with a view to its being printed for general distribution.—Before the adoption of the report,

Mr. TROW said that although appointed by the Right Hon. Premier to this Committee his name had not been placed upon the list, and although very anxious to be present, he had not had the opportunity, not having been notified of the meeting. He complained that from the counties of Waterloo, Perth, and Huron, a great many people were emigrating to the Western States of the Union simply from the want of information as to the resources of our great North-west. He would have recommended, had he had an opportunity in Committee, that persons acquainted with that portion of our territories should lecture in these counties upon its productive powers and the other qualities which make it desirable as a place to which to emigrate. The United States had several agents in these counties for the purpose of inducing immigration to their country, who were engaged in distributing pamphlets. He had spoken to the chairman of the committee on this subject, who advised him to bring it before the House.

Mr. MILLS pointed out an obstacle in the way of emigration, and that was the want of freedom in the profession of medicine. Apothecaries and doctors, no matter how well qualified in their profession, could not practice here without passing through another course of study and examinations, the result was that if this class of men came to this country at all, they very soon left for the United States where more freedom was allowed. He thought that society was quite able to take care of itself, and needed no protection of this sort.

The report was then adopted.

* * *

PRINTING COMMITTEE REPORT

Mr. STEPHENSON moved the adoption of the sixth report of the Printing committee.

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PACIFIC RAILWAY

Hon. Mr. MACKENZIE called attention to the fact that in connection with the Pacific Railway papers Mr. Kersteman's letter was recommended by the Committee not to be printed. He thought the letter should have been printed, as it formed part of the narrative; and if the Committee refused to print it, he would have to take means to have it printed in the journals.

The report was allowed to stand over.

* * *

NEW BRUNSWICK SCHOOL LAW

Hon. Mr. ANGLIN in the absence of Mr. Costigan, asked what had been done by the Government in the matter of the New Brunswick School Act.

Hon. Sir JOHN A. MACDONALD: I beg to state to the House that the resolution adopted the other day respecting the New Brunswick School Law, was duly laid before his Excellency the Governor General, and I have now by command of his Excellency to state that he is asked by one branch of the Parliament of Canada to exercise the Royal Prerogative by disallowing certain Acts of the New Brunswick Legislature. It is stated that these Acts were passed for the purpose of legalizing certain assessments made under the School Act of 1871, and were an amendment to that Act. The object sought in getting these Acts disallowed is to give the parties complaining of the School Act an opportunity of bringing that act before the Judicial Committee of the Privy Council.

Now His Excellency has already been instructed by Her Majesty's Government that, in the opinion of the law officers of the Crown in England, the Act in question was within the competency of the Legislature of New Brunswick. That being the case, His Excellency deems it his duty to apply to Her Majesty's Government for further instructions. I have further to state that the Government, considering the importance of this matter and the manner in which it affects a large portion of Her Majesty's subjects in the Province of New Brunswick, are prepared to come down to Parliament and ask for a vote of money to defray the expenses of those who desire to have the matter laid before the Judicial Committee of the Privy Council in England.

SARNIA AND LAKE SUPERIOR MAIL

Hon. Mr. MACKENZIE called attention to the fact that although the House had subsidized a line of steamers to carry mails from Sarnia to Lake Superior, so far the Department had refused to allow mails to be carried by these boats. He had received complaints from several persons that while they were sending goods by these vessels they had to send invoices by private persons or wait a week and send them by Duluth. He understood that no instructions had been given to the postmasters of Hamilton, Goderich, and Sarnia to send mails by those steamers and he desired to know if instructions had been sent today, or whether instructions would be sent, to have the mail sent by those steamers.

Hon. Mr. TUPPER said that his attention had already been drawn to this subject by the hon. members from Hamilton (Messrs. Chisholm and Witton) and upon enquiry from the Hon. Postmaster-General had learned that the making of the contract with Mr. Beaty's line was only deferred until he obtained from them information as to the postal facilities that could be afforded to the ports by these steamers. He had no doubt that, in the meantime, he would direct the mails to be sent by this line, pending the arrival of the information.

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MUTUAL MARINE INSURANCE COMPANY

Hon. Sir FRANCIS HINCKS in the absence of Mr. Domville, moved the consideration of the amendment made by the Senate to the bill to incorporate the Canada Mutual Marine Insurance Company.—Carried.

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RIVIÈRE DU LOUP AND EDMUNDSTON

Mr. MAILLOUX asked whether it was the intention of the government to ask for tenders for the carrying of the mails between Rivière du Loup and Edmundston, if not, under what arrangements are the mails carried over that route.

Hon. Mr. TUPPER said the mails were carried by the Rivière du Loup and Edmundston route under a contract of 1872. It was not the intention of the Government to ask for new tenders.

* * *

NEW POST OFFICES

Mr. MAILLOUX asked whether it was the intention of the government to establish post offices in the parishes of St. Paul de la Croix, of St. François Xavier, and Saint-Louis-du-Ha! Ha!, in the County of Témiscouta.

Hon. Mr. TUPPER said the application for these post offices to be established was under investigation. The inspector had been directed to report upon the subject and when he did so, it would be considered by the Government.

* * *

IMPORTATION OF POWDER

Mr. WEBB asked whether the Government were aware a large quantity of blasting and other powder is now imported into the Dominion from the United States, greatly to the detriment of our own manufacturers of powder, and whether it is the intention of the government to prohibit the importation thereof, or to put a corresponding duty on the same as that now levied by the United States.

Hon. Mr. TUPPER said the important subject to which the attention of the Government had been called would obtain the immediate consideration of the Government. The whole question would be investigated, with a view of remedying the evils that might be found to exist.

* * *

MAIL TO ST-FRÉDÉRIC

Mr. POZER asked whether it was the intention of the Government to establish a tri-weekly mail to the Parish of St-Frédéric, County of Beauce.

Hon. Mr. TUPPER said it was not the intention of the Government to establish a tri-weekly mail with the Parish of St-Frédéric, County of Beauce, at present.

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PURCHASE OF LAND

Mr. De ST-GEORGES moved for the correspondence in relation to the offer made by John Webb for the purchase of a certain point of land in the Parish of St. Jeanne de Neuville.—Carried.

* * *

SOCIAL ABUSES

Mr. PÂQUET moved for a Select Committee on hygiene and public health to deliberate upon the best mode of remedying abuses exceedingly hurtful to humanity, with power to send for persons, papers, and records, and to report as soon as possible.

Hon. Mr. TUPPER said there was no doubt at all that the subject which the hon. member had brought before the consideration of the House was one of great importance, but the

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question of public health, according to the Union Act, was exclusively within the jurisdiction of the Local Legislatures. He regretted that it was unquestionably a fact, and this would preclude the appointment of this Committee, because, although they could undoubtedly collect statistics, this Parliament could not give these suggestions effect.

Hon. Mr. MACKENZIE said that might be quite true, but we have already appointed two such Committees, one to enquire into the working of mercantile agencies, which was clearly within the powers of the Local Legislature, and one upon the liquor traffic, which it was questionable which of the Legislatures had competent powers to deal with. He was ready to assist the Government in upholding the power of the Local Legislatures but there was no good reason for this as for other Committees appointed, and it would at least do no harm for this House to appoint the Committee.

Hon. Sir JOHN A. MACDONALD said cases might arise in which it would be proper for the Dominion authorities to enter into the matter of health. He pointed out that at any rate, from his point of view, he being in favour of legislative union, it was quite right to centralize as much power as possible in the hands of the Dominion Parliament, and he was glad to perceive that his hon. friends opposite were coming over to his view, not only in this case, but in the case of the New Brunswick School Law. He had no objection to the appointment of the Committee, though their sphere of action would be limited.

Mr. MILLS observed that the leader of the Government had frankly admitted that he was willing to take an unconstitutional course because it favoured his views on the subject of legislative union. With reference to the New Brunswick School Law he pointed out that the power of vote was vested in the Governor General by the Constitution and he held that in this case it should have been exercised with reference to the original School Act of 1871. Adverting to the importance of this question, he said that in the event of a plague sweeping over this country the subject would certainly come within the scope of the Dominion Legislature. The Committee could collect a large number of important facts, which might be of very important service.

Hon. Mr. TUPPER said in case of any malady, such as Mr. Mills spoke of, sweeping over the country, the Dominion Government or Parliament had no power to act under the Constitution. It was just as well that this fact should be understood throughout the country. He had no objection to the appointment of the Committee.

The motion was then carried.

* * *

EUROPEAN MAIL

Mr. CARTWRIGHT moved the adoption of the report of the Select Committee appointed to enquire into the shortest route for mails and passengers between Europe and America. He said the

report recommended the Governments to communicate with the Governments of Great Britain and the United States on the subject, with a view to secure their cooperation.

At the request of **Hon. Sir JOHN A. MACDONALD** the motion was allowed to stand over until he could look over the report.

The motion was therefore withdrawn.

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PRINTING

Mr. STEPHENSON presented the seventh report of the Joint Committee on Printing.

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SALE OF INDIAN LANDS

Mr. PATERSON moved for a return of the lands sold by the Indian Department in the town of Brantford since 1860, giving a description of the lots sold and the names of the purchasers, and whether held by auction or otherwise, also the lots forfeited by the purchasers who have not complied with the terms of the sale. He said from all he could learn there was great delay in getting ordinary matters settled by the Department. He himself had been trying to get a small matter, involving some \$60 to \$70 settled; but, up to this time, the Department had done nothing, and he was obliged now to come down and ask for these papers.

Hon. Mr. MACKENZIE asked to take this opportunity to call the attention of the government to the Indian Reserve at Sarnia. The Great Western Railway Company had nearly half the water frontage of the town of Sarnia, and they were seeking as much more from the Indian Department just now, and it was the general impression that it was too much. They ought only to obtain such a portion of it as they actually required for their works.

It should be put up to auction in order that persons requiring it in connection with extensive works should have also the advantage of a frontage. A very large iron manufacturing company wanted a portion and could not get it. This company ought not to be put in possession of more land than they actually require. It should be disposed of so as to realize the most for the Indians and secure to the manufacturing public a reasonable water frontage.

Hon. Mr. CARLING contended that all the land asked for by the Company was required on account of the increased trade of the Company in that town, at that harbour with the railways of the United States. He could assure the hon. gentleman that the Company had no desire to purchase this land simply to exclude any other party, and had no desire to prevent manufacturers or others occupying it.

Hon. Mr. MACKENZIE said that this whole Indian Reserve was a nuisance, the Indians would neither cultivate the lands nor build wharves themselves, and the Government had taken no steps

to ensure these privileges to the public generally. He hoped the members of the Government would see that reasonable accommodation is afforded to the manufacturing population.

Hon. Mr. CARLING said the township of Sarnia had passed a by-law approving of the Great Western getting this land, on condition that parties desirous of piling lumber on the inner portion of the limits should have access to the water. The town of Sarnia had also passed a by-law in favour of the Great Western getting the limits which they were seeking, on condition that parties desirous of piling and shipping lumber from the wharf should be allowed to do so.

Hon. Mr. MACKENZIE said the by-law passed by the Town Council of Sarnia was with a view to change the location of a bridge and he had himself urged that upon the Council; but these by-laws never contemplated the Company getting the whole of the river frontage.

Mr. THOMPSON (Haldimand) said he had simply to add his testimony to that of the hon. member for Lambton (Hon. Mr. Mackenzie) with regard to getting a reply from this Department. What it takes a private individual and what it would take the Ontario Government a few days to answer, it took this Government months before any return could be received from the Department. After some further discussion the motion was carried.

* * *

RECEIPTS AND EXPENDITURE RETURNS

Hon. Mr. WOOD moved for a statement of the aggregate of the receipts and expenditures of Canada in each Province from Confederation to the 1st day of July, 1873 as nearly as the same can be ascertained or approximated, classified under general heads with a statement of the receipts and expenditures if any, which cannot be approximately distributed among the several Provinces but must be taken as common to all, which are to be apportioned to the several Provinces according to population, and in the case of any receipts and expenditures, or receipts or expenditures common to two or more Provinces which cannot be approximately divided, the same to be apportioned between or among the said two or more Provinces as the case may be, according to population, with a summary statement of the results.—Carried.

* * *

INTERCOLONIAL CONTRACTS

Hon. Mr. MACKENZIE moved for statements showing the sum for which each contract on the Intercolonial was undertaken, the quantities of the several kinds of materials or work on each such contract, as estimated by the Chief Engineer at the time the contracts were let, the quantities of the several classes of materials moved or work actually executed; the extent and class of reductions in quantities or work made in the works, showing what reductions were consequent on a change in location of the line, also the

additional work done in like manner, the sums paid each contract on the several classes of work with rates, the rates on each class of material or work adopted at first to money out the contract sum, and

the rates adopted as progress estimates. He said he wished to know how far the principle had been applied to other sections that had been applied to section No. 5.—Carried.

* * *

THE BOUCHETTE PETITION

Mr. FORTIN moved the adoption of the report of the Select Committee to which was referred the return to an address of the 27th March 1871 on the subject of the petition of Joseph Bouchette. He explained that the claim of the heirs of Mr. Bouchette was based on a resolution adopted by the Legislature of Lower Canada in 1818 under which Mr. Bouchette had published certain geographical and topographical maps. This question of the claims had been referred to committees at different times who had reported their satisfaction with the work, and that Mr. Bouchette had only received 500 pounds, thus realising a loss of 1701 pounds 10 shillings, 2d. The conclusion the present Committee had come to was that the heirs of Mr. Bouchette had a strong case, that the petition was worthy of consideration, and that the maps formed the basis of all geographical maps of British North America since published.

Hon. Mr. MACKENZIE thought it scarcely in order to consider this matter until the report brought down was printed. He understood it was proposed to pay the sum of \$4,000 to Mr. Bouchette, and until the government had stated what course they were prepared to take, the House were not in a position to act. The claim was one of Mr. Bouchette's father for some service done by him. He might be entitled to it or he might not. He (Hon. Mr. Mackenzie) knew nothing about it, and could not until the report was printed.

Mr. FORTIN said that the Printing Committee had refused to print the report, but he thought that when he made representation to the Committee tomorrow they would proceed with the printing. As to the contention of Hon. Mr. Mackenzie that it was necessary that the report should be placed before the House, he (Mr. Fortin) did not think that this was necessary. The papers in connection with this matter had been printed in the journals of the old Parliament of Canada, and, besides, the Committee had unanimously arrived at the conclusion that the claim was just, and had recommended its payment. The case was perfectly clear.

The SPEAKER pointed out the other branch of the objection—that a sum of money was recommended to be paid.

Mr. FORTIN did not think that such was the case. The report only suggested the settlement of the claim.

Hon. Mr. MACKENZIE said that the motion was clearly irregular.

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Hon. Mr. TUPPER asked whether the matter was not one to be settled by the old Province of Canada.

Hon. Mr. MACKENZIE said that the claim was on the Province of Quebec before the Union in 1841 and could not therefore be charged to the late Province of Canada.

Mr. MILLS observed that this was a charge upon the Quebec Government, and that this House should have nothing to do with it.

After some further discussion on the ruling of the Speaker, the motion was allowed to stand until the petition, on which the report was founded could be produced.

* * *

HAMILTON AND BRANTFORD ROAD

Mr. FLEMING moved that the Government should take immediate steps to close up the Hamilton and Brantford road accounts by realizing the amounts due from purchasers or by resale, as may be deemed most advantageous to the Dominion. In making this motion he explained the position in which this matter stood. The Company owed a large sum of money to the Government, and while charging as heavy tolls as they were allowed by law, they had allowed the road to get into a bad state of repair. He thought therefore, the Government ought to take into consideration the winding up the affairs of this road.

There was no just reason why the Company should be allowed to charge tolls and yet keep the road in a shameful condition, while at the same time refusing to pay what they owed the Government. The whole amount now due to the Government was over \$200,000, and it was high time that the accounts should be wound up. That the Government had power to act was evident from the fact that they had resold or leased to the municipalities other roads that were in precisely the same position.

Mr. THOMPSON (Haldimand) seconded the motion, and took the opportunity to call attention to the Hamilton and Port Dover road. He explained the financial position of that road, and pointed out that while the Company had not paid their instalments they allowed the road to fall into a bad state of repair.

Hon. Mr. TILLEY said the Government would offer no objection to this resolution; on the contrary they were under obligation to the hon. gentleman for having brought it up. The Auditor General was preparing a report on all these roads, and immediately after the adjournment of Parliament the Government would take in hand to place them in a more satisfactory condition.

Mr. RYMAL urged that the Hamilton and Port Dover road should either be taken out of the hands of the present Company or they should be made to pay up. The road had recently been condemned by an engineer and the Company had been prohibited from collecting tolls, but just as soon as the fine weather made the

road in a passable condition they would put on the tolls again. He hoped the Government would take it into their hands.

Hon. Sir JOHN A. MACDONALD said he was glad to hear that the hon. member for Wentworth South (Mr. Rymal) had come to have so much confidence in the Government that he believed a satisfactory state of things would be arrived at if they took this road into their own hands.

Mr. RYMAL said if the hon. gentleman had remembered how he had urged him when he succeeded the Sandfield Macdonald government to keep this road in the hands of the Government, he would doubt his confidence in the government. He remembered the very words of the hon. gentleman to him at that time. "Jos", he said, "I cannot be troubled with your Clear Grits, and I am bound to sell those roads, let them bring what they may". (*Laughter.*)

The motion was then carried.

* * *

MURDOCH'S SURVEY

Hon. Mr. MACKENZIE moved for Mr. Murdoch's report of the survey of the railway route from Thunder Bay to Fort Garry.

Hon. Mr. LANGEVIN thought the hon. member for Lambton (Hon. Mr. Mackenzie) moved for this report in consequence of what he (Hon. Mr. Langevin) said respecting Mr. Murdoch's report. He (Hon. Mr. Langevin) had seen Mr. Fleming since with regard to the report and had told him that there was no report in writing, and that the reports of the special segments consisted in giving plans of their survey. He supposed the hon. gentleman would be interested in having some information about the surveys that had been made. Mr. Murdoch's survey did not go from Thunder Bay to Fort Garry. It went only a small portion of the way along that portion of the line which lay between Thunder Bay and the place where Carr left off in 1871. This was about 90 miles in length. Mr. Carr's survey was 70 miles in the westward direction. There was yet a small gap which had not been explored, but which would be explored this summer. The branch line to Lake Nipigon had been found to be a good one. The hon. gentleman would see that there was only one portion of the country that required to be surveyed, and that was on the branch line from Thunder Bay to the main line.

He then proceeded to give the length of the branch lines from Nipigon Bay to the main line as 105 miles; and the branch line from Thunder Bay to the main line would be 175 miles; making a difference against the second branch line of 70 miles. Under these circumstances the hon. gentleman would perhaps, withdraw his motion, because these plans were the only plans they had.

Hon. Mr. MACKENZIE said, of course, after the statements the hon. gentleman had made that there was no report, he could not ask for its production. He had received a communication from some

persons who were under the impression that Mr. Murdoch had made a complete survey from some point on the Kamanietiquia river to the north end of the Lake of the Woods. He thought it was desirable to have that report laid before the House. If that branch line was not built by the government it would be by a private Company that had been chartered with powers to build a road there. He was satisfied that if the Government did not build that branch, that it would be built with perhaps a narrow gauge, by that company. Some communication must be had with the mining lands and the timber lands beyond.

* * *

DIRECT ROUTE TO EUROPE

Mr. CARTWRIGHT presented a report of the Committee on the most direct route to Europe.

Mr. MACKAY said that the Committee had considered the question thoroughly, and had come to the conclusion that Shippegan was not advisable, owing to its use being confined only to the summer months. For the same reason the Pictou route had been abandoned. He contended that the great object to attain was the shortest ocean and the longest railway route.

He believed that Louisbourg had been considered the most likely junction of railway and steamships, explaining that it was always accessible by steamships and rail all the year round. For the eastern part of Nova Scotia there were some 130,000 persons who were completely isolated from the rest of the world, and as they possessed such advantages as this he referred to, he thought they should have some consideration. The members representing Eastern Nova Scotia had been promised railway communication, or they would never have come into confederation. From the present terminus of the Intercolonial Railroad to the town of Louisbourg was 160 miles, and if the connection was made there would be a direct line of communication, winter, and summer, to a Canadian winter port; one which was contiguous to the Island of Newfoundland, and with the great coal beds of the Province within fifteen miles of this port, coals could be supplied at Louisbourg at \$3 per ton. He contended that in the end, Louisbourg must be the terminus of the Pacific Railway. Besides which it was but an act of justice to give them railway connection, and therefore he advocated its adoption as the eastern port from the reception of our mails.

Hon. Mr. TILLEY said the report in its present shape could not be adopted. It should, however, be printed, and receive consideration during recess.

Mr. CARTWRIGHT then withdrew his motion.

* * *

DETROIT RIVER DREDGE COMPANY

Hon. Mr. BLANCHET moved for leave to introduce an amendment to a certain clerical error in the Detroit River Bridge incorporation Bill.

Leave was given, and the amendment was read a second and third time and passed.

* * *

MILITIA DEPARTMENT

Mr. BERGIN moved for return showing the number of officers and employees in the Militia and Adjutant-General's Department, with the amount paid to each.—Carried.

* * *

IMMIGRATION

Mr. BERGIN also moved for return of agents appointed by the Dominion government during the past year to induce immigration from the south and west of Ireland. In doing so he said it was rumoured that the agent for the south of Ireland was doing but a very small amount of good to the cause of immigration from that quarter, considering the number of people who were much in want of its relief. He did not directly charge the Federal Government with any blame in this, but would move that the correspondence be brought down, in order to see who was responsible.

Hon. Mr. ANGLIN said it was clear that there was but a very small amount of emigration to this country from these parts and it would be well to know who was to blame. It was said, indeed, that less pain was taken to induce emigration from the South of Ireland than from the North of Ireland, from England, Scotland, and even from Scandinavia. Such an impression was abroad, and if for no other reason than that, it would be well it should be dispelled. He was conscious a number of people came here from the south and west of Ireland. He believed that the agent had done his duty, but he was anxious that the public should know it. He thought this motion should be acceded to.

Hon. Sir JOHN A. MACDONALD said he was bound to oppose this motion. It was necessary for the Government, in order to prevent useless expenditure of money to oppose this motion. He was quite satisfied that Mr. Larrikin, the agent, had done his best; and as the correspondence was very voluminous, and it was merely to satisfy a member's curiosity that they were brought down, he would oppose the motion.

He was still speaking, when it being six o'clock, the House took recess.

AFTER RECESS

PARLIAMENTARY PRINTING

Mr. STEPHENSON moved the adoption of the fifth report of the Joint Committee on Printing, which recommended that an increased vote be granted to the Parliamentary Printer. He explained at length the circumstances connected with the letting of the contract and the difficulties which arose between the Committee

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and the printer with reference to his charges for double composition. He pointed out that the prices of labour had increased since the contract was taken, and referred to the increase that had been given to the Ontario Printer by the Ontario Legislature.

Mr. YOUNG (Waterloo South) moved in amendment—"That the first resolution of the fifth report of the Printing Committee establishes the principle that it is equitable after a contract had been entered into to advance the price thereof, which if once adopted by Parliament will affect the whole system of letting public works by tender, a principle most dangerous at the present moment, when the Dominion is engaging in large public works, the contractors for which will have like claims for increased prices; especially dangerous in view of the Pacific Railway and other expensive contracts about to be entered into; for by the precedent established a direct inducement will be held out to tenderers to give in low tenders to get possession of works, trusting to real or supposed equitable claims to obtain advanced prices.

That the second and third resolutions are in direct violation of the principle upon which the contract was awarded to Mr. Taylor, his tender being accepted by the House contrary to the recommendation of the Printing Committee, solely on the ground that he was \$1,775 less on one year's work, and \$8,879 on five year's contract, than the tender of Messrs. Hunter, Rose & Lemieux, who had done the work long and satisfactorily; whereas the present recommendation for increased prices which is retroactive, commencing with the session of 1871, gives Mr. Taylor about \$8,000 in excess of his contract on one year's work, or the large sum of \$32,000 on the four years provided for, an amount of about \$12,000 more than his claim or double composition; it is, therefore, the opinion of this House that the report should not be concurred in, but if Mr. Taylor desires it, he be relieved of his contract, and the work be re-let by public tender."

He proceeded to explain the circumstances connected with the letting of the contract in 1869. Mr. Taylor sent in a tender \$1,775 less than that of Hunter, Rose & Co., the old contractors. The old members of the Committee were in favour of giving the contract to the old contractors, who had performed their work very satisfactorily and a great deal cheaper than formerly, when the work cost \$150,000 per annum. Under Hunter, Rose & Co. the cost was reduced to \$26,000 a year for the same services. He referred to the details of the prices to show that this statement was correct. Under these circumstances he believed true economy would have given the contract to the old contractors. The Committee took that view and so reported to the House. In the House, on motion, Mr. Stephenson's report was thrown out and the contract given to Mr. Taylor, solely on the ground that this tender was the lowest.

He then predicted, having a practical knowledge of the subject, that in the long run it would cost the country more under the new contract. His prediction had been fulfilled. As soon as the other printing office had been removed from the city, illegal claims were advanced by the contractor, the government had been pestered by

his applications, and he who had sought to protect the public purse was vilified in the paper of the contractor.

Shortly after the contract was let, the committee found that the contractor was charging double prices for composition—that is, he charged once for Departmental work sent to the Department a few days before Parliament met, and when Parliament met charged again for the same reports submitted to Parliament. This practice of allowing double composition had never been allowed before, as was proved by the evidence of the Clerk of the Printing Committee. It was said that Mr. Taylor had two contracts, one for the Departments and one for Parliament but that did not alter the case. On the former occasions when those contracts were given to two parties double prices were never charged. When that claim came before the Committee, they rejected it even in the face of the support which four members of the Ministry gave to it.

Then the contractors applied to the courts, and he must say the case was altered to go before the limits in a one sided manner favourable to Mr. Taylor. It was placed before them in such a way as to create the impression that this claim had previously been allowed by Parliament; nevertheless the Court rejected the claim.

When Parliament met this session, and the Committee had been so constituted, those who were opposed to this claim found themselves in a minority, the result was that they had this report, and a more dangerous report had never been submitted to Parliament. The result of its adoption would be that Mr. Taylor would receive \$6,000 per session more than either by law or equity he was entitled to, and in the four years provided for he would receive \$22,000 over and above what he was entitled to. He read the calculation made by the clerk of the Committee to prove this statement.

He showed that the addition that would have been paid to the printer by granting his claim for double composition would have amounted in round numbers to \$5,000 per session; and yet now we had the preposterous proposition to grant him an addition of \$6,000 a year, and extended it so that it would apply to 1872. It would be manifestly unfair to the other tenderers to accept this proposition; it would give Mr. Taylor \$6,000 per year more than Messrs. Hunter, Rose & Co., offered to do the work for; besides this House had no evidence before them that the contractor had lost a single cent by the contract. It was said that he had to pay more for composition than he received, but he pointed out that there were many opportunities of saving in printing blue books and Parliamentary papers. There were a great deal of figures in Departmental reports, and these could be used for French copies. Moreover Mr. Taylor got a contract for binding, without tender, at very high prices, out of which he made a handsome profit.

Taking all these things into consideration they had not a particle of evidence that Mr. Taylor was losing a single cent on his contract. He could say that there were contractors ready today to take the work off Mr. Taylor's hands at the same prices. The increase

proposed was from 60 to 70 per cent, while the general increase in trade prices was much less, being, as ascertained by a circular to the leading printers, only an average of 27 per cent since December of 1869; so that if an increase of prices ought to be given so great an increase should certainly be refused. But there was another striking objection to this report.

If it were adopted it would upset the whole system of letting printing by tender, and would vitiate the whole contract system by public tender. In fact the contractor for paper had already come down and asked for an advance on the strength of this report; and there could be no doubt that if this practice received the sanction of the House we would have contractors taking contracts too low, then coming down and demanding an increase.

In his amendment he gave Mr. Taylor the option of either doing his work under his contract or giving it up. He believed he would not give it up, for he did not think it was so unremunerative as it had been represented. Even if prices were increased there could be no justification for antedating them a year. If the House consented to that he could not consider it anything but a job—a job too, by which \$32,000 would be taken out of the pockets of the people of this country—a job without any excuse or justification whatever.

Mr. WALLACE (Norfolk South) said the hon. gentleman who had just sat down had hardly stated the case fairly. He did not believe any other man would come forward and offer to do the work for twenty cents, when the price paid to compositors was thirty cents per thousands. At the time Mr. Taylor took the contract the disparity of prices was not so great as at present, and there was a means of being paid for the work not apparent on the face of the contract. He referred to the rise which had been found necessary in the prices charged by Messrs. Hunter, Rose & Co. to the Ontario Government. In alluding to the tabular work he said the hon. gentleman had not informed the House that while the printer received double price for that kind of work he had to pay double price to his journeymen for that work.

Respecting the contract for the binding, he said one of the binders had come forward and said he was losing money both on the contract from Parliament and on the work he received from Mr. Taylor. When the rise in price in journeymen's wages was considered, he thought there was a fair claim. It showed on the face of it that it was a fair claim. Every day contracts were supplemented both by private individuals and public companies. He was satisfied that the work could not be done cheaper. He maintained that if there had been two printers the composition would have been paid for twice, and Mr. Taylor having two contracts was entitled to double payment for the work required by the Department and by Parliament.

However, he thought the wisest way would be to allow the contract with Mr. Taylor to close with the work of this session, and then the Government could not be charged with favouritism. He announced his intention of supporting the motion.

Mr. MILLS said if all that was wanted to cause these hon. gentleman to withdraw their support from the report was an assurance that it could be done at the rate the present contractor contracted for, he would soon satisfy them on the matter. He telegraphed to Messrs. Hunter, Rose & Co., Toronto, from whom he received an answer to the effect that they were willing to execute the Parliamentary and Departmental printing and binding for the next five years at Mr. Taylor's rates. He next inquired of them if they were prepared in case such a contract were offered them to provide proper security; he also received a telegram that the Dominion Bank was their security and the President and Treasurer were willing to become their bonds; and further they informed him that they would be prepared to give satisfaction to all concerned if they got a five years' lease of the work, and that they did not hesitate at all to make this offer.

He hoped after this that there would be no more argument on the ground that no other parties were willing to or could execute the work at the same price as Mr. Taylor contracted for. He did think that there was but one course open for this House in regard to the motion and amendment, but if the amendment were refused he would call upon the House to ask Mr. Taylor to meet the question fairly and say whether or not he was willing to continue the work at contract prices, and if not that this House should require him to give it up at once. (*Hear, hear.*)

Mr. BOWELL believed this to be an exceptional case. He said that Mr. Rose told him that he believed that the binding contract was a losing contract. If Hunter, Rose & Co. were ready to accept Taylor's contract at his prices it was very strange that they should apply to the Ontario Legislature for an advance when their contract with the Ontario Government was 80 per thousand more than Mr. Taylor's contract. This report has been adopted by the Committee some time ago, and it was singular that Messrs. Hunter, Rose & Co. had not sent in their offer to the Committee. He compared the prices paid in other cities with Mr. Taylor's prices, and showed that Mr. Taylor's prices were much less, and he contended that the advance now proposed was less than the difference between his prices and the general trade prices.

Hon. Mr. WOOD thought it was an extraordinary state of things for two contracts and two payments to be made for one kind of work. It was a mistake to suppose that Messrs. Hunter, Rose & Co.'s contract with the Ontario Government had been changed and their rate had been advanced. He said the gentleman who had the contract previously were ready to take the contract and relieve the present contractor of it, this being so, that House could not be justified in allowing this report to be adopted.

Hon. Mr. MACKENZIE said he thought that the Committee of the Local House of Ontario had not granted any increase to their printers. They had risen without doing so.

Mr. ROSS (Middlesex West) referred to the remarks of the mover of the resolution at the time of the contract, when he was averse to giving the contract to Messrs. Hunter, Rose & Co. because their tender would have caused the expenditure annually of \$1,700.

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He asked how could they now assume their present position and pass a resolution which would necessitate the annual outlay of \$8,000, and retroactive at that? This was a dangerous precedent they were asked to adopt, and one that would be fatal to the performance of public work by tender. He hoped the member for Norfolk South (Mr. Wallace) would be as anxious to do justice to the people as he was to do justice to Mr. Taylor. The Queen's Printer only said there had been an increase of 27 per cent; this was the rate of advance he asked.

Mr. CURRIER said no one would deny that Mr. Taylor, when he entered into the contract, did not expect to receive payment for double composition, and he understood that Mr. Taylor would sooner receive payment at that rate than at the rate proposed. He did not think Messrs. Hunter, Rose & Co. would undertake the work at the present prices.

Mr. WHITE (Hastings East) said the member for Bothwell East (Mr. Mills) showed a letter and telegram from Messrs. Hunter, Rose & Co., in which they had stated that they would undertake the contract and give good security. It was impossible for him in the face of these documents to deny the statement. He found it impossible to vote for the motion, for he found he would be unable to explain it to his constituents.

Hon. Sir JOHN A. MACDONALD said as a general rule they should hold to the reports of the Committee with regard to the printing. However, they had not done so in 1869, and they were not doing so now. He believed the printing would be done much more economically by a Parliamentary office and permanent staff of printers. He could not tell whether or not too much had been proposed to be given. The hon. member for Wellington had said it was a dangerous precedent to advance, because when a contract was made it should be carried out. He called attention to the fact that the hon. gentleman had himself moved for an advance to be made of 27 per cent.

Mr. YOUNG (Waterloo South) said he only made that proposition when the other one had been lost.

Hon. Sir JOHN A. MACDONALD said it was clear they had a right to give one of the two advances, and he was willing to believe in the wisdom of the majority rather than that of the minority of the Committee. He called attention to the fact that Messrs. Hunter Rose & Co., when they sent in tenders at the time Mr. Taylor's contract was accepted, asked about \$1,700 in advance of that of Mr. Taylor, yet they were willing to come forward and take it up at Mr. Taylor's prices, while at Toronto they got 28 cents, and for some work 40 cents. This he held was a dishonourable proposition to the House, and a more unchristian or improper trick was never played by one tradesman upon another. He thought the object of this letter was obvious and he hoped the House would not allow itself to be misled by any such proposition on the part of Messrs. Hunter, Rose & Co.

Mr. YOUNG (Waterloo South) said the speech of the hon. leader of the Government was just as dangerous and extraordinary

as the report before the House. He had never heard a speech of the hon. gentleman which contained so many incorrect and sophistical statements as the one he had just made. He had returned to the old official system, and had charged him (Mr. Young) with being inconsistent. In this letter the hon. gentleman had been most ungenerous and most unjust, whether willingly or otherwise.

He explained his own course on the matter and denied most positively that he had done anything that was either inconsistent or unjust. It was totally incorrect to say that Messrs. Hunter, Rose & Co. had 40 cents for their work to the Government, and he held the statement in his hand from Mr. Notman, the Queen's printer in Toronto, to the effect that the Ontario Government had not concluded to raise the amount paid for printing. If it was just that Mr. Taylor should have double composition, for the Departmental printing then he should be paid, and why did the hon. gentleman not cause him to be paid accordingly? He had predicted in 1869 that, as had been said, the contractor would plead that he could not carry on the work as soon as the other large printing firm was out of the city. (*Cheers.*)

Mr. WHITE (Hastings East) asked why the hon. gentleman had not made the same motion in the House that he had made in the Committee.

Mr. YOUNG (Waterloo South) said that the motion had been refused by the Committee.

Hon. Mr. CAUCHON said if the printer did not get sufficient for his contract at first that was his own look out. If the system of letting by contract were not given up altogether, then contractors must be held by their contracts, or there was no saying to what immoral and disastrous consequences it might lead. (*Hear, hear.*) He had a great many years experience in printing, and he knew all about it. He would vote for the amendment.

Mr. DALY could not agree with the hon. gentleman who had just taken his seat. He thought that in view of the increased price of labour an increase should be granted to the contractor. It had been found everywhere that on works of different kinds contractors had been obliged to give up their contracts, or their prices had been advanced. He moved in amendment to the amendment, that all the words after "that" in the main motion be struck out and the following substituted—"The rates for the Parliamentary printing contract be advanced to the same rates as those of the printing trade generally, as reported by the Queen's Printer, viz: twenty-seven per cent."

Hon. Mr. MACKENZIE said every one knew that the rates of the printing trade generally were not all applicable to Parliamentary work. He characterized the argument used by the leader of the Government as of a par with that used by him when he caused him (Hon. Mr. Mackenzie) to strike the two words out of the motion on a point of order, and then opposed the motion because these words were not in.

He reviewed the circumstances attending the letting of the contract, and pointed out the large amount which the House was now asked to give to the printer in excess of the amount of the highest tender in 1800. He reverted to the argument of the leader of the Government on the subject of the Government Printing Bureau, and thought, though the arguments of the hon. gentleman in its favour were very absurd, there was possibly something to be said in its favour. He contended that nineteen cents to a printer per thousand was as much in Ottawa as twenty-eight cents in Toronto, on account of the two languages. He explained the custom of the trade in regard to rule and tabulated work, which the hon. gentleman opposite had spoken of in such a manner as showed he did not know anything of what he was speaking about. He requested Hon. Sir John A. Macdonald to say if he knew the circumstance of the contract for binding.

Hon. Sir JOHN A. MACDONALD said he did not.

Hon. Mr. MACKENZIE said that accounted for the extraordinary statements he had made, seemingly in contradiction to those of his hon. friend from Waterloo South (Mr. Young). He contended that the question before this House was whether they should confirm the system of keeping a contractor to his contract so far as the prices were concerned, or whether if he did not think he was able to stand by it, they should release him. For his part, he would be in favour of releasing him in this case.

Hon. Mr. TUPPER said that he looked to the report of the Committee for instruction, they knowing far more about the matter than he could know. The hon. member for Waterloo South (Mr. Young) in the Committee had said that the advance proposed by the majority of the Committee was too much, and had moved in amendment a motion exactly similar to the motion in amendment to the amendment now before the House, and he asked the hon. member what his position in this House was, when the hon. member for Lambton (Hon. Mr. Mackenzie) had stood up in the House and denounced the proposal made by that hon. member as more extravagant than the proposal made by the majority of the Commons.

Mr. ROCHESTER differed from the hon. leader of the Government on this occasion. Mr. Taylor previously took the wind out of the sails of Messrs. Hunter, Rose & Co., and he thought the latter firm was justified in turning the tables on the present contractor. He was of opinion the whole subject required some consideration. After what he had heard he could not vote in favour of the resolution. He called attention to the fact that there had been no evidence given before the Committee but that of Mr. Taylor and his employees. He hoped it would not be said that this House had thrown \$32,000 into the hands of the contractor.

Mr. ROSS (Prince Edward) said he would vote exactly as he had in the Committee. He had no doubt that Mr. Taylor lost money, but he did not agree with the proposition of giving a bonus to Mr. Taylor. He would vote for the amendment of the member for Waterloo, and afterwards, if it were lost, he would vote for the amendment to the amendment.

Mr. CHURCH said he did not exactly agree with the report of the sub-Committee of which he was a member, and in the Committee he voted for the smaller amount. He was in favour of relieving the contractor of his contract, but the committee were not of the same opinion and he voted, as he said before for the 27 per cent. As he had done on that occasion, in order to be consistent, he should vote for the giving of the 27 per cent again.

Mr. WHITE (Hastings East) said the hon. member for Waterloo South (Mr. Young) in moving the amendment to the amendment in Committee, had not acted consistently when he brought his present amendment before the House. He informed the House that after the explanations that had been made he should vote for the amendment to the amendment.

Hon. Mr. ANGLIN explained that he felt constrained to vote against any increase in the face of the action he had hitherto taken upon this question.

The House then divided on **Mr. DALY's** amendment to the amendment.

The Clerk announced a tie, the vote being 70 to 70. The attention of Mr. Speaker was called to the fact that the member for Hastings North (Mr. Bowell) had not voted, when he voted yes and this made yeas 71, nays 70.

The SPEAKER then declared the amendment carried.

YEAS

Messrs.

| | |
|-------------------------|-----------------------|
| Archambault | Baby |
| Baker | Beaubien |
| Bellerose | Bowell |
| Brooks | Burpee (St. John) |
| Campbell | Caron |
| Chisholm | Church |
| Cluxton | Colby |
| Cunningham | Currier |
| Daly | De Cosmos |
| Dewdney | Dormer |
| Dugas | Duguay |
| Flesher | Fortin |
| Gendron | Gibbs (Ontario North) |
| Gibbs (Ontario South) | Glass |
| Grover | Harwood |
| Keeler | Killam |
| Kirkpatrick | Lacerte |
| Langevin | Langlois |
| Lantier | Le Vesconte |
| Macdonald (Sir John A.) | McDonald (Antigonish) |
| McDonald (Cape Breton) | Mackay |
| Masson | McAdam |
| McDougall | McGreevy |
| Mitchell | Morrison |
| Nathan | Nelson |
| O'Reilly | Pope |
| Robinson | Robitaille |
| Ross (Champlain) | Ross (Prince Edward) |
| Ryan | Savary |
| Smith (Selkirk) | Staples |

May 19, 1873

Stephenson
Tilley
Tourangeau
Wallace (Norfolk South)
White (Hastings East)
Wright (Ottawa County)—71

Thompson (Cariboo)
Tobin
Tupper
Webb
Witton

NAYS

Messrs.

Anglin
Bain
Bourassa
Burpee (Sunbury)
Casgrain
Cockburn (Muskoka)
Costigan
De Saint-Georges
Edgar
Findlay
Fleming
Fournier
Gaudet
Gibson
Hagar
Higinbotham
Jetté
Lewis
Mailloux
Mercier
Mills
Pâquet
Pelletier
Pozer
Ray
Richards
Ross (Durham East)
Ross (Victoria)
Rymal
Scriver
Stirton
Thompson (Haldimand)
Tremblay
Wilkes
Young (Montreal West)

Archibald
Benoit
Bowman
Casey
Cauchon
Coffin
Delorme
Dorion (Drummond—Arthabaska)
Ferris
Fiset
Forbes
Galbraith
Geoffrion
Gillies
Harvey
Horton
Landerkin
Mackenzie
Mathieu
Metcalf
Oliver
Paterson
Pinsonneault
Prévost
Richard (Mégantic)
Rochester
Ross (Middlesex West)
Ross (Wellington Centre)
Scatcherd
Snider
Taschereau
Thomson (Welland)
Trow
Wood
Young (Waterloo South)—70.

On the motion as amended being put,

Mr. YOUNG (Waterloo South) moved that the following words be added to the amendments “And that the said increase of prices shall commence with the work of the present session.”

Mr. DALY said any one of intelligence could have understood that that amendment merely referred to the year 1873.

Mr. YOUNG’s (Waterloo South) amendment was agreed to, and the motion as amended was carried.

* * *

ASSUMPTION OF PROVINCIAL DEBTS

The House then went into Committee on the resolution with respect to the debts and liabilities of the Provinces of the Dominion and the payment of certain subsidies to the same.

Hon. Mr. MACKENZIE asked what was the object of the Government in assuming the debt of the old Provinces of Canada. Were they asked to do so by those Provinces?

Hon. Mr. TILLEY said it was for the purpose of placing the different Provinces in the position they occupied in 1867. It was to relieve them from depreciation in the value of the subsidy they had received.

Hon. Mr. MACKENZIE: But the Provinces do not want relief.

Hon. Mr. TILLEY: They will take it, I will guarantee.

Hon. Mr. MACKENZIE: You cannot guarantee that. Have the Government received any communications upon the subject?

Hon. Mr. TILLEY: There are no official communications with the Government on the subject.

Hon. Mr. MACKENZIE: Are there non-official communications?

Hon. Mr. TILLEY said there were some non-official communications.

Hon. Mr. MACKENZIE: With what Government?

Hon. Mr. TILLEY said they had non-official communications from the Governments of Quebec, Nova Scotia, New Brunswick and Manitoba.

Hon. Mr. MACKENZIE thought they were entitled to know why the Government assumed the debt of Ontario and Quebec.

Hon. Mr. TILLEY said it was because the money those Provinces had at their disposal had depreciated in its value, and they could not carry on the works they could in 1867.

Hon. Mr. MACKENZIE asked what objections there could be to laying these communications before them. Why should they be asked to go into this matter suddenly? He was quite sure that the Province of Ontario never asked this, and he did not believe the Province of Quebec had.

Hon. Mr. TILLEY said the Government of Quebec had asked for this.

Hon. Mr. MACKENZIE: Has the Government made itself the depository of these documents? If we are to be asked to legislate on these matters we ought to have all the letters before us.

Hon. Sir FRANCIS HINCKS said the hon. member for Napierville (Hon. Mr. Dorion) had been pressuring this matter for the last two sessions, and that evening’s proceedings showed how little cordiality or animosity of sentiment existed between hon.

gentlemen opposite. What a nice set they would be, he thought if they were on his side of the House.

Hon. Mr. MACKENZIE said this was the normal condition of the hon. member for Vancouver (Hon. Sir Francis Hincks), even although out of the Ministry he could not preserve a becoming decorum. Gentlemen on this side of the House would take their own course and the hon. members for Vancouver could keep his arrogance and his advice to himself. (*Hear, hear.*) He (Hon. Mr. Mackenzie) had said nothing at all about the proposal. He had merely asked the Government for information which they surely could not expect the members of this House to go without, and thereupon the hon. member must need rise and speak in the time and manner which he had assumed. He (Hon. Mr. Mackenzie) knew the opinion of his hon. friend from Napierville well, and he might say there were no two men in the Dominion in terms of clear alliance than his hon. friend from Napierville and himself. (*Cheers.*) He thought the conduct of the hon. member from Vancouver on the opposite was such that he should at least refrain from lecturing anybody on this side.

Hon. Sir FRANCIS HINCKS said the hon. gentleman for Lambton and the hon. member for Napierville did not agree on the question before the House.

Hon. Mr. MACKENZIE said the hon. gentleman would find they were pretty much agreed as to opposing him.

Hon. Sir FRANCIS HINCKS said their unanimity did not prevent their disagreeing on this very important question. (*Hear, hear.*)

Mr. MILLS pointed out that there was a difficulty about what was the real debt of the old Province of Canada, a difference to the amount of some \$5,000,000 existing between the ideas of the Local and Federal Government on that point. Before the Government could make this proposal to the House it was quite clear they must inform the House as to the amount of the debt, otherwise how could any person find out what would be an equivalent to the other Provinces. He apprehended gentlemen in this House from Ontario and Quebec would stand upon their rights. If the Government were inclined to disturb the basis of the Union, the House had a right to reconsider the whole scheme and reconsider, its justice as affecting all parties. It was necessary that all the Provinces should be assenting parties.

If this arrangement, and what was desired was to have the correspondence between this Government and the Local governments brought down so as to see and know their views upon the proposal. He could scarcely suppose that this Government would propose to assume these debts except with the advice or at least the consent of all the Provincial Governments. This House should also be informed as to what was assumed to be the indebtedness of Ontario and Quebec. They could not go upon the presumption that old Canada owes \$10,000,000 to the Union. He

did not believe that the representatives of these Provinces would consent to that view of the matter.

Hon. Mr. TILLEY said an application had been made for this proposed assumption of the Provincial debts by a deputation from the Quebec Government to this Government. It was also necessary to make some provision for the relief of New Brunswick and Manitoba, and the Government proposed to raise it in this way. Representatives from Nova Scotia, if not from the Government of Nova Scotia, favoured this proposition also.

Hon. Mr. MACKENZIE said it was a most extraordinary mode of relief. When the Provinces of Nova Scotia and New Brunswick came into the Union they contended that they were contributing more per head to the revenue than old Canada, and surely it is most extraordinary to relieve them by increasing their taxation. It was a most uncourteous and presumptuous action on the part of this Government to undertake to meddle with this debt without first having corresponded with the Provinces. This was a most extraordinary proposal, and he could not conceive what could have induced gentlemen opposite to make it. No other Government than themselves would have made such an extraordinary proposal. (*Hear, hear.*)

Mr. MASSON contended that Hon. Mr. Dorion had favoured this proposal long ago, and quoted from a speech of that hon. gentleman's in support of his assertion. He (Mr. Masson) was ready to vote for the proposal on these grounds. He considered that the Hon. Mr. Dorion was quite right on that occasion.

He contended that if that motion had not been ruled out of order the member for Lambton (Hon. Mr. Mackenzie) would have supported it, as he said he always worked in union with the member for Napierville. (*Hear, hear.*)

Hon. Mr. MACKENZIE said he could not answer for Hon. Mr. Dorion in that matter, as he was not present. Since then there had been a settlement or terms of settlement arrived at eventually by the Governments of Ontario and Quebec, and he thought submitted to the Privy Council.

Hon. Sir JOHN A. MACDONALD said he had the authority of a member of the Quebec Local Government to state that no case had been agreed upon and the hon. member for Lambton must be quite mistaken.

Hon. Mr. MACKENZIE said he could only say that he had himself, when a member of the Ontario Administration, exchanged ratification of terms agreed to by both Governments which required merely a few corrections and he had documents still in his possession on the subject, among which was a letter of the hon. Mr. Irvine accepting the case as finally arranged, so that when he (Hon. Mr. Mackenzie) left the Government of Ontario nothing remained to be done, except the exchange of a formal authentication of the documents to be laid before the Privy Council.

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Hon. Sir JOHN A. MACDONALD said as he understood from a member of the government of Quebec, the Ontario Government would not consent to the proposal made by the Quebec Government.

Hon. Mr. MACKENZIE said that was not correct, and ventured to produce documents to prove it was as he stated.

Hon. Sir JOHN A. MACDONALD said the statement of the hon. member was no doubt quite correct, so far as the negotiations were concerned, while he was himself a member of the Ontario Government, but he was not a member of that Government now. The hon. gentleman might consider it presumption on the part of the Government to submit this proposition to the House without consulting all the Local Governments if he pleased, but they were doing it nevertheless, and doing it for the advantage of this country. It surely was well that the cause of hostility between the Provinces of Quebec and Ontario should be removed.

Hon. Mr. MACKENZIE: Hear, hear. How very kind of you. (*Laughter.*)

Hon. Sir JOHN A. MACDONALD said not only had this Government to look to the welfare of persons, but also to that of constituent members of this Dominion. It was not proposed to increase the subsidy to Quebec and Ontario, but was proposed that this Government should assume their debts, that they should pay a portion of the interest upon it, and that they should have the amount presently paid into their local treasury for that purpose to expend upon local objects, and while doing thorough justice to Ontario and Quebec, they would be relieving the other Provinces. The debt ought originally to have been removed altogether instead of being prescribed as an apple of discord between the two Provinces. The question of the assets could be settled afterwards without any difficulty.

Hon. Mr. CAUCHON asked when would there be an end to this Better Terms question. (*Hear, hear.*) He adverted to the various plans that had been adopted for subsidizing the Lower Provinces, and said the time had come when Quebec would too require to have Better Terms. He, however, did not ask for Better Terms but for equalizing.

Hon. Mr. TUPPER denied that any undue advantage had been given to the Maritime Provinces. A large quantity of assets had been handed over to the Provinces of Ontario and Quebec by Nova Scotia, which, under the Union Act, would have been the property of the Dominion; while a large amount of valuable assets in Ontario and Quebec had under that Act been given to these Provinces.

He proceeded to show the inconsistency of the member for Lambton (Hon. Mr. Mackenzie) in stating at one time that he objected to the better terms given to Nova Scotia, and at another that he did not object to the terms, but only to the mode in which they were given. The line taken by hon. gentlemen opposite had been that of deadly hostility to the Maritime Provinces, and the

Party in opposition to the Government had given the best evidence of that by bringing forward the present member for Durham West (Hon. Mr. Wood) the bitterest opponent of the Maritime Provinces. He had shown his desire to do injustice to them by claiming debts of the Great Western and Northern Railways as assets of Ontario and Quebec, instead of assets of the Dominion, and they found the Government of Ontario breaking up this fraudulent and scandalous proposition to strip the Dominion of their assets which had been handed over in good faith to the Dominion.

He proceeded to quote from a speech of Hon. Mr. Mackenzie at Cornwall as reported in the Montreal *Herald* and the Toronto *Globe*, in which he pronounced his anathemas against the large majorities from other Provinces who dared to oppose the will of the majority of five from Ontario against the Government. This showed that these gentlemen were opposed not only to the rights but also to the feelings of the smaller Provinces. The former member for Hochelaga had made this proposal without complaint from other members of the Opposition, but now that the Government brought it down they objected to it.

Hon. Mr. WOOD denied that he was hostile to the Maritime Provinces. He defied the Minister of Finance to endorse the statements of the Minister of Customs (Hon. Mr. Tupper).

Hon. Mr. TILLEY said he would endorse this, that whereas Ontario and Quebec came into the Dominion with \$25 per head and Nova Scotia and New Brunswick with \$27.77, the money assets which the former Provinces received were worth the extra \$2.77. (*Hear, hear.*)

Hon. Mr. WOOD said that showed the ignorance of the Minister of Finance. The assets, if they had not been handed over to Ontario and Quebec, would have had to be applied by the Dominion to the reduction of the debt of the late Province of Canada.

Hon. Mr. TILLEY replied, and the resolutions were then adopted and reported to the House.

They were then read a first and second time, and a bill founded thereon was introduced and read a first time.

Hon. Mr. MACKENZIE asked if the correspondence with the Local Government on this subject would be brought down.

Hon. Mr. TILLEY said there was no correspondence. All the negotiations were conducted by deputations.

Hon. Mr. MACKENZIE asked if no minutes were kept of the proceedings of those deputations.

Hon. Mr. TILLEY said none were kept.

The House then adjourned at 2.40 a.m.

* * *

NOTICES OF MOTION

Mr. GEOFFRION—On Wednesday next—Address to His Excellency the Governor General for copies of all complaints made to the Government against A.M. Delisle, Esq., Collector of Customs at the Port of Montreal, since the 1st September last. Also copies of all reports made by the engineer Arnoldi and others, since 1st September last by order of the Government on the management of the internal economy and the heating of the Custom-house at Montreal.

Hon. Sir JOHN A. MACDONALD—On Wednesday next—That the Government be authorized to enter into negotiations during the Parliamentary recess with some reliable Association for the transfer of the Railway from Windsor to the Trunk line, from Halifax to Truro, upon condition that such Association or Company extend the Railway from Annapolis to Yarmouth, subject to the approval of Parliament at the next election.

May 20, 1873

HOUSE OF COMMONS

Tuesday, May 20, 1873

The **SPEAKER** took the chair at 3.20 p.m.

Prayers

HYGIENE

Mr. PÂQUET presented a report of the Committee on Hygiene. He moved that the report be printed.—Carried.

* * *

THE LATE HON. SIR GEORGE-É. CARTIER

Hon. Sir JOHN A. MACDONALD then rose, and, in a voice tremulous with emotion, said:—Mr. Speaker,—I have a painful duty to fulfil to this House. I have received a telegram this morning from Sir John Rose, which I will read:—

“Sir George had a relapse last Tuesday, and he died peacefully at six o’clock this morning. His body will be sent by the Quebec steamer on the 29th.

“Rose”

I feel myself, Sir, quite unable to say more at this moment. The right hon. gentleman resumed his seat, greatly affected, and amid the profoundest silence.

Hon. Mr. LANGEVIN who spoke with difficulty, said: Mr. Speaker, hon. gentlemen will understand how painfully the news that the Prime Minister has communicated to the House has affected me. I know how much my colleague, the Prime Minister, feels the loss that we have sustained. The proud position which Sir George-É. Cartier occupied in this country and the services which he rendered, not only to Lower Canada, but to all this country, will remove all cause of wonder that news like this should be received, as it has been, amidst the tears of his colleagues. Those who for twenty-five years have known Sir George-É. Cartier as I have, those who have known the goodness of his heart, those who have known the services which he has rendered to the country, will fully understand how deeply we, his colleagues, feel the blow. The present is not the moment for me to write his eulogy, or to say what place history will accord to him. It is only necessary for me now to tell you how deeply, how truly we feel his loss, and in announcing his death to add that in the death of this great citizen we have lost, not only a true and sincere friend, but a man who did honour to his race and who would have done honour to any people.

Hon. Sir JOHN A. MACDONALD: I will say now that, under these circumstances, I would like to know the wishes of the House with respect to an adjournment. Last session when we had lost a distinguished Canadian, a member of this House, who held a high position in Parliament, we came to the conclusion that in future no such adjournment should take place, but that we should adopt the English practice, and that no matter what might be the position of a deceased member of this House the business of the country must go on. I am aware Sir George-É. Cartier participated in that feeling, although he was a personal friend, a strong personal friend of the illustrious gentleman I speak of, Mr. Sandfield Macdonald, who then left us. He felt it to be his duty to agree with me and a majority of Parliament that the interests of the country would be best subserved by laying down the strict rule as it was carried out in England.

At the same time this is a very exceptional case. Sir George-É. Cartier held a position which scarcely any Canadian has held for very many years, and I am quite sure this House will do what they think is best under the circumstances. On the whole, Sir, my own opinion is in favour of our, as it were, meeting what would be his wishes, by letting no private consideration prevent the business of the country from going on and by at once proceeding to business. This is a suggestion which comes from me, as it will be felt by every one who hears me, in the public interest, and is made with great violence to my own feelings, but I think that on the whole it is better we should proceed with the business.

Hon. Mr. MACKENZIE: It is always a solemn thing to be brought face to face with death, and especially when it affects those with whom we have been long associated either in public or private life, and I feel to-day, with probably every member of this House, that grieving in the loss of Sir George-É. Cartier, the country has sustained a public loss of no ordinary magnitude. It has been my fortune to sit with that hon. gentleman for the last four or five Parliaments. It never was my fortune to agree with him in his political views, or to follow him as one of his political allies. At the same time it never was my misfortune to have anything but the best personal relations with him and I was struck very much today with sadness at the news of his death, his somewhat premature death, for although we knew his health was in a failing condition, I presume no one thought there was any immediate danger of his life.

Hon. Sir JOHN A. MACDONALD: Hear, hear.

Hon. Mr. MACKENZIE: We have all looked forward for the last few weeks before the House rose to be able to welcome him as a member of the old Parliament back to his old place. That is of course now impossible, and I am sure this side of the House will be

willing to agree to any occasion that his own friends think wise or judicious in order to pay this tribute to his memory that his prominent and official position in the House where he long reigned, as the strongest man in it, deserves.

I, at the same time agree with the remarks of the Hon. Premier that we would perhaps best consult Sir George-É. Cartier's own views when in life, by adhering to a course which he suggested on the occasion of Mr. Sandfield Macdonald's death. At that time we had before us a very recent example of what was done in England under similar circumstances. When Lord Clarendon died the English Parliament was in session, and although he was a leading member of that Ministry and one of the grandest specimens of the old English nobility, it was not thought due to the occasion that even the House, of which he was a member, should adjourn on that account. Business was carried on as before, and the example seems to have been set in that respect by the English Parliament, to which we look for a model for our procedure in most cases.

We should also remember that the memory of the departed great does not depend upon the adjournment of the House but more on the affection with which the object of the adjournment may be enshrined in the people's hearts, and although we should adjourn to-day it may not be more a mark of respect in the estimation of anyone to the departed statesman than mentioning his name as we do from side to side of this House. Now, if he were here, and any of his colleagues, not only in the Ministry but in Parliament, should have departed this life under similar circumstances, no one would be more ready than Sir George-É. Cartier to say a kindly word in memory of those who had passed away, and at the same time he would be contented to give that expression of his feelings which is fitting on such occasions, without, at a critical period of the session, asking for an adjournment of the House in order most fittingly to impress the respect due to his memory upon the minds of those who remain.

I can only say, in regards to his memory, that his name has much to do with Canadian history, and although many of us differed, and differed very much and very seriously from the political views which he held, and although we sometimes had in this House severe contests, they were not often of anything but a mere political nature. We all recognize the merit that enabled Sir George-É. Cartier to rise to the position that he occupied, and we all regret that he passed away from amongst us without having an opportunity in this new Parliament of having been present even for a day.

I can only express my own sincere sympathy with his personal friends and relatives, and the sympathy of the political party with which I am allied. I trust I may be able to convey it with the knowledge that it is sincere and unanimous amongst the gentlemen on this side of the House.

Hon. Mr. CAUCHON said that as one of the oldest members of Parliament, and as one of the oldest colleagues of Sir George-É. Cartier, he joined most heartily in the regrets of those gentlemen who had spoken before him. Under these circumstances he would

only say that a greater citizen, a man of truer and greater heart, a warmer or more sincere friend, a man more devoted to his friends had not lived.

Hon. Mr. DORION (Napierville) could not at first be heard in the gallery. He was, however, understood to say that however much he might have differed from the deceased statesman, he joined most heartily in the tribute that had been paid to his memory, and if the House thought it proper to adjourn, he would not present any obstacle.

The orders of the day were then called.

* * *

INSPECTION BILL

The House on motion of **Hon. Mr. TILLEY**, went into Committee on a Bill to amend and consolidate and extend to the whole Dominion of Canada, laws respecting the inspection of certain articles of Canadian produce. The amendments were mainly with regard to the fees to be charged for inspection, and to define the limits of the operation of the inspectors who might be appointed, not being obligatory outside their districts.

The bill as amended was reported.

The Committee rose and reported the Bill, with amendments, which were concurred in.

Mr. OLIVER did not think the clause respecting the examination of butter would work well. He desired to know how the inspectors were to be appointed. He thought some scheme ought to be laid down for the guidance of the Government in making those appointments.

Hon. Mr. TILLEY explained the nature of the amendments. He said in Committee it was resolved that the inspection of butter should be compulsory, and the amendments were principally with regard to the fees to be charged by the inspectors, and for the determining of the limits of the operations of the inspectors.

Mr. OLIVER moved "that the Bill be not now read a third time, but that it be referred back to Committee of the Whole, with instructions to strike out that clause which provided for the compulsory inspection of butter".

Mr. FLEMING thought the Bill as amended would prove beneficial if it got a fair trial.

Hon. Mr. TUPPER said that in those places where it was not desirable to have an inspection of the butter one would not be enforced, and he suggested the advisability of the hon. gentleman withdrawing his specialities.

The amendment was lost on a division, and the Bill was read a third time and passed.

May 20, 1873

PROVINCIAL ASSUMPTION OF DEBTS

Hon. Sir JOHN A. MACDONALD moved the second reading of the Bill to readjust the provincial debt. He said in consequence of the resolution of the House last night in regard to the printing contract, there had been some delay in the printing of the Bill, but his hon. friend the Minister of Finance desired to move its second reading today.

Hon. Mr. CAUCHON said, without speaking at all of the question of the liabilities of the respective Provinces, some provision should be made by which Upper and Lower Canada should be treated on the same basis, and have as equal and fair share of compensation arising out of this distribution as the other Provinces.

He gave notice that on the third reading he would move, seconded by Hon. Mr. Dorion, in amendment to the fourth clause of the Bill, that the following words be added:—"Provided always that these last amounts go towards equalizing the debts and subsidies between all the Provinces, according to population, real or assumed, with which they entered Confederation."

Hon. Mr. WOOD said the Hon. Minister of Finance (Hon. Mr. Tilley) must keep a running account with the Provinces, and when the debt of any party exceeded that stipulated in the statute be charged that Province 8 per cent upon the differences, or vice versa when the amount was under the stipulated sum. It was an impossibility, notwithstanding the remarks of the Minister of Justice the other night to close that account.

Hon. Mr. TILLEY: You are right, we cannot do it.

Hon. Mr. WOOD said, speaking generally, he did not see that this would in any way settle the difference between Ontario and Quebec. He wished it would. (*Hear, hear.*) However, they had always managed to keep their tempers over the matter. He contended that the difference surrounding this matter would be as great as before. As to the advantages to the Provinces, it seemed to him it would be very small. Ontario and Quebec would each receive between \$3,000,000 and \$4,000,000, Nova Scotia over \$67,000, New Brunswick over \$60,000, British Columbia about \$11,000, and that to Manitoba as small as \$6,967. This was too little for that poor, small Province, and the Minister of Finance would require to make some provision for it. Increasing subsidies all round amounted to \$13,386,934. The debt at Confederation was \$77,000,000, and it might surprise those who had studied the matter thoroughly that it had now reached the sum of \$82,000,000.

This was caused by subsidies to the several Provinces being treated as an usual charge upon the revenues instead of being capitalized and treated as a consolidated debt, as was the case in the old Provinces of Canada. Then there were \$40,000,000 to be expended upon Public Works, \$1,000,000 on the Intercolonial Railway, \$20,000,000 on Canals and \$30,000,000 upon the Canada Pacific Railway subsidies alone, without accounting for the sum voted the other day to New Brunswick, under the heading of

compensation for timber dues, would amount to over \$34,000,000. New subsidies, as he had already stated, amounted to \$13,284,000, New Brunswick export duty \$3,000,000, Prince Edward Island \$7,704,000; that is to say a total of \$226,683,700 of debt up to the present time. These items were so simple that they were easily calculated, and he did not see how his hon. friends could have arrived at the conclusion to which they pointed.

It was said the country was very prosperous which conclusion was arrived at upon the basis of the treaty, returns, imports and exports particularly. He reminded the hon. gentleman of the debts that followed the period of financial prosperity from 1846 to 1864, during which so many railways and public works were under construction. No doubt for a few years to come the expectations of the Finance Minister would be realized, but we were heading up against time, the tide turned and heavy burdens were being laid upon the country by this Government against the future. He reminded by asserting that our public debt was not a cent less than he had concluded, namely above \$110,000,000.

Hon. Mr. TILLEY: If the hon. gentleman had gone on and extended all the obligations of the Dominion he might have greatly increased the amount of the liabilities of the country. By the bill the debt would be increased from \$62,500,000 to \$73,000,000. He hoped some means could be divided by which Ontario and Quebec would agree upon the assets.

Hon. Mr. DORION (Napierville) referred to the passing of the Act of Confederation, when it was expected everything would work smoothly; yet they had extended upon the first session of the second Parliament when it was proposed to have everything to place. It was prepared to give to New Brunswick a subsidy which was agreed to about \$1,000,000, and which would be \$800,000 more than they were entitled to by the figures of the Finance Minister himself. When the Government were asked how it was they happened to take up the question, a reply was given that it was the member from Napierville who had proposed such arrangement two years ago. He denied that he made any such proposition. It was of a different nature.

The Finance Minister (Hon. Mr. Tilley) had shown that he was unable to grapple with the question of the settlement of the decision of the debt between Ontario and Quebec. If he could not deal with it let him appoint a committee to enquire into the whole subject. He held that under the Confederation Act, the Great Western and Northern Railway debts should go to the reduction of the debt of Ontario and Quebec, and he argued that, judging from what had been stated in the House, we would have a demand in a few years from the New Brunswick and Nova Scotia Governments to hand over the railways in these Provinces to them.

Hon. Mr. WOOD: We will be willing to give them to them.

Hon. Mr. DORION (Napierville) said that taking into consideration the position of these roads he promised the Dominion would not raise much objection. He argued that the Government should take into their hands the settlement of the whole question of

the debts and assets of the Provinces of Ontario and Quebec, and then settle the financial difficulties of the other Provinces on a permanent basis. He contended that this arrangement was not at all satisfactory, that it increased unjustly the public debt to a much larger amount than it should, and that the arrangement was of a temporary character, to be altered whenever any one Province complained of unfairness.

Hon. Sir FRANCIS HINCKS said he was certainly disappointed in the course the hon. member for Napierville (Hon. Mr. Dorion) had taken, for he thought he would have been a warm supporter of the measure. As far as he had been able to understand this question, he believed it was not competent for the Government to come forward with any proposition for the disposition of the assets of the Provinces.

Hon. Mr. MACKENZIE said this scheme was entered upon without any fixed principle. The hon. gentleman was not able to show that any pressure was brought to bear upon them by any of the governments interested. All they could learn was that there had been some conversation between the Finance Minister and some of the members of the Local Governments, of which there was not even a memorandum. It turned out, however, that this was intended for a measure of relief to the other Provinces, but seeing that the interest of this debt would still have to be paid by the country, he did not see how it could bring any permanent relief.

While the Provinces had this debt to pay, they would be induced to be prudent in the management of their affairs, but by the assumption of their debt, and a payment equivalent to the other Provinces, they gave a direct stimulus to increased reckless expenditure on the part of the Provinces, while the Dominion would be obliged to raise the taxes over the whole Dominion. The increase of taxation was very much to be avoided, because it could not but have a bad effect in checking immigration. He considered that the Dominion Government had no right to interfere in this way, unbidden, with an unsettled dispute between the Provinces.

He proceeded to reply to the attack made upon him last night by the Minister of Customs (Hon. Mr. Tupper), and showed that there was no ground for the accusation made by that gentleman of hostility on his part to the interests of the Maritime Provinces. He pointed out that such speeches as that made by the Minister of Customs had a tendency to excite the feelings, promote national jealousy, and personal recrimination. He denounced in severe language the sectional appeals of that gentleman, and explained the position which he had always taken with regard to the vicious principle of attempting to array by sectional cries the smaller Provinces against the larger.

The House then rose for recess.

AFTER RECESS

Hon. Mr. MACKENZIE resumed the debate on the subject of the assumption of the Ontario and Quebec debt. He contended hon.

gentleman would not accomplish their object in assuming the debt of Quebec and Ontario. They would simply accomplish the object of giving to each Province a little more money to spend on local objects, while the debt of the Dominion would be increased nearly \$14,000,000. He had simply to say it was an amount entirely uncalled for. The measure should not have been taken up without consent of the parties interested. The Government, however, had taken the responsibility, and its effect upon the several Provinces was yet to be seen.

The Bill was read a second time.

In answer to Hon. Mr. Holton,

Hon. Mr. TILLEY said it was proposed the Bill should take effect from the first of July next in regard to all the Provinces. In answer to Hon. Mr. Mackenzie he said the additional subsidies provided by this measure would amount to \$670,000 annually. The third reading of the Bill was fixed for tomorrow.

* * *

JUDGES' SALARIES

Hon. Sir JOHN A. MACDONALD moved concurrence in the report of the Committee on the resolutions on the subject of the additions proposed to be made to the salaries of the Lieutenant-Governors, Judges and others.

Hon. Mr. DORION (Napierville) wished to take this opportunity to correct a misapprehension which had gone abroad of his remarks respecting the Judiciary in Lower Canada. His remarks did not apply to all the Judges. Some of the Quebec Judges would be an ornament to the Judiciary of any country.

His remarks applied particularly to the Court of Appeal, and to show that he was not altogether wrong, he would state a few facts. For instance, in the month of December, the Court of Appeal heard twenty-two cases in the district of Montreal, and seven in the District of Quebec. The records of these seven cases, and of two of the Montreal cases, were burned with the Quebec Court House, and no judgments were rendered. Out of the remaining cases judgments were rendered in five, and ten cases were discharged, showing that the judges had either not examined the cases at all or could not agree.

Last session he had moved for a number of appeals from various Provinces to the Privy Council. He found that within three years there were two cases from Ontario, one from New Brunswick, two from Nova Scotia, and twenty-one from Quebec. Last year the number had increased, there being no less than nine or ten in that year. Indeed the Privy Council was almost entirely engaged at present in deciding cases from Lower Canada. Since the 1st of January they had decided five cases from Quebec, reversing the judgment in four of them, so that in fact the Privy Council were making the Jurisprudence for Lower Canada, and the people were subjected to a tax of \$25,000, and \$30,000 a year for the purpose of

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getting their cases brought before the Privy Council and having the judgments of their own courts reversed by that tribunal.

The hon. leader of the Government proposed as a remedy an increased salary, but he could point out a better remedy than that. Too many of their Judges were unfit for duty on account of their old age. If the hon. gentleman was to provide, as in the United States, that when a Judge attained the age of sixty-five years he should cease to be a Judge, he would find it remedy the present state of things. They had now in Quebec five Judges, each about seventy-two years of age, and a great deal of inconvenience arose from the fact that some of the Judges were unable, on account of old age, to administer justice.

Another remedy would be to take great care in the selection of Judges. The hon. gentleman had selected Judges on account of the political services they had rendered, and that was how unfit men had come to be placed on the bench.

Hon. Sir JOHN A. MACDONALD said the hon. member for Napierville (Hon. Mr. Dorion) felt it necessary to make an explanation, and it was due to the Bench of Lower Canada for the unqualified censure he passed on that Bench. It was not his (Hon. Sir John A. Macdonald's) duty particularly to defend the Bench of Lower Canada, except so far that, as Minister of Justice, he should see that every person who administered justice over whom the Government had control had fair play.

He did not think the Bench of Lower Canada had received fair play from the hon. gentleman. The censure passed on the Bench of Lower Canada had met its own rebuke in the explanation the hon. gentleman had been obliged to make, unwillingly, at the last hour, and ungraciously towards the men under whom he had practised at the bar for years. There might be on the Bench of Lower Canada, as there must be on every Bench, men of more or less position, but the majority of the Judges were men who would honour any judiciary in the world. He objected to the suggestion of the hon. gentlemen that no Judge should sit on the Bench over sixty-five years of age, and instanced the Judiciary in England, Nova Scotia, and Ontario to show that some of the best Judges were over that age.

Hon. Mr. CAUCHON said that more than two thirds of the Bench in Lower Canada should be changed if justice was to be given. He would not like to mention names, but there were four Judges in particular who were unable to perform their duties. If the Bench of Lower Canada were to be put on an equality with Upper Canada, he should not say that the Judges should retire at 65, but would say 70. There were many men on the Bench in Lower Canada who were waiting till they could retire on their whole salary. He was strongly opposed to the elective system, and was in favour of the appointment of Judges, but he believed in there being a fixed age for Judges to retire. It was well known that in Lower Canada many men were waiting for the next Judge, because they knew they would not get justice under the present Judge. He thought every man in this House ought not to be afraid to express his opinion on that point, and it was great courage on the part of the

hon. member for Napierville, who had to appear before the Judges every day to get up and express his dissatisfaction with the Bench. This House was the guardian of the people, and it ought to see that justice was done to the people, which it was doing by bringing up this question.

Mr. MERCIER said that all would agree that there was an evil in our system which should be done away with, and that was that some Judges in Quebec were too old to do justice satisfactorily. Whilst this complaint was in everybody's mouth, it was idle to speak of increasing the Judges' salaries. The present proposition to increase the Judges' salaries was offering a premium to those who could not do their work to remain in their positions to the detriment of the public service.

He thought a clause should be introduced into the present measure to give them a chance to retire, and thereupon he would propose that the salaries of those Judges in Quebec who were above seventy years of age should not be increased. If these gentlemen wished to remain in office he would not have them forced to retire. Their salaries should not be increased, but if they were willing to retire within sixty days, he would say let them have two-thirds of the increased salary to which they would otherwise be entitled to. Our infirm and aged Judges said they could not retire because the amount of pension to which they would be entitled was not sufficient for them to live upon but by this provision these pensions would, he presumed, be ample for their requirements.

He moved, seconded by **Mr. LAFLAMME** an amendment to the effect "that the salaries of the Judges in Quebec over seventy years should remain the same as at present; the salaries of Judges under seventy should be augmented; that Judges above seventy should not be forced to resign but that if they did resign within sixty days after the passage of this law, they should draw a pension of two-thirds of the salary as augmented by this law."

Hon. Mr. LANGEVIN asked why the hon. member made this exception for Quebec only. Did he mean to say that the Judges of Quebec were more incapable than those elsewhere? If he intended to convey this he would deny it most emphatically, and call upon the members to vote down this amendment.

Mr. MERCIER affirmed that the evil was greater in Quebec than elsewhere.

Mr. FOURNIER (in French) protested against the attack made by the Premier on the member for Napierville (Hon. Mr. Dorion) who only represented the feeling of the Province. He (Hon. Mr. Dorion) had manifested great courage in thus coming forward to make the complaint which he had just given utterance to, and on his part he (Mr. Fournier) was prepared to share the responsibility he had assumed in doing so, as he believed that if the hon. gentleman had not acted as he had done he would have been wanting in his duty to the public. He complained that Judges had been appointed more from political predilections and party interests than from any qualifications they possessed in themselves. The Judges, instead of being elected from the first officers of the Provinces, had been

chosen from the most inferior officers, who had nothing but a Police Recorder's Court practice. This system had been protested against both by Montreal and Quebec, and he was assured that Hon. Mr. Dorion, who had been unanimously elected Batonnier of Montreal, was speaking the policy of that section of the profession.

Mr. MATHIEU said the fault was not so much that of the Judges, but of the system, which really should be remedied. A limit should be fixed during which Judges should exercise their functions.

Mr. LANGLOIS said several complaints had been made against the Judges of Quebec, but they had never been brought home to any one in particular, and it would be hard to do so. It was very hard to resort to the impeachment of any Judge because no one would take the responsibility.

He would suggest that a commission should be appointed, and if public opinion was in favour of such commission he had no doubt it would be supported by either the Dominion Government or the Government of the Province of Quebec, whichever had jurisdiction in the matter. While there were some Judges incompetent for the performance of their duties, there were at the same time many most competent Judges particularly in the Superior Court of Appeal, and it was an act of fair play to the Judges and an act of justice to the people that these men should be known. If a commission of the kind he had suggested were appointed he believed that at least four or five of the Judges of Quebec would ask leave to resign on a pension without waiting for investigation.

Hon. Sir JOHN A. MACDONALD had no doubt that any fresh enquiry into the state of the judiciary must rest with the Dominion Government. He heard from all sides remarks against the administration of justice in Quebec; he could only say that they had not fallen upon an inattentive ear, and that the Government would take proper steps in the matter.

The hon. member for Napierville (Hon. Mr. Dorion) has been congratulated for his courage. Was it courage for a man to get up and make a general charge against the judiciary, and fix on no particular individual? If he had displayed courage he would have got up and made a charge with the necessary evidence to prove it against the particular individual, and if he could not do that he ought not to have made a general charge. And now the hon. gentleman got up and made apology that he did not mean to refer to them all. He (Hon. Sir John A. Macdonald) did say he should be careful, and if he admitted he was wrong in charging them all, he was bound to make a specific charge against a particular one.

He believed in the English system. The case of a charge being brought against a Judge, it was by Committee or by a member of Parliament getting up and making such charge specific, so that the Government might be enabled to take the proper action by bringing in a motion. If that course was not pursued, then farewell to the independence of the Judges, and he called upon the House to beware they took a step against the independence of the Judges. He

believed that the government, in making the appointment of Judges in Quebec since 1867, had done what they felt to be in the interests of the country.

Hon. Mr. DORION (Napierville) disclaimed against his having made any such apologies as had been imputed to him by the hon. gentleman, since he had not at first made the charge against the whole of the judiciary of Quebec. If the hon. gentleman did not know the existing state of the Bench in Quebec, he was the only one who did not. He repeated that men at the age of seventy were unfit to go through the physical duties connected with the administration of justice, and the only way to ensure efficiency was to compel all to resign at a certain age.

He denied that all the appointments of Judges since 1867 were satisfactory. Favouritism had been the rule and merit the exception since that date, as it had been for the last fifteen years, that the hon. gentleman had been at the head of affairs.

As to the motion of the hon. member for Rouville (Mr. Mercier) he must say that he could not support it, because he was unwilling to make a discrimination between the Judges in Quebec and other parts of the Dominion. If a commission were appointed he would bind himself to bring the facts to prove that the state of the judiciary in Quebec was not what it should be.

The amendment was lost on a division.

Mr. FOURNIER referred to the case of Judge Bossé, who had refused to live in the district of Montmagny, adducing it as a reason for the Government to provide a more stringent measure to compel Judges not only to reside in their districts but in other matters. He said that to his own knowledge there were four Judges in the Quebec district who did not reside in their own judicial district. He suggested that a measure compelling them to reside within their judicial boundaries would be to withhold from them an increase of salary, if they did not comply with the law in this particular. He moved that the motion be amended by a clause to this effect.

Hon. Sir JOHN A. MACDONALD said this amendment was against the Constitution, and was antagonistic to the independence of the Judges, and on that account should be altered.

Hon. Mr. DORION (Napierville) said the House should have a promise from the Government that they would take measures to remedy the matter complained of.

Hon. Sir JOHN A. MACDONALD said that the Constitution provided that the whole of the administration of justice was thrown upon the Provincial Governments. They should be prepared to meet that responsibility, and if they saw that by any default of the Judges in their own Provinces there was a failure in the administration of justice they ought to take the responsibility to come before the Dominion Parliament and present their grievances. If they would not do that, and if it became a crying evil to such an extent that discussions like that took place in the House, the Dominion Government could fairly undertake the responsibility; but they

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ought not to be asked to undertake such, only except as a last resort, and only on an understanding that the Provincial Governments had failed to do their duty.

* * *

MINISTERS' SALARIES

On concurrence to the report of the Committee of the Whole on the salaries of members of the Privy Council.

Hon. Mr. DORION (Napierville) urged that a graduated system should be adopted.

Hon. Mr. MACKENZIE moved in amendment, "That in the opinion of this House it is not expedient to increase the salaries of the Minister in the manner proposed; that uniformity in amount is quite unnecessary, as the heads of the less important departments are now sufficiently well paid with \$5,000 per annum; and that the resolution be not now concurred in, but be referred back to Committee of the Whole, with instructions to graduate the salaries so that the aggregate amount shall not exceed \$7,000". He merely wished to raise the same objections to the proposed system as before, and would not repeat them.

Hon. Sir JOHN A. MACDONALD said that the hon. gentleman had admitted that some of the salaries should be increased to the extent proposed. Then the sole question was whether there should be uniformity. He repeated his arguments of the other night in opposition to this, and warned the House against the establishment of an inequality of salaries.

Hon. Mr. CAUCHON supported the system of equal salaries to all members of the Government.

Hon. Mr. MACKENZIE then withdrew his amendment contenting himself with the expression of the opinion of the House.

Hon. Sir JOHN A. MACDONALD then introduced a Bill founded on the resolution.

On motion for the second reading,

Hon. Mr. HOLTON said he objected on principle to making the measure retroactive. It was certainly improper to vote money into the pockets of members who had ceased to be Ministers. He pointed out that the salaries of the Ministers in England were raised at the time of the Reform bill, and that in Canada, up to 1851, the salaries of Ministers were graduated. He thought the balance of the argument was in favour of such a proposition as this.

The Bill was then read a second time.

QUEBEC HARBOUR TRUST

Hon. Mr. TILLEY moved concurrence in the report of the Committee of the Whole on the resolution providing for the lease of five per cent Dominion debentures by the amount of \$1,200,000 for the relief of the Quebec Harbour Trust.—Carried.

* * *

ELECTION BILL DISCHARGED

Hon. Sir JOHN A. MACDONALD announced that he would not press the Election Bill during the present session. The bill would be printed and therewith would be incorporated the ballot clauses. He favoured the system of ballot adopted in New Brunswick to that of England. Before next session he pointed out the ballot system would have been tried in England at a general election and that by the admission of Prince Edward Island the Canadian Confederation would become completed.

In reply to Hon. Mr. Cauchon, **Hon. Sir JOHN A. MACDONALD** said he did not pledge himself to the adoption of the New Brunswick system.

After some remarks from Messrs. Cauchon, Tremblay and Anglin, the order was discharged.

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TEMPORARY ELECTION LAW

Hon. Sir JOHN A. MACDONALD moved the second reading of the Bill providing for a temporary Election Law. He explained it was the same as the Interim Act of 1872, and that it was necessary to have some enactment or other. It was held by some lawyers we could have no election law at all. He did not hold that view but considered that there should be no doubt about that, and therefore, introduced this Bill.

Hon. Mr. CAMPBELL suggested the polling districts in Nova Scotia be the same as for the election of local members.

Hon. Sir JOHN A. MACDONALD thought it not worth while to make any changes as the Act would last until next session.

The Bill was then read a second time and third time and passed.

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MESSAGE FROM THE SENATE

The SPEAKER announced a message from the Senate, stating that they had agreed to the amendments made by this House to the Act respecting Militia and Defence, and that they had made

amendments to the following bills, and asking the concurrence of the House in the same:

To incorporate the Canada Investment and Guarantee Agency.

To incorporate the Merchants' Warehousing Company.

To empower the Montreal and Northern Colonization Railway Company, and to extend its line.

To incorporate the Labrador Company.

To grant additional powers to the Quebec and Gulf Steamship Company.

To incorporate the Goldsmiths Company of Canada.

* * *

PRINCE EDWARD ISLAND

Hon. Mr. TILLEY moved the House in Committee to consider certain proposed resolutions respecting the admission of Prince Edward Island into the Dominion of Canada, and the message of his Excellency the Governor General on that subject. He stated that the Government had been endeavouring since confederation, to get this beautiful and fertile Island into the Union.

The difficulty had always been that in consequence of their isolated position they could not receive an appropriation for local purposes, as they were entitled to, a debt having been incurred by the Island Railway. A deputation had in January been sent up to arrange terms of union. Another delegation had been recently sent up, empowered to enter into the final arrangements which were now submitted to Parliament. The great local works there having been now completed, there could never be any large local expenditure in the future, and it was in consideration of this fact that the Dominion Government had granted such liberal terms.

The House went into Committee, **Mr. CHIPMAN** in the chair.

Hon. Mr. TILLEY explained that the expenditure of the Island would be \$480,000, and the receipts would, under the Dominion tariff, have been \$441,898 last year.

Hon. Mr. MACKENZIE enquired what loss would accrue to the Dominion by having the Island Railway.

Hon. Mr. TILLEY did not think any loss would accrue to the Dominion.

In answer to Mr. Cartwright,

Hon. Mr. TILLEY said the railway was under contract and the Dominion would not be liable for any excess of these contracts, but that excess would be charged against the debt of the Islands. In reference to the tariff he said that the Island charged a duty of 11 1/2 per cent, on what the Dominion charged 15.

Hon. Mr. WOOD advocated the assumption of the whole debt of the Island by the Dominion and the giving to the Island of all local works.

After some further discussion the resolutions were reported without amendment.

The report was adopted amid applause on both sides of the House.

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THE NORTH WEST TERRITORIES

The resolutions providing for the administration of justice and the establishment of a police force in the North West Territories passed through Committee.

The bill was reported with a trifling amendment, which was concurred in.

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CONTESTED ELECTIONS

On motion of **Hon. Sir JOHN A. MACDONALD** the amendment to the bill to make better provision respecting Election Petitions and Contested Elections was read a second time.

* * *

EXTRADITION

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill to make further provision for the extradition of criminals.—Carried.

The House went into Committee adopted the bill with certain amendments, rose and reported, and the bill was read a third time and passed.

* * *

PRINCE EDWARD ISLAND

Hon. Mr. TILLEY moved that an Address embodying the resolutions with respect to the admission into the Union of Prince Edward Island be presented to Her Majesty, and that a Select Committee, composed of Hon. Sir John A. Macdonald, Hon. Messrs. Langevin, Tupper and the mover, be appointed to draw up such address.—Carried.

The Committee presented the address, which was read a first and second time, and was ordered to be engrossed.

On motion of **Hon. Mr. TILLEY**, the House went into Committee, adopted the resolutions, rose and reported, and a bill

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founded on the resolutions was introduced and read a first and second time.

Hon. Mr. TILLEY introduced a bill extending to Prince Edward Island the Customs law of the Dominion. He explained that it provided that goods imported into the Island before the sales and brought back again to other parts of the Dominion after the sales shall have to pay the difference in duty on being as bought back.

The Bill was read a second time.

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EXTRA SITTING

Hon. Sir JOHN A. MACDONALD proposed to the House that they should meet at eleven o'clock on Wednesday.

This was agreed to.

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ADJOURNMENT

In answer to Hon. Mr. Dorion (Napierville),

Hon. Sir JOHN A. MACDONALD said the House would probably get through the business on Wednesday, and in that case he would move the adjournment of the House till some day in August.

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PROMISSORY NOTES

Mr. KIRKPATRICK in the absence of **Hon. Mr. CAMERON (Cardwell)**, moved that the bill to amend the law relating to promissory notes and bills of exchange be not now read a third

time, but that it be referred back to a Committee of the Whole to make certain amendments.—Carried.

The bill passed through Committee, and was read a third time and passed.

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CHANGE OF COUNTY LIMITS

On motion of **Mr. DUGAS** the bill to change the limits of the Counties of Montcalm and Joliette was read a third time and passed.

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FUNERAL OF HON. SIR GEORGE-É. CARTIER

Hon. Sir JOHN A. MACDONALD desired to give notice of a proposition that he should submit to the House at its next meeting. He was able to do so now though he was not able to do so a while ago. He considered that the life and history of Sir George-É. Cartier was mixed up with the history of Canada, and especially with the history of Confederation and believed that the country owed the latter to him more than to any other man in Canada, since it had been under British institutions.

He was quite unprepared to make a speech on the question, but did think that if ever there was an occasion which the House should show its regard for a great man now was the time, and if ever there was a man who deserved that expression of regard it was Sir George-É. Cartier. He should therefore propose, the following English precedent, that the funeral of Sir George-É. Cartier should be a public funeral, and that the country should defray the expenses connected therewith.

The House then adjourned at 1.30 a.m.

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HOUSE OF COMMONS

Wednesday, May 21, 1873

The **SPEAKER** took the chair at 11.30 a.m.

Prayers

THE PRINTING CONTRACT

Hon. Mr. MACKENZIE said he had been informed that a member of the Government went the previous day to the printer's and notwithstanding the vote of the House, which prescribed the utmost limit for the payment of the printing, made some arrangement without the consent of Parliament for the execution of the printing. He understood that a member of the government took the responsibility of guaranteeing the printer against loss. No member of the Government had a right to do that; that could only be done by the vote of the House. He wished to know if the Government had authorized any one of their colleagues to guarantee the printer against loss.

Hon. Mr. TILLEY said a temporary arrangement had been made to get the work done for the last few days of the session, but it would in no way interfere with the vote of the House.

Mr. YOUNG (Waterloo South) said the guarantee practically extended to the conclusion of the contract in the absence of any official notification.

Mr. BOWELL said the printer was only guaranteed against loss until some other arrangement was made.

Mr. YOUNG (Waterloo South) said the statement of the hon. member for Hastings confirmed his own.

The subject then dropped.

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CAMPS OF INSTRUCTION

Mr. THOMPSON (Haldimand) inquired of the acting Minister of Militia whether the Government had decided as to the action they were to take regarding camps of instruction, and whether drill is to be performed at headquarters.

Hon. Mr. LANGEVIN said he had intimated a few days ago that no action had been taken for the purpose of establishing camps of instruction, and the intention was to have drill performed at

headquarters. It was nevertheless likely we might have a camp, although not in the Lower Provinces.

* * *

PROVINCIAL DEBT

Hon. Mr. MACKENZIE said he begged to call attention to a statement of Hon. Sir Francis Hincks regarding the Provincial debt. That hon. gentleman had stated that Hon. Mr. Blake, when Premier of Ontario, had through the member for Cardwell (Hon. Mr. Cameron) refused entirely to entertain any proposal whatever for accommodation in respect to that debt. He (Hon. Mr. Mackenzie) was surprised to hear that statement, for he knew, as a member of the Ontario Government at the time referred to, that it was not correct. His hon. friend from Napierville (Hon. Mr. Dorion) had also stated it was incorrect. Hon. Mr. Blake telegraphed this morning to him (Hon. Mr. Mackenzie) requesting him to deny the statement of Hon. Sir Francis Hincks, as it was quite untrue. (*Hear, hear.*)

* * *

CONCURRENCE

Hon. Mr. TILLEY moved concurrence in the report of the Committee of Supply on the militia estimates.

Hon. Mr. MACKENZIE asked if the hon. gentleman the acting Minister of Militia intended to give any explanations on this subject. They had reason to believe from what had transpired that the militia force was in a state of disorganization. Except the staff officers, there was nothing really complete in the Department, and whether the effective power of the officers was what it ought to be was open to question.

In the Adjutant General's report it was shown that the attendance in camp was composed of about twelve or thirteen men to one officer. In some of the camps there were only five or six men to one officer, and he had seen a letter from a well known gentleman near this place, stating that in the turn-out in his neighbourhood there were either nineteen officers to 21 men, or 21 officers to nineteen men, he forgot which. It must be evident that some reformation was needed if we were to make the force effective, and it did seem to him that the expenditure of a million of money upon the force in its present state was to a great extent a wanton waste of public money.

He was very sorry to have to express this opinion, because some years ago he held the view that a very efficient force might be

organized that might be useful in case of emergency, and that looking even at the worst possible phase of our materiel existence, at the possibility of hostilities between ourselves and the neighbouring nation, we would have the nucleus of a force not only respectable in numbers but effective in action, and such as would be a very efficient and powerful auxiliary force to the forces of the mother country. To look to our force, as it at present existed, as one effective for the purpose of war was absurd; and if we were to look to it simply as an auxiliary to the ordinary maintenance of peace in a municipal way, the force upon paper was altogether too large. If it was possible to have a force organized in such a way as to bring into existence a militia force that could be called into action at short notice under an effective system, he would be glad to lend his aid to effect that object.

Although military schools were at first very useful, yet he looked upon them recently as comparatively useless. A military school to be effective must do something more than merely to teach men to march in a certain way, and to give a few words of command to instructions on drill. The military school at West Point in the United States was not merely a school to teach military tactics and movements but a school for teaching efficiently engineering; and officers turned out of that school had no superiors, and it was doubtful if they had any equals, in any of the armies of the Old Country. Compared with that institution even the military colleges in Great Britain were behind.

Now the question arose whether in this country we were to adapt our system to that of the United States. The United States system was to keep a few thousand men of the regular forces in the country, ready to be sent to any part where needed, and to place the main dependence upon having a body of efficiently trained officers who could at any moment head a militia army when called into the field. When the late civil war broke out that system seemed at first to fall, but it afterwards developed itself so as to present a complete and efficient army organization. The efficiency of that organization depended mainly upon the excellent body of trained officers from West Point school; and it occurred to him that it might be well, for us to abolish the present military schools as mere obstacles in the way of military tuition, and if we were to devote any portion of the public money for such a purpose, it should be in schools similar to the schools at Paris or Sandhurst or West Point, and that we should in the meantime avoid the useless expenditure of calling out half organized battalions for camp drill for a few days in summer. These battalions were one half composed of raw levies, who were got together merely for the purpose of obtaining the little pay given or, of putting in a few days as a sort of frolic.

He looked upon this system as one that ought not to be continued; and to vote this money blindly, without any explanation from the Minister of Militia, as to the reforms he may have in view as to the intentions of the Department with regard to the coming season, seems to him to be foolish in the extreme. It was true there appeared to be a reduction of half a million over the previous year, but this reduction was more nominal than real, because the vote of

last year included a large sum for the payment of military stores purchased from the Imperial Government, a vote for which was taken this year in another part of the estimates. The real expenditure was practically very nearly the same as last year.

He did not doubt that the Minister of Militia desired to have the Department administered properly: but that it had been properly administered no one would venture to assert; and that the whole system ought to be remodelled was at all events his own firm conviction. He was desirous to see the military force of this country placed upon such a footing as would make it at once efficient and at the same time not repulsive to the people of the country.

Hon. Mr. LANGEVIN said his hon. friend could understand the difficulty of his position as acting only for one and in the absence of his late lamented friend, Sir George-É. Cartier. He could not close his eyes to the facts that had come under his notice whilst administering the Department. He agreed to a certain extent with what the hon. gentleman stated. The system as now in force was not a system which should continue any length of time. (*Hear, hear.*) It was not the intention to continue it. (*Hear, hear.*)

The system had not produced the results expected of it, and that was the reason why this year, before considering the larger question as to a school for the whole Dominion, the Government had decided that instead of admitting to the Military schools indiscriminately young men who go for the mere purpose of having their \$50 and spending a few weeks agreeably, they should restrict admission to those men who have a commission from Her Majesty in militia and wished to qualify for that purpose. It was hoped that the result of this would be that we would have young men come out from the militia schools, valuable to the country, ready for its service and having the confidence of their regiments.

He agreed with the hon. member for Lambton regarding the necessity of replacing these schools at a very early day by schools established upon a higher footing, and that officers should be such as to compete successfully with the officers of the same rank in any other countries. Next session the Government would be able to come down with some proposition on this subject. It was quite true there had been some disorganization, and that while last year we should have had 44,000 more in camp we had only 24,000 but we could not expect men having wages of from \$3 to \$6 a day to turn out in great number for only 50 cents in camp. If an amount equal or nearly equal to what the men get at their usual employment were paid them in camp, the country and House would not consent to the payment of such an enormous sum as it would require.

The question that now came up for consideration was whether we should not, in case of a change of system, adopt an organization better adopted to the altered circumstances of the country; that is to say, fewer in number, and, if possible of greater efficiency. There was great difficulty in collecting such a large number of men in one centre as we had at present. The whole question would receive the consideration of the Government during recess and they would bring the matter before the House at its next session. (*Hear, hear.*)

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Hon. Mr. HOLTON said the observations he had just heard were very gratifying to him. Now they had the assurance of the Government that they were going to adopt boldly the view which it became his duty to express; and he had no doubt that the sum he had indicated as the maximum sum for this service, to wit, half a million dollars, would be found to be near the mark. He affirmed that the investigation regarding the administration of the Militia Department had had the effect of bringing the Government to adopt the policy which they had announced that day.

Mr. JONES repudiated the idea that the West Point Military School was superior to that of Sandhurst, England, and advocated the expenditure of more money.

Mr. BOWELL was of opinion that very little good resulted from the annual camps, and referred to the reluctance with which employers permitted employees to attend the camps. He also called attention to the fact that in some of the companies there were four men to each officer, while in one company there were two officers to one man. He hoped the Minister of Militia would consider well before he gave his consent to the calling out of the men into camp, for the present system of camp drill was an utter and useless waste of money.

Mr. ROSS (Prince Edward) did not approve of the camp system of drill, and he thought if the men were called out it should not be until September, for in the present condition of the labour market, it would be a great hardship on the employers. He thought the system which it was proposed to introduce next year would prove to be the proper one.

Mr. BERGIN was also of opinion that it would be criminal, in the present state of the labour market to call out a large body of men for camp drill.

Mr. BROWN expressed views similar to those enunciated by the previous speakers.

After some further discussion the items were concurred in.

* * *

SUPPLEMENTARY ESTIMATES

A message from His Excellency was read recommending the supplementary estimates of expenditure in connection with Prince Edward Island.

Amongst other items was one of \$3,000 for expenses in connection with the burial of the bodies recovered from the wreck of the steamship *Atlantic*, providing coffins, et cetera, and for conferring rewards on the Rev. Mr. Ancient and other inhabitants in the vicinity of Prospect Cape, who rescued and provided for persons saved from the wreck. Also, \$20,000 for improvements in ventilation, lighting and heating of the Parliamentary building; also \$6,000 to provide for the expenses in connection with inspection and classification of vessels by the Dominion Government.

SUPPLY

The House then went into Committee of Supply and passed supplementary estimates \$57,300.

Some discussion arose on the item of \$4,000 to facilitate the descent of timber on Fenelon River.

Hon. Mr. MACKENZIE pointed out that this was purely a local work, with which the Dominion had nothing to do.

Hon. Mr. LANGEVIN, in reply, stated that the Government had control of those works.

The item was passed.

Mr. SNIDER referred to the neglect of the Government to improve the harbour at Owen Sound, and he hoped the Government would vote a sum for the purpose, and remove from his mind the impression that no member but a Government supporter could get justice done to his constituency.

Hon. Mr. LANGEVIN said they had expended so much money this year that they could not vote any more. Next year he would see what could be done.

The item of \$6,000 for the establishment of a Canadian Lloyd's was concurred in.

* * *

PRINCE EDWARD ISLAND NEGOTIATIONS

The estimate of \$100,000 for carrying on the negotiations with Prince Edward Island was passed without objection.

* * *

HON. SIR GEORGE-ÉTIENNE CARTIER'S FUNERAL

Hon. Sir JOHN A. MACDONALD gave notice that on Friday he would move that an humble address be presented to His Excellency, praying that His Excellency might be graciously pleased to give directions that the remains of the Hon. Sir George-É. Cartier be interred at the public expense, and that a monument be raised to his memory, and that this House assure His Excellency that they will make good the expenditure attending the same.

* * *

ADJOURNMENT

In reply to Hon. Mr. Cauchon,

Hon. Sir JOHN A. MACDONALD said that he hoped the House would adjourn on Friday.

The House rose at 1.30

The House resumed at 3 p.m.

* * *

NEW BRUNSWICK EXPORT DUTIES

Hon. Mr. TILLEY moved the third reading of the Bill respecting the export duties of New Brunswick.

Hon. Mr. MACKENZIE said it would be necessary to amend the Act so as to enable it to carry out the expressed intention with which it was introduced.

Hon. Mr. HOLTON said he did not object to this motion, but he objected to the way in which it was endeavoured to be passed. He was prepared to give New Brunswick better terms, but he objected to disguising the fact that they were getting it. The preamble of the Bill did not indicate the nature of its proposal at all. It was simply an attempt at deception which would deceive nobody. He hoped hon. gentleman would see that there was danger in this proceeding, and that if better terms were necessary to New Brunswick, and he was quite prepared to say they were, they should at least be put on record under their proper title, and on a permanent and correct principle.

Hon. Mr. WOOD pointed out that the Treaty of Washington provided that goods could be shipped from one American port to another, if they passed over Canadian territory. The same right was extended to Americans, and had the arrangement stopped there, it could have applied equally to other countries, but in addition to that Canada was bound to abolish the export duty on American lumber sent down Saint John River, which involved the payment by the Dominion of a sum equal to \$3,000,000.

He entered into a calculation to show that the New Brunswick Government received, on an average, only \$18,000 per annum from the export duty on American lumber; and yet it was proposed to give that Province in perpetuity \$150,000 per annum, equal to present payment of \$3,000,000. According to the Finance Minister the revenue, prior to the Reciprocity Treaty of 1854 was on the average not above \$79,000 per annum. This was the outside figure. During the existence of the Treaty in 1856 the average was not above \$67,000 per annum. During this period no duty was charged on timber cut in the State of Maine. Since the abrogation of the Reciprocity Treaty the annual average, including timber out in the State of Maine, had not been above \$67,000, therefore it followed the duty collected on timber out in the State of Maine before the Reciprocity Treaty was \$24,000, and since the abrogation of that Treaty \$12,000. The mean of these two sums would be \$18,000.

Therefore, to carry out the Treaty, as to the provisions bearing on the subject, for the surrender of \$18,000 export duty on Maine timber, we were giving New Brunswick \$150,000 in perpetuity, the equal to a present payment of \$3,000,000. True, the Bill provided that New Brunswick shall surrender its right to levy export duty on its own people for timber cut in and exported from New Brunswick.

That it proposed to give to its own people the duty hitherto collected from its own people being as the Finance Minister stated, about \$55,000. This was the way the money went.

All he could say was that it was probable we had not heard the last of this. The other Provinces might in a few years be coming down for more favourable arrangements, and quoting this example. It only showed that the constitution had been torn to pieces, and gives the people no guarantee of a Government arrangement between the Provinces.

Hon. Mr. TUPPER deprecated the endeavour to raise any question as to the third reading, as it was allowed all round that this legislation should be accomplished, and he trusted they would not obstruct it further.

Hon. Mr. MACKENZIE asked if he was to understand that this offer was made to New Brunswick without any reference to better terms.

Hon. Mr. TUPPER said it was the opinion of the New Brunswick Government that they could not take less for their right to impose this duty.

Hon. Mr. MACKENZIE said he wanted the hon. gentleman's opinion.

Hon. Mr. TUPPER said it was not well to be too close in these negotiations.

Mr. MILLS agreed that the other Provinces should be compensated.

Hon. Mr. MACKENZIE said very little had been said upon this Bill, and such a Bill should not have been brought up at such a period of the session, when no discussion could be had upon it. This was a most important measure adding to the debt of the Dominion to the amount of over \$2,000,000. The entire benefit to this country of the guarantee given on account of the Treaty would not exceed \$300,000, and half of this was already paid away. He understood when the resolution was moved that it had reference only to the Treaty, but on perusing the Bill he found that this money was not specially on that account. This was really better terms under the disguise of treaty requirements.

Hon. Sir JOHN A. MACDONALD protested against the idea that the House was not just as competent to deal with these matters on the last day of the session as earlier. The hon. gentleman was bound, if he opposed this Bill, to place his opinion upon the records of this House.

Hon. Mr. MACKENZIE said the other day he offered a resolution expressing his opinion and the hon. gentleman urged him to withdraw, and yet the hon. gentleman now complained that he did not propose an amendment.

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Hon. Mr. HOLTON said he regarded this matter as one for better terms to New Brunswick, and he was not opposed to that; but he was opposed to granting those better terms under a disguise.

Mr. MACDONALD (Glengarry) said if they should hear no more of the Washington Treaty by the passing of this measure, he would support it, because he regarded that Treaty as a cowardly surrender of our rights, and did not wish to hear anything more about it.

The Bill was then read a third time and passed.

* * *

ASSUMPTION OF PROVINCIAL DEBT

Hon. Mr. TILLEY then moved the third reading of the Bill readjusting the amounts payable to, and chargeable against, the several Provinces of Canada, in so far as depends on the debt with which they respectively entered the Union.

Hon. Mr. CAUCHON moved that the Bill be recommitted to the Committee of the Whole with instructions to amend it by providing that the additional amount assumed go towards equalizing the debts and subsidies of the several Provinces according to the population real or assumed, with which they entered Confederation.

Hon. Mr. TILLEY objected to the amendment on the ground that it would change the basis of the Constitution entirely.

The House then divided on the amendment, which was lost. Yeas 55, nays 83.

YEAS

Messrs.

| | |
|------------------------------|-----------------------|
| Archibald | Bain |
| Béchar | Bergin |
| Brouse | Cartwright |
| Casey | Casgrain |
| Cauchon | Cockburn (Muskoka) |
| Delorme | De Saint-Georges |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Edgar | Fiset |
| Fleming | Fournier |
| Galbraith | Geoffrion |
| Gibson | Gillies |
| Harvey | Higinbotham |
| Holton | Jetté |
| Landerkin | Macdonald (Glengarry) |
| Mackenzie | Mercier |
| Metcalfe | Mills |
| Oliver | Pelletier |
| Pickard | Pozer |
| Richard (Mégantic) | Ross (Durham East) |
| Ross (Middlesex West) | Ross (Prince Edward) |
| Ross (Wellington Centre) | Rymal |
| Scatcherd | Smith (Peel) |
| Snider | Stirton |
| Taschereau | Thompson (Haldimand) |
| Tremblay | Trow |

White (Halton)
Wood
Young (Waterloo South)—55

Anglin
Baker
Bellerose
Blanchet
Brown
Burpee (Sunbury)
Carling
Carter
Chisholm
Cluxton
Colby
Cunningham
Cutler
De Cosmos
Dormer
Duguay
Fortin
Gibbs (Ontario North)
Glass
Haggart
Jones
Lacerte
Langlois
Le Vesconte
Macdonald (Sir John A.)
Mailoux
Mathieu
McGreevy
Morrison
Nelson
O'Reilly
Pope
Robillard
Robitaille
Ryan
Shibley
Staples
Thompson (Cariboo)
Tobin
Tupper
White (East Hastings)
Wright (Ottawa County)—83

Wilkes
Young (Montreal West)

NAYS

Messrs.

Baby
Beaubien
Benoit
Bowell
Burpee (St. John)
Campbell
Caron
Chipman
Church
Coffin
Costigan
Currier
Daly
Dewdney
Dugas
Flesher
Gaudet
Gibbs (Ontario South)
Grant
Harwood
Killam
Langevin
Lantier
Lewis
Mackay
Masson
McDougall
Mitchell
Nathan
O'Connor
Pinsonneault
Ray
Robinson
Ross (Champlain)
Savary
Smith (Selkirk)
Stephenson
Tilley
Tourangeau
Wallace (Norfolk South)
Witton

The third reading of the Bill was then put.

Mr. WHITE (Hastings East) called for the yeas and nays.

Hon. Mr. HOLTON said the yeas and nays could only be called by those who opposed the third reading.

Hon. Sir JOHN A. MACDONALD said any five members could call for the yeas and nays.

Several members on the Government side called for the yeas and nays and Mr. Speaker order the members to be called in.

The House then divided on the third reading, which carried. Yeas 110, nays 33.

YEAS

Messrs.

| | |
|------------------------------|---------------------------|
| Baby | Baker |
| Beaubien | Béchar |
| Bellerose | Benoit |
| Blanchet | Bourassa |
| Bowell | Brouse |
| Brown | Burpee (St. John) |
| Campbell | Carling |
| Caron | Carter |
| Casgrain | Cauchon |
| Chipman | Chisholm |
| Church | Cluxton |
| Cockburn (Muskoka) | Coffin |
| Colby | Costigan |
| Cunningham | Currier |
| Cutler | Daly |
| De Cosmos | Delorme |
| De Saint-Georges | Dewdney |
| Dorion (Drummond—Arthabaska) | Dorion (Napierville) |
| Dormer | Dugas |
| Duguay | Edgar |
| Fiset | Flesher |
| Forbes | Fortin |
| Fournier | Gaudet |
| Geoffrion | Gibbs (Ontario North) |
| Gibbs (Ontario South) | Gibson |
| Glass | Grant |
| Grover | Haggart |
| Harwood | Higinbotham |
| Holton | Jetté |
| Jones | Keeler |
| Killam | Lacerte |
| Langevin | Langlois |
| Lantier | Le Vesconte |
| Lewis | Macdonald (Sir John A.) |
| Mackay | Mailloux |
| Masson | Mathieu |
| McDougall | McGreevy |
| Mercier | Mitchell |
| Morrison | Nathan |
| Nelson | O'Connor |
| O'Reilly | Pelletier |
| Pickard | Pope |
| Ray | Richard (Mégantic) |
| Robillard | Robinson |
| Robitaille | Ross (Champlain) |
| Ross (Victoria) | Ryan |
| Savary | Scrivner |
| Shibley | Smith (Selkirk) |
| Staples | Stephenson |
| Taschereau | Thompson (Cariboo) |
| Tilley | Tobin |
| Tourangeau | Tremblay |
| Tupper | Wallace (Norfolk South) |
| White (Hastings East) | Witton |
| Wright (Ottawa County) | Young (Montreal West)—110 |

NAYS

Messrs.

| | |
|------------------|------------|
| Anglin | Archibald |
| Bain | Bergin |
| Burpee (Sunbury) | Cartwright |
| Casey | Fleming |
| Galbraith | Gillies |
| Harvey | Horton |

| | |
|---------------------------|--------------------------|
| Landerkin | Macdonald (Glengarry) |
| Mackenzie | Metcalfe |
| Oliver | Paterson |
| Ross (Durham East) | Ross (Middlesex West) |
| Ross (Prince Edward) | Ross (Wellington Centre) |
| Rymal | Scatcherd |
| Smith (Peel) | Snider |
| Stirton | Thompson (Halidmand) |
| Trow | White (Halton) |
| Wilkes | Wood |
| Young (Waterloo South)—33 | |

Great amusement was caused by Mr. Cutler (Kent), voting both ways. Subsequently he corrected his position, and said he intended to vote for the third reading.

Hon. Mr. HOLTON said it would be as well to settle the point as to whether the majority on any question could call for yeas and nays. He cited May, who laid down the doctrine very plainly that the minority alone could appeal from the Speaker's decision to the test of a division. If they were satisfied, the determination of the House was arrived at upon the question without resorting to a division. Of late years it had come to be acknowledged as a rule that a member declaring that the noes have it will be taken as having declared himself in favour of the noes. He did not ask for Mr. Speaker's ruling on this point, but wished to call the attention of the House to the accepted doctrine in England.

Hon. Sir JOHN A. MACDONALD said there was no doubt about the practice laid down in May, but that could not override a rule of this House, which declared that any five members could call for a division.

The SPEAKER said this question had not been raised within his experience. From a momentary examination of the authorities his opinion was that hon. gentlemen could not call for a division unless they voted against the Speaker's decision.

Hon. Mr. MACKENZIE said the same question came up in the Ontario Legislature, and the decision of the Speaker there was the same as the Speaker had just now given.

Hon. Mr. WOOD reminded the House of the origin of requiring a division to be called by five members. In England one member could call for yeas and nays; but in this country, in the time of William Lyon Mackenzie, that gentleman was constantly calling for a division, and to put a stop to that the rule was adopted requiring five members to call for a division.

The Bill was then read a third time and passed.

* * *

JUDGES SALARIES

Hon. Sir JOHN A. MACDONALD moved the third reading of the Bill for the readjustment of the salaries and allowances of the judges and other public functionaries and officers and of the indemnity to members of the Senate and House of Commons.—Carried.

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CONTESTED ELECTIONS

Hon. Sir JOHN A. MACDONALD moved the third reading of the bill to make better provision respecting reaction petitions and matters relating to contested elections of members of the House of Commons.

Mr. MERCIER thought the petition ought to be presented and tried in the district in which the election was held. According to the Bill they would have to be carried in Quebec and Montreal, two divisions of the Province of Quebec being made. He moved in amendment, "That the Bill be not now read a third time, but be referred back to Committee of the Whole, with instructions to amend it, providing that all election petitions of the Province of Quebec shall be presented to the Judge, or, in the absence of the Judge, to the Prothonotary of the Superior Court, either in term or in chambers of the judicial district in which the part is situated, and that the proposition for such a petition shall take place in such district."

Hon. Sir JOHN A. MACDONALD said the clauses affecting Lower Canada were taken *verbatim* from the Act passed by the Legislature of Quebec. It might be that the Act might require amendment. The House had pledged itself to have these election cases tried before judges, and he wished to have that principle carried out. He thought the hon. gentleman would act wisely in withdrawing his amendment. He wanted it to be decided that controverted elections should be tried by judges.

Mr. MERCIER said if the hon. Minister of Justice (Hon. Sir John A. Macdonald) was disposed to support or introduce an amendment of the nature of the one before the House, he would be willing to withdraw it.

Hon. Sir JOHN A. MACDONALD said he would not bind himself to state that he would, after full consideration of the matter, take the same view of it. At present, however, he was quite in accord with the hon. gentleman. He thought the whole matter should be tried locally.

Hon. Mr. DORION (Napierville) thought it would be difficult to keep intact the measure next session, but he thought his hon. friend would do well to withdraw the amendment.

After some further discussion the amendment was lost on a division.

Mr. FOURNIER moved an amendment that the Bill be referred back to Committee of the Whole, with instructions to amend it so as to give petitioners in Quebec the right of appeal.

The amendment was lost on a division.

Hon. Mr. MACKENZIE then moved the following amendment: "That the Bill be not now read a third time, but referred back to a Committee of the Whole, with instructions to the House to amend it as to provide that all election trials shall be held before Judges only, and to strike out such portions of the Bill as provide for the

appointment of Barristers to act as Judges in election cases, and all references to the proposed general Court of Appeal" inserted instead thereof.

Hon. Mr. WOOD pointed out that the Local Government had no power to compel judges to accept by Act of Parliament, and he thought that clause of the Bill was nugatory in consequence.

The Bill was then read a third time and passed.

* * *

CONCURRENCE

Concurrence was then taken on the items of Supply passed in Committee, which were passed without opposition.

* * *

ADJOURNMENT

Hon. Sir JOHN A. MACDONALD moved that when this House adjourns on Friday next, it shall stand adjourned until Wednesday the 13th of August next.—Carried.

* * *

DISCHARGED BILLS

Orders for the following bills were discharged:—

To provide for the registration of marriages, births, and deaths and for the collection and publication of statistics.—Motion of **Hon. Mr. POPE (Compton)**.

Bill further to amend the Acts respecting insurance companies.—Motion of **Hon. Mr. TILLEY**.

* * *

NORTH-WEST TERRITORIES

On motion of **Hon. Sir JOHN A. MACDONALD** to amend the Act to make further provision for the government of the North-West Territories, it was read a second time and referred to Committee of the Whole, which rose and reported the Bill with amendments.

The amendments were adopted by the House, and the Bill was read a third time and passed.

The Clerk was instructed to carry the amended bill to the Senate for concurrence.

* * *

GAS INSPECTION BILL

The Bill to provide for the inspection of gas, as amended in the Senate, was read a third time and passed.

THE NORTHERN RAILWAY BILL

On motion of **Hon. Mr. TILLEY**, the order that the House go into Committee to consider certain proposed resolutions with respect to the acceptance of a sum of \$500,000 from the Northern Railway Company, on certain conditions, was discharged.

Hon. Mr. MACKENZIE was surprised that the hon. gentleman was unable to perpetrate this job.

Hon. Sir JOHN A. MACDONALD said the hon. member would have to account for having prevented Toronto being connected with Lake Nipissing by his opposition to the bill.

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

AFTER RECESS**THE GOLDSMITHS' BILL**

Mr. WILKES moved the second reading of the amendments made by the Senate to the bill to incorporate the Goldsmiths' Company of Canada.

Hon. Sir JOHN A. MACDONALD said he had read assurances from jewellers and others in all parts of Canada that the bill was intended to create a monopoly, and he was assured that it was simply a job. He therefore moved in amendment that the amendments be read that day six months.

Mr. RYAN and other members spoke of the strong opposition offered to the bill by the jeweller trade in Montreal.

Mr. WILKES explained the motive and object of the Bill and, after some remarks from Messrs. Mackenzie, Currier, Chisholm, Carter, Young (Waterloo South), Ryan, Hon. Sir John A. Macdonald, and Hon. Mr. Holton, the hour for Private Bills having expired, the Bill was allowed to stand over till Friday.

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PRINTING

Mr. STEPHENSON presented the seventh report of the Printing Committee, recommending that tenders be invited for the Parliamentary printing

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PRINCE EDWARD ISLAND ADMISSION BILL

Hon. Mr. TILLEY moved the third reading of the bill respecting the admission of Prince Edward Island as a Province of the Dominion.

The Bill was read a third time and passed.

INTERCOLONIAL RAILWAY

The House went into Committee on certain resolutions with respect to the authorization of the payment of certain contractors for sections No. 1 to 7 of the Intercolonial Railway.

Hon. Mr. TILLEY stated that the resolutions were made in accordance with the recommendations of the Commissioners and the Engineer, and the amounts were calculated upon the papers he had placed in the hands of the hon. member for Lambton (Hon. Mr. Mackenzie).

Hon. Mr. HOLTON was of the opinion that this matter ought to be allowed to lie over until next session, when fuller information could be obtained to enable them to come to a more deliberate and accurate conclusion on so great a matter.

Hon. Mr. TUPPER said it was admitted that these contracts were of an exceptional character; and as the whole question had come up before the Public Accounts Committee, and circumstances were thus fully known, he did not think there would be any objection to passing this measure.

Mr. JONES agreed with the member for Châteauguay, and thought the precedent a most dangerous one.

Mr. YOUNG (Waterloo South) suggested that the motion should be postponed, or the word "local" in reference to claims made by contractors be changed to "legal".

Hon. Mr. TUPPER defended the course of the Government.

Mr. SCATCHERD thought these claims were equally legal whether made by the original contractor or by some one having bought his claim, but he thought neither of these claims should be given countenance to by this House.

After some further discussion, in which Messrs. Holton, Wood and Wallace (Norfolk South), argued that, workmen once paid, the surplus should be distributed proportionately among the other creditors.

Hon. Mr. ANGLIN thought the Government were doing the correct thing this time in submitting the proposal to the House for its approval or disapproval; but he did not know whether the amounts to be paid were what they ought to be, and as this matter had been lying over for settlement for the past three years, he thought the final settlement should be left over for another year.

Hon. Mr. HOLTON enquired if there were any other claims of a similar nature before the Government.

Hon. Mr. TUPPER said there were not, that is to say, not of a nature that would come before this House.

Hon. Mr. TILLEY consented to the amendment proposed by Mr. Young (Waterloo South).

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Hon. Mr. HOLTON objected to the signing of petitions and round robins to Parliament by members of this House.

Hon. Mr. MACKENZIE also deprecated the practice, referring to several contractors who had thus obtained the signature of petition last year, and characterized the practice as a most humiliating one.

The resolutions were then reported for adoption with amendments.

* * *

WAYS AND MEANS

On motion of **Hon. Mr. TILLEY** the House went into Committee of Ways and Means.

Mr. BROUSE called attention to the very large commission to the agent in England, who paid yearly the demands upon this Dominion. There was no responsibility upon the party doing so, as it was merely a clerical act to pay money which had been actually paid themselves, or lodged in England for payment. We would soon be borrowing more money, and the expense would then be greater than at present. He advocated the appointment of a Deputy Finance Minister in England, and even if he were paid as much as the Minister of Finance we would be profited to some \$600,000.

Hon. Mr. TILLEY said this was an arrangement made by the old government of Canada in reference to the same loan. Money would be negotiated by this agent at the same rate as issued by the Bank of England. In reply to Hon. Mr. Holton, he said if the time were considered favourable, 1,500,000 pound sterling completing the Intercolonial guaranteed loan would be placed upon the market in June or July, as also 300,000 pound sterling for the purchase of the North-west territory. They would not probably be placed upon the market so soon if the circumstances were not favourable. It was not proposed to place the unguaranteed Intercolonial bonds upon the market at that time. No arrangements had yet been made about the Canada Pacific Railway.

The resolutions were adopted.

Hon. Mr. TILLEY introduced a Bill founded on them.

* * *

INSPECTION BILL

The amendments by the Senate to the Inspection Bill were adopted and the Bill passed.

* * *

RAILWAY ACT

Mr. FOURNIER moved an amendment to the amendment to the Bill for the amendment of the Railway Act of 1868, as returned by this House to the Senate.

The motion was carried.

* * *

DECK LOADS

On motion of **Hon. Mr. MITCHELL** the amendment by the Senate to the Bill respecting deck loads were adopted, and the Bill passed its final stage.

* * *

MUSKOKA ELECTORAL DISTRICT

Mr. COCKBURN (Muskoka) moved the third reading of the Bill to amend Act 35, Vic., Cap. 12, to readjust the representation in the House of Commons of Canada.

Hon. Sir JOHN A. MACDONALD moved the six months hoist.

Mr. COCKBURN (Muskoka) said it was of no interest to him personally, but he thought it his duty to give the inhabitants of this part of the country a voice in the affairs of the nation. If the Government voted it down, let the responsibility lie upon them for this act of injustice.

The members were then called in and the House divided, when the amendment was carried by 59 to 42.

YEAS

Messrs.

| | |
|-------------------------|------------------------|
| Baby | Beaubien |
| Blanchet | Burpee (St. John) |
| Campbell | Caron |
| Carter | Chisholm |
| Cluxton | Coffin |
| Costigan | Currier |
| Daly | Dewdney |
| Dormer | Duguay |
| Forbes | Fortin |
| Gibbs (Ontario South) | Glass |
| Grant | Jones |
| Keeler | Killam |
| Lacerte | Langevin |
| Lantier | Le Vesconte |
| Lewis | Little |
| Macdonald (Sir John A.) | McDonald (Cape Breton) |
| Mailloux | Masson |
| Mathieu | Mitchell |
| Morrison | Nathan |
| Nelson | O'Connor |
| O'Reilly | Pope |
| Robillard | Robinson |
| Robitaille | Rochester |
| Ross (Victoria) | Ryan |
| Savary | Shibley |

Stephenson
Tilley
Tupper
White (Hastings East)
Wright (Ottawa County)—59

Thompson (Cariboo)
Tourangeau
Wallace (Norfolk South)
Witton

Wood

Young (Waterloo South)—42

* * *

VACANCY IN THE SENATE

NAYS

Messrs.

Anglin
Béchar
Casey
Church
Delorme
Dorion (Drummond—Arthabaska)
Findlay
Fleming
Galbraith
Gillies
Higinbotham
Jetté
Mackenzie
Mills
Richard (Mégantic)
Ross (Middlesex West)
Rymal
Smith (Peel)
Taschereau
White (Halton)

Bain
Brouse
Casgrain
Cockburn (Muskoka)
De Saint-Georges
Edgar
Fiset
Fournier
Geoffrion
Harvey
Holton
Laflamme
Mercier
Pozer
Ross (Durham East)
Ross (Wellington Centre)
Scatcherd
Stirton
Trow
Wilkes

Mr. BROUSE moved the adjournment of the House and in doing so referred to the vacancy which had occurred by death in the Senate. He complained that from Kingston eastward, in the Province of Ontario, there was no representative in the Senate. He pointed out that there were ten constituencies, containing 150,000 people or something like one-seventh of the entire population of the Province. People in that section made very loud complaints of this injustice. He made these observations, trusting the Government would take action in the matter.

Hon. Mr. TILLEY moved that when the House adjourned, it should stand adjourned until 11 o'clock on Friday.—Carried.

Mr. O'REILLY moved the adjournment of the House, which was carried.

The House adjourned at 11.10 p.m.

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HOUSE OF COMMONS

Friday, May 23, 1873

The **SPEAKER** took the chair at 11.30 a.m.

Prayers

QUEBEC HARBOUR

The Bill regarding the Harbour of Quebec, as amended by the Senate, was moved for third reading.

Hon. Mr. HOLTON objected to the amendment as out of order, as it affected the funds of the country, and was equal to an amendment to Supply.

Hon. Sir JOHN A. MACDONALD agreed that the objection was tenable.

Hon. Mr. MITCHELL then moved that a message be sent to the Senate, informing them that the amendment was informal, as such amendment could not originate in that House.

* * *

ADVERTISING

Hon. Mr. TILLEY presented a statement of the amounts expended by the Government for advertising during the last fiscal year.

* * *

ELECTION PETITIONS

The **SPEAKER** reported that he had assessed the expenses of defending the petition against the member for Stormont as \$160, charged against the sitting member (Mr. Archibald).

* * *

CORRECTION

Mr. OLIVER called attention to an omission in the votes and proceedings of Wednesday night. He had voted Nay on Bill 69, and his name had not been recorded.

* * *

PROVENCHER

Mr. CUNNINGHAM enquired when the writ for an election in the County of Provencher would issue.

Hon. Sir JOHN A. MACDONALD said the writ would be issued immediately on the assent of His Excellency to the Interim Elections Bill.

* * *

PACIFIC RAILWAY SELECT COMMITTEE ON CHARGES

Hon. Sir JOHN A. MACDONALD moved: "That in the proceedings of the Select Committee appointed to investigate the statements made by the Hon. Mr. Huntington relating to the charter granted to the Canadian Railway Company, all questions shall be decided by a majority of voices, including the voice of the Chairman, and when ever the voices are equal, the Chairman shall have a second or casting vote." He said this was in accordance with the practice in England in committees of five, and he quoted May on the subject.

Hon. Mr. MACKENZIE said the motion seemed to him to be very objectionable. The hon. gentleman had characterized the Committee as a judicial one, and he (Hon. Mr. Mackenzie) thought that was sufficient to prevent its passing. It was objectionable that the Chairman should have this double power. It was well known that the majority of the Committee had been chosen because they were strong men on the Ministerial side of the House, and because it was known their votes would be in favour of a certain view. By this motion it seemed to be intended to give the control of the Committee under certain circumstances to the Chairman, and he thought it would be advisable to allow the matter to remain as the law placed it, namely, giving the Chairman simply the power of voting in the negative.

Hon. Mr. HOLTON said the objection he had to this was that it changed the law of Parliament. Such a proposition ought not to be made at the last hour of the session regarding this committee of all committees. Surely this general law of Parliament was good enough for this case, seeing they had themselves moved for it, and had a majority of supporters on it.

Hon. Sir JOHN A. MACDONALD said not one of the gentlemen selected on the Government side were aspirants to office, and would therefore act judicially in the case.

Hon. Mr. MACKENZIE said the hon. gentleman opposite had already a majority of their own supporters on this committee, and he did not see the fairness of the proposition. It would have the effect of stifling the voice of the minority entirely.

Hon. Sir JOHN A. MACDONALD referring to the minority forming the committee, namely, Messrs. Blake (Bruce South) and Dorion (Napierville), said that Mr. Disraeli would have rejected with scorn any proposition to place him on a committee to try Mr.

Gladstone. The Government could have no fair play at the hands of those members who are aspirants to Ministerial positions.

He had no objection to making the quorum five.

Hon. Mr. WOOD said there might never be a quorum.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman was casting aspersions on the Committee.

Hon. Mr. WOOD said it was anything but becoming in the hon. gentleman to talk in this way after his own remarks regarding two gentlemen on that Committee.

Hon. Sir JOHN A. MACDONALD said he had a right to make it.

Hon. Mr. MACKENZIE said the hon. gentleman had given such an expression of opinion as he thought very few on his side of the House would re-echo. He reminded the hon. gentleman that on the occasion of a Committee being struck to try a charge against the hon. gentleman's chief opponent, he put a majority of his own supporters upon it. (*Hear, hear.*) He wished now, having a majority on this Committee, the still greater advantage of giving the Chairman a double vote.

Mr. LEWIS thought the Chairman should have the same position on this Committee as the Chief Justice. He knew the hon. gentleman for Bruce South (Hon. Mr. Blake) long, and he did not believe for a moment that hon. gentleman would do anything wrong. He did not think that this Committee was going to try this matter politically, and if he thought so he would vote against this motion entirely. The report of that Committee would make no impression upon him, and he would pay little attention to its doings. He would examine the evidence and judge for himself. He had a duty to perform to his constituents, and if he thought the Government was at fault, and were guilty of the wrong charged upon them, he would act accordingly. He would not vote for this motion in its present shape. The Chairman must have but one vote, whether a deliberative or casting one.

Hon. Mr. WOOD said the hon. gentleman who had just spoken was quite right. He contended that the proposal of the leader of the Government was in direct opposition to the practice in England, and that Committees were in exactly the same position as the House, a majority making the report. This was an important and peculiar one. The attention given to it by the Government proved clearly enough that there was something to investigate. He should be very sorry to prejudice the result of this enquiry. He had never expressed any opinion of it, and would not, but the Government hedging this round, and endeavouring to put as many obstructions in its way, was remarkable. The hon. gentleman had a perfect right to have a majority on this Committee. He (Hon. Mr. Wood) assumed that it would be thoroughly judicial.

He was astonished at the remarks of the hon. gentleman opposite with regard to two members of that Committee. The hon. member for Bruce South (Hon. Mr. Blake) had time and again said he could not enter any Administration, and had done so in the presence of the Minister of Customs and Marine at Welland. He believed that the hon. gentleman was highly judicial. He had strong feelings and was attached to his party, but it would be reasonable to think he was no more influenced by political feelings than hon. gentlemen opposite.

Hon. Mr. MACKENZIE moved that all the words after "Chairman" in the resolution be struck out and the following words be added: "That the Chairman shall not have a second or casting vote."

Hon. Sir JOHN A. MACDONALD accepted this amendment and the motion as amended were adopted.

* * *

INTERCOLONIAL RAILWAY

Hon. Sir JOHN A. MACDONALD moved that the Government be authorized to enter into negotiations during the Parliamentary recess with some reliable association or company for the transfer of the railway from Windsor to the trunk line from Halifax to Truro, upon condition that such association or company extend the railway from Annapolis to Yarmouth, subject to the approval of Parliament at the next session. He explained that this portion of the line was rather an expense than an advantage to the Government.

Hon. Mr. MACKENZIE thought there was no objection, but he wished it to be understood that they did not endorse any possible arrangements further than to assent to the negotiations.

* * *

THE LATE HON. SIR GEORGE-É. CARTIER

Hon. Sir JOHN A. MACDONALD moved that an humble address be presented to His Excellency the Governor General praying that he would be graciously pleased to give directions that the remains of the Hon. Sir George-É. Cartier be interred at the public expense, and that a monument be erected to the memory of that excellent statesman, with an inscription expressive of the public sense of so great and irreparable a loss, and to assure His Excellency that this House will make good the expenses attending the same.

He went on to say that every one who had watched the current of political events for many years would admit that the death of Sir George-É. Cartier was no ordinary event. He did not know of any who had held office in Canada for very many years who had, whilst holding that position, conferred the same great benefits on the country. It was not the time, nor did he desire to enter into any details of that gentleman's services and the loss the country sustained. During the whole of his political life, which had been almost contemporaneous with his (Hon. Sir John A. Macdonald's) own, and they had had great Party struggles and great party

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acerbity, but over the grave all those things should be lost, and he would not for a moment introduce any eulogy or offer any remarks concerning Sir George-É. Cartier which might arouse dissension, or not obtain the concurrence of hon. members.

They were all agreed on the common ground that the deceased statesman was an honour to his country, to his race, and to his province. In private life, everyone knew what he was. He was genial and kind. He was eminently truthful and eminently sincere. No one could be a better friend; no one had a more just and equitable mode of viewing matters.

Viewed as a political man, there would, of course, be considerable difference of opinion in the House, as in the country; but he believed the majority of this country would, after a few years, be with him in regard to the greatness of the deceased statesman, and approve of a public demonstration expressive of that sympathy. After the political feelings of the present day had faded away, the sterling merits of Sir George-É. Cartier's services, the real service he performed in joining with the English speaking inhabitants of the country in working out the great problem of Confederation, which has been so successful, so far as we can judge, would be seen in its true light. The people would see that they would have been wanting to themselves if they had not marked, in the manner indicated by the resolution, their sense of his greatness.

It was sad to think, as he read a letter from Sir George saying that he was better, that he had decided to sail on the 22nd, but postponed sailing until the 29th, that he was sorry to have been unable to share the conflicts of the session, and aid him (Hon. Sir John A. Macdonald) in the task of administration. It was sad to think that when he broke the seal of the letter it was from one who was now no more. He hoped the resolution would receive the unanimous assent of the House.

Hon. Mr. MACKENZIE said he must express his extreme regret that the right hon. gentleman had thought fit to put that notice on the paper and make such a motion. No one would join more cheerfully in an expression of regret at the loss of one of Canada's public men, one with whom many of them had been associated for many years as public men. But when the House was asked to commemorate that loss by decreeing a public funeral and erecting a monument to his honour, they must remember that funeral and monument were to commemorate Sir George-É. Cartier's political services to the country. They must also remember those services had been rendered in connection with a great political party of which Sir George himself was the political head, and that the services to be commemorated in that way were services of which many of them were essentially hostile to another large political party in the country. On the occasion of the death of Mr. Pitt, a similar motion was made and the very words used then appear to have been adopted for the present motion.

Hon. Sir JOHN A. MACDONALD: The very words.

Hon. Mr. MACKENZIE: On that occasion Mr. Fox and other leading men expressed strongly their views against the propriety of adopting the resolution. It was evident that the services of politicians in this country would be measured by the fact as to whether they were in accord with the views then held by the people. Now, some thought that Sir George's views as to what was for the best interests of the country were correct, whilst another large party held that the views he advocated in his lifetime were not for the benefit of the Dominion.

They knew as a matter of fact that within the last few months the gentleman was a contestant for political favour, and barely succeeded at the general election in securing a division of his own countrymen and co-religionists in the Province of Quebec. The House knew that a serious conflict had been going on during the present session, in which he (Hon. Sir George-É Cartier) had not been able to be present to take an active part therein. They knew that during the present session serious charges had been made against the Ministry, of which he was a member, and that those charges were to be investigated by a committee of the House.

Hon. Mr. HOLTON could only agree with every word that had fallen from his hon. friend from Lambton (Hon. Mr. Mackenzie), both in respect to this motion, which he regretted had been brought forward at all, and also in respect to the hon. gentleman so long their colleague here, and who had now departed this life. Personally he had been on the best of terms with the hon. gentleman during his whole career. They were cadets of the same political party, serving under the late Hon. Mr. Lafontaine, whom he ventured to think was a greater man than the hon. gentleman now deceased. They had, however, turned into divergent paths, and of late years they had frequently been engaged in active antagonism in political life.

The great difficulty that he felt in respect to this motion was in admitting that, during all those years in which he had been engaged in political contests with Sir George-É. Cartier, he (Hon. Mr. Holton) had been in the wrong. The right hon. gentleman had no right to ask him to admit this, and it was not in accordance with English practice or English precedent.

His hon. friend from Lambton had referred to the solitary instance in English history, that of Pitt. This was the solitary instance of political leader dying in office, and having public honours voted to his memory. The proposition was vigorously opposed by Mr. Fox, by Mr. Ponsonby, by Mr. Windham, and by many others. Mr. Percival was shot down in the House of Commons while Prime Minister, and no such motion was made. Later Lord Palmerston died when Prime Minister and no such motion was made. It is true that Her Majesty desired that Lord Palmerston's remains should be interred in the great mausoleum of England, the Westminster Abbey, contrary to his own expressed wish, but there was no parliamentary action; and was it fitting that they should now be called upon to grant these honours to a Parliamentary leader.

In England, with the exception of Mr. Pitt, these honours had been conferred only on naval and military heroes, about whose service there could be no possible doubt. If an officer won a battle, there could be no doubt about the service to his country. He was thanked by Parliament, and at his death a public funeral was granted to him, but in political life it was hard to say when a man had been successful. It might be thought his success had been injurious to the welfare of this country. He deeply regretted that this matter had been brought forward to be discussed over the grave, or over the tidings of death of their departed colleague and friend. The responsibility rested with the hon. gentleman opposite, who had made a motion unprecedented in Canadian history, and almost unprecedented in the history of England. It was, perhaps, because Mr. Pitt was a great war Minister that the motion had been made in this case, as he had carried the country successfully through the consequences arising out of the French rebellion. But even then there were great doubts in the minds of the best men of the country as to the propriety of the course. He would not refer to the other reasons mentioned by his hon. friend from Lambton, nor desiring to dwell upon them, but these of themselves should have suggested to the hon. gentleman the impropriety of the motion.

Hon. Mr. TUPPER complimented the member for Lambton on the language used by him the other day in speaking of Sir George-É. Cartier, and hoped he would change the view he now held on the resolution before the House. He did not hold, nor would the country hold, the adoption of this resolution by hon. gentlemen opposite in any other light than they would hold the language used by the leader of the Opposition on the announcement of Sir George-É. Cartier's death; and that was simply as an expression of the sentiment of the party to whom he was in opposition, as well as those with whom he was associated on an occasion when gentlemen could allow party feeling or sentiment to remain in abeyance.

Hon. Mr. WOOD opposed the resolution.

Mr. CASEY opposed the motion, not having had any personal acquaintance of the hon. gentleman who had just passed away. This would merely be an expression of opinion of his political friends in this House, and would be carried against the feelings of a large minority of this House, and possibly a majority of the people.

Hon. Mr. HOLTON said he did not wish to raise a point, but he intimated to hon. gentlemen opposite that the motion was out of order.

The House then divided, when the resolution was carried by 40 to 25:—

YEAS

Messrs.

Baby
Bowell
Caron
Chipman
Coffin
Cunningham

Blanchet
Campbell
Carter
Cluxton
Colby
Currier

Cutler
Dormer
Glass
Keeler
Lantier
Macdonald (Sir John A.)
Nathan
O'Reilly
Robitaille
Shibley
Stephenson
Tilley
Tupper
White (Hastings East)

Dewdney
Gibbs (Ontario South)
Jones
Langevin
Lewis
Mitchell
O'Connor
Ray
Savary
Smith (Selkirk)
Thompson (Cariboo)
Tourangeau
Wallace (Norfolk South)
Wright (Ottawa County)—40

NAYS

Messrs.

Archibald
Buell
Church
Fleming
Galbraith
Gibson
Holton
Oliver
Richard (Mégantic)
Rymal
Stirton
Trow
Wood—25

Bain
Casey
Cockburn (Muskoka)
Fournier
Geoffrion
Gillies
Mackenzie
Pozer
Ross (Wellington Centre)
Scaterd
Taschereau
Wilkes

* * *

NEW BRUNSWICK SCHOOL LAW

A message was received from His Excellency requesting that a sum not exceeding \$5,000 be granted to Her Majesty to enable any party to appeal against the New Brunswick School Act; also, a sum not exceeding \$5,000 to enable skilled manufacturers to attend the exhibition at Vienna to report on the individual machines.

* * *

QUEBEC HARBOUR BILL

A message was also received from the Senate informing the House that their Honours did not insist upon the amendment to the Quebec Harbour Bill.

Hon. Mr. TILLEY moved an address to the Governor General assuring him that this House will make good the expenses in connection with the appeal against the New Brunswick School Bill and Vienna Exhibition to the amount asked.

Hon. Sir JOHN A. MACDONALD desired to bring up a matter which he could not, of course, do without the entire assent of the House. A paper had been handed to him signed by a majority of the House, desiring very much that they should have copies of the Hansard of 1872 and 1873, and recommending that an appropriation should be made for the purchasing of such copies. If

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there was any objection of course the matter could not be brought up. If there was no objection the Government would see that the desire of these hon. members was attended to.

Hon. Mr. MACKENZIE said that last year the matter was brought up at the same late hour of the session and he had then said he would take exception to it if it came up again. He therefore took exception.

Mr. GEOFFRION said the reports were one-sided, and complained that the French members did not get a fair report. He would support any measure for an official report, and hoped the Government would take charge next session of a measure for publishing in English and French official reports.

Hon. Mr. MACKENZIE wished to say that the parties who had got up these reports had been courteous enough to send these reports to hon. gentlemen to be corrected.

Hon. Sir JOHN A. MACDONALD quite accepted the expression of opinion which was very much his own, about the propriety of having official reports, and if the House did not object, the Government would see that the same number of copies of Hansard were distributed as last year, and would bring down a measure next session providing for the official reports.

Hon. Mr. MACKENZIE objected, and the matter was then dropped.

* * *

PROCEDURE IN CRIMINAL CASES

Hon. Sir JOHN A. MACDONALD moved the second reading of the bill to amend the law respecting certain matters or procedure in criminal cases.—Carried.

On motion the House went into committee, made certain amendments to the bill, which were read a first and second time.

The bill was read a third time.

After a short discussion the bill was read a second and third time and passed.

* * *

LAND IMPROVEMENT FUND

Mr. GILLIES enquired whether the Government intend to pay over a guarantee payment of that portion of the "Land Improvement Fund" known by that designation under the *regime* of the old Canada, to those sections of Ontario interested, as in the case of the county of Bruce, and accruing from 1863 to 1867, for which the Government of that day was responsible, and which responsibility had been transferred through Confederation to the Government of

the Dominion, and further, whether the Government will protect the interests in question in the event of a settlement being arrived at as at present contemplated by the Government regarding the indebtedness of Ontario and Quebec.

Hon. Sir JOHN A. MACDONALD said this could not be answered at present as it involved a legal question, but it would receive the best attention of the Government, who would see that no wrong was done in the premises.

* * *

VOTING SUPPLIES

Hon. Mr. TILLEY moved the second reading of the Bill for granting to her Majesty certain sums of money required for defraying certain expenses of the public services for the financial years ending respectively the 30th June 1873, and 30 June, 1874, and for other purposes relating to the public service.—Carried.

On motion for the third reading of this Bill,

Hon. Mr. MACKENZIE said it was at one time his intention to address the House in reference to the position of the Country, and in reference to the constitutional changes which have been involved by the legislation of this House, both during the last session of the last Parliament and this session of the present Parliament, as well as to review in connection therewith his own idea of how this would affect the country. It was quite apparent from the thinness of the House today, in consequence of the holiday yesterday, that to attempt to address the House at any great length would be a difficult task, and he would therefore have to postpone his remarks until he got a larger audience, and although that audience would not be composed of members of Parliament, and notwithstanding the faults that were found with these addresses of his by the Minister of Customs, he would then be able to review the proceedings of this Government and this Parliament with more equity than here.

He would therefore not proceed today as he intended, but content himself with saying that his own convictions of the course pursued by the Government and this House with regard to certain matters was, that he believed the administration of affairs was of such a character as to bring into disrepute the constitutional system, and in other respects to do very serious damage to the public interests of the country.

He alluded, he said, particularly to those matters which had formed the subject of an investigation before a certain Committee of this House. It was absolutely necessary that in the construction of great public works the Government should be taught that they were not at liberty to spend the money of the country without first having received the consent of Parliament. No doubt gentlemen opposite would know that he referred particularly to the Intercolonial Railway, in which case he had remonstrated, and still remonstrated, against the departure by the Government from the course laid down by Parliament. He had no doubt but that the hon. gentlemen would justify themselves in their course by saying that Parliament had

approved of that course, but the approval of Parliament did not rectify the first wrong.

In reference to other matters involving the well being of the country—he meant militia matters—they had been deprived of the right of expressing the opinion of what he believed to have been the majority of this House. They had, however, through the Committee brought before the country some particulars of transactions highly improper. He should make use of these Acts to endeavour to cause public opinion to a sense of the danger in which our system of Government was being placed. He could not wait any more and could not take time to say more than simply to enter his protest against the conduct of the Government on these subjects; at the same time he had reason to congratulate upon several Acts passed during this session.

During every session of the last Parliament endeavours had been made by members on this side of the House to secure the entire separation of the functions of the General and Local Parliaments by the exclusion from this House of members of the Local Assemblies. This had at last been effected. Gentlemen on this side of the House had taken ground in favour of this, because they believed if we were to carry out the confederation system in its simplicity and purity, the members of the Federal Legislature should not be subject to the influence of the Local Government, or a member of the Local Legislature to the influence of the Federal Parliament. It was also a cause of rejoicing that we had obtained a Controverted Election Law, as well as the probability of obtaining an Election Act which would prevent the excessive abuses which took place during the late elections.

In reference to the Pacific Railway, he did not intend to say anything more upon that subject; and in closing these remarks he simply had to say in bringing this session to an end that he trusted gentlemen on both sides of the House would not allow feelings excited by political discussion to prevent them from uniting in other Assemblies, in other parts of the country, on friendly and amicable terms. (*Hear, hear.*) Political difference that existed between members sometimes were sufficient to cause some acerbity in other respects; for his own part he should not permit himself to be influenced by these feelings. (*Hear, hear.*)

Hon. Sir JOHN A. MACDONALD said the hon. gentleman was quite right to appeal to another tribunal, as both during the last Parliament and this he had appealed to this House in vain.

In fact he had appealed to the country, or at least the country had been appealed to, and the hon. gentleman had not been sustained. The hon. gentleman had said he was not satisfied with this he (Hon. Sir John A. Macdonald) could not help that, and he could therefore understand why the hon. gentleman wished to transfer his opinion to a meeting out of doors of Parliament. These meetings were very valuable, and if the hon. gentleman instead of playing the role of the leader of the Opposition took up that of Odger and Bradlaugh, he was quite right in his determination. He quite agreed with the sentiment thrown across the House by the hon. gentleman regarding

the conduct of members outside Parliament, and he, too, hoped any acerbities that may have arisen would be quite thrown away.

Hon. Mr. MACKENZIE said he was quite willing to lay his public speeches and those of the hon. gentleman before any impartial assemblage, especially those during the recent election campaign, and let that judge decide whose were most like those of a demagogue.

Hon. Mr. TUPPER said if, when the hon. gentleman addressed his meetings he would let him (Hon. Mr. Tupper) know, he would be very happy to meet him, and let the meeting hear both sides of the question.

Hon. Mr. HOLTON said he did not think it was quite consistent with the dignity and duty of a Minister, especially being a salaried officer of the country, to stump the country and make speeches in favour of the Government. It might be pardonable during an election campaign, but he did not think it very becoming now.

Hon. Mr. TUPPER said if there was one right which the members of the Government in England possessed more than another, it was the right at all times fully and freely to discuss the questions of the day in the presence of the people. He understood to say that there was no recess in England in which Ministers of the Crown did not address their constituents.

Hon. Mr. MACKENZIE said they were not afraid of the boasting words of the Hon. Minister of Customs (Hon. Mr. Tupper). They carried very little weight wherever he was known.

Hon. Sir JOHN A. MACDONALD said it was now customary for members of Parliament, whether members of the Government or the Opposition, to visit their constituents during the recess.

The House rose at 2.30 p.m.

The SPEAKER resumed the chair at three o'clock.

* * *

SUPPLY BILL

The SPEAKER read a message from the Senate stating that the Supply Bill had been passed without amendment.

Hon. Mr. HOLTON said the words “without amendment” were irregular and the message must be sent back. It was not competent for the Senate to amend a Bill of Supply, and the announcement that they had passed the Bill without amendment was an implication that they had power to amend it.

The SPEAKER suggested, to save time, the Bill had better be sent back to be amended. It seemed that they had committed an error.

Hon. Mr. HOLTON: Unintentionally?

The messages were sent back to the Senate, and in a short time returned with the objectionable words struck out.

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ORANGE BILL

Hon. Sir JOHN A. MACDONALD, in answer to Mr. Beaty (Toronto East) said two Bills were reserved by the Local Government of Ontario for the consideration of his Excellency. These Acts on being examined proved to be quite within the competence of the Local Legislature. The Government had advised, and would act in this sense in the future, that whatever Bills received that were within the competence of the Local Legislature, would not be disallowed, but would be sent back.

* * *

BRITISH COLUMBIA ILLEGITIMACY BILL

Hon. Mr. MACKENZIE asked what would be done in relation to the British Columbia Illegitimacy Bill.

Hon. Sir JOHN A. MACDONALD said the first Bill had expired, and the second Bill, which was of the same character, stood for consideration. It was a question of very great importance, and the Bill might have been passed by the Local Legislature giving all the rights which were enjoyed by the *post nothus* in Scotland.

Unfortunately this was not done. It was a matter of the gravest difficulty to decide whether the present Bill was within the competence of the Local Legislature or not.

* * *

BILLS ASSENTED TO

At this juncture the knocks of the Usher of the Black Rod were heard at the outer door of the Chamber, and Mr. Speaker gave directions for his admission.

The announcement having been made that His Excellency required the attendance of the faithful Commons, the members proceeded to the Senate Chamber. His Excellency the Governor General then gave his assent to the Bills submitted to him. It was announced that the following Bills were reserved for the signification of Her Majesty's pleasure:—

The Governor General came down to the House about three o'clock and gave his assent to the following Bills:—

- An Act for keeping order on board passenger steamers.
- To amend the Civil Service Superannuation Act.
- To amend the Erie and Niagara Railway Company Act of 1863.
- To incorporate the Citizen Printing and Publishing Company (Limited).
- To incorporate the North Star Silver Mining Company.
- To amend the Patent Act of 1872.

- To incorporate the Canada and Detroit River Bridge Company.
- An Act further to amend the Act relating to Banks and Banking.
- An Act to incorporate La Banque de Saint-Hyacinthe.
- An Act to incorporate the Victoria Bank of Canada.
- To incorporate the Stadacona Bank.
- To incorporate the Imperial Bank.
- To incorporate the Dominion Board of Trade.
- Respecting the Trinity House and Harbour Commissioners of Montreal.
- For the better protection of navigable streams and rivers.
- To incorporate Date's Patent Steel Company (Limited).
- To incorporate the King's County Board of Trade.
- To extend the powers of the Montreal Telegraph Company, and for other purposes.
- To amend the Acts incorporating the Queenston Suspension Bridge Company.
- To amend the Act respecting the construction of the Intercolonial Railway.
- To amend the Act incorporating the London and Canadian Loan and Agency Company, (Limited.)
- To incorporate the Central Bank of Canada.
- To amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.
- To amend the Act incorporating the Detroit River Railway Bridge Company, and to change the name of the Company to the Detroit River Railway Bridge and Tunnel Company.
- To incorporate the Dominion Fire and Marine Insurance Company.
- To amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of timber down rivers and streams.
- To incorporate the Great Western and Lake Ontario Shore Junction Railway Company.
- Respecting the harbour of Pictou, in Nova Scotia.
- Respecting the Desjardins Canal.

To change the name of the Freehold Permanent Building Society of Toronto to that of the Freehold Loan and Savings Company, and to extend the powers thereof.

To change the name of the Superior Bank of Canada to that of the Federal Bank of Canada.

Respecting the ocean mail service.

To incorporate the Coldbrook Rolling Mills Company of the Dominion of Canada.

To incorporate the Royal Canadian Insurance Company.

To incorporate the Maritime Warehousing and Dock Company.

To incorporate the Warrior Mower Company of Canada.

To make further provisions for the improvement of the River St. Lawrence, between Montreal and Quebec.

Respecting Wreck and Salvage.

To make further provision as to the duties of Customs in Manitoba and Northwest Territories.

Respecting the Central Prison for the Province of Ontario.

To enable the Great Western Railway to further extend and improve its connections.

To incorporate the Canada Car and Manufacturing Company.

To incorporate the Canada Paper Company.

Respecting the St. Francis and Mégantic Railway.

To amend the Acts respecting the inspection of steamboats.

To extend the Act passed in the 33rd year of Her Majesty's reign, entitled an Act to amend the Penitentiary Act of 1868.

Respecting aliens and naturalization in the Provinces of British Columbia and Manitoba.

To amend the Act respecting offenses against the person.

To remove doubts as to the construction of section 31 of the Act 33 Vic., Cap. 3, and to amend section 108 of the Dominion Lands Act.

Respecting weights and measures.

To incorporate the Dominion Express Company.

To incorporate the Canadian Atlantic Cable Company.

To incorporate the Glasgow Canadian Land and Trust Company, (Limited).

To amend the Act respecting certain Savings Banks in the Province of Ontario and Quebec.

For granting certain powers to the Montreal, Chambly & Sorel Railway Company.

To enable the Buffalo & Lake Huron Railway to make arrangements respecting their bond debt.

To incorporate the Marezzo Marble Company of Canada.

To amend the Act 32 and 33 Vic., Cap. 70 to unite the Beaver and the Toronto Mutual Fire Insurance Companies.

To amend the general Act respecting Railways.

To enable James K. Ward and others to place booms in the channel between Isle St. Ignace and Isle Du Pads, in the parish of Isle Du Pads, in the district of Richelieu.

To incorporate the Insurance Company of Canada.

To amend an Act to incorporate the Montreal Investment Association.

To amend an Act respecting the Militia and Defence of the Dominion of Canada.

To incorporate a company by the name of Le Crédit Foncier du Bas Canada.

To incorporate the Dominion Dock and Warehouse Company.

To incorporate the Canadian Metal Company.

To incorporate the Canadian and West Indian Royal Steamship Company.

To incorporate the Canada Mutual Marine Insurance Company.

To amend chapter 58 of the consolidated statutes of the late Province of Canada, respecting Interest and Usury in the Province of Nova Scotia.

To authorize Free Grants of Lands to certain original settlers and their descendants in the territory now forming the Province of Manitoba.

To incorporate the Pictou Bank.

To incorporate the Oshawa Board of Trade.

To incorporate the Lachine Hydraulic Works Company, and to grant certain powers thereto.

To repeal the law of British Columbia intituled an ordinance respecting the Harbour and tonnage dues, and to regulate the

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licenses on the vessels engaged in the coasting and inland navigation trade.

To amend the Act of the present session intituled An Act to incorporate the Canada and Detroit River Bridge Company.

Respecting the admission of the Colony of Prince Edward Island as a Province of the Dominion.

To incorporate the Canada Investment and Guarantee Agency.

To incorporate the Labrador Company.

To grant additional powers to the Quebec and Gulf Ports Steamship Company.

To incorporate the Merchants' Warehousing Company.

To empower the Montreal Northern Colonization Railway Company to extend its line from Deep River to a point of intersection with the proposed Canadian Pacific Railway, and also to extend its line to Sault Ste. Marie, the Georgian Bay, and Lake Superior, or to unite this line with any line of railway extending to the points above mentioned.

Further to amend the Act to make further provision for the government of the North West Territories.

To provide for the inspection of gas and gas meters.

To continue for a limited time the Insolvent Act of 1869 and the Acts amending the same.

Respecting pilotage.

Respecting the administration of justice and for the establishment of a police force in the North-West Territories.

For the readjustment of the salaries and allowances of the judges and other public functionaries and officers, and of the indemnity to the members of the Senate and House of Commons.

To change the limits of the counties of Montcalm and Joliette for electoral purposes.

To make temporary provision for the election of members to serve in the House of Commons.

To readjust the allowance payable to and chargeable against the several Provinces of Canada by the Dominion Government, so far as they depend upon the debt with which they respectively entered the Union.

To make better provision respecting election petitions and matters relating to controverted elections of members of the House of Commons.

Respecting the export duties imposed on lumber by the Legislature of the Province of New Brunswick.

To amend the Act 34th Vic., Cap. 43, intituled An Act to enable certain railway companies to provide the necessary accommodation for the increasing traffic over their railways, and to amend the Railway Act of 1868.

Respecting deck loads.

Further to amend the Acts to provide for the management and improvement of the harbour of Quebec.

To amend and consolidate, and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian produce.

Further to amend the law respecting certain matters of procedure in criminal cases.

To amend the Act for more effectually preventing the desertion of seamen.

* * *

RESERVED

An Act for the relief of John Robert Martin.

Respecting the shipping of seamen.

To make further provision respecting the extradition of criminals.

An Act relating to Shipping, and for the Registration, Inspection and Classification thereof.

The Supply Bill was next assented to.

The Commons then returned to their chamber.

* * *

VACANCIES IN THE CABINET

Hon. Mr. HOLTON said before the adjournment was moved he thought an enquiry should be made as to the intention of the Government respecting the vacancies in the Government. He did not, of course, refer to the lamentable vacancy caused by the death of Sir George-É. Cartier. It would be quite indecorous on his part to call upon the Government at so early a period to make a statement in reference to that vacancy. There were two others however, caused by the retirement of Hon. Sir Francis Hincks before the commencement of the session, and the retirement, some four or five weeks ago, of Hon. Mr. Howe, on his elevation to the Lieutenant-Governorship of Nova Scotia. He thought the House was entitled to some information as to the intentions of the Government with regard to the filling of these vacancies, whether or not steps had been taken for the placing of the Cabinet of any member of either House, and as to their intention generally to fill the vacancies.

Hon. Sir JOHN A. MACDONALD said they intended to fill the vacancies. They did not intend to diminish the number of the Administrative Officers, and he thought they were not too many for the requirements of their extended country. It was the intention of

the responsible Advisers of the Crown to recommend the filling up of these vacancies before the House met again.

* * *

VACANCIES IN THE SENATE

Hon. Mr. MACKENZIE asked the intention of the Government as to filling of the vacancy in the Senate caused by the death of Senator Burnham. A discussion had taken place some days ago with regard to the localities from which Senators were taken. They were informed by the Government at another part of the session that they intended to carry out the understanding arrived at the time of Confederation that an equal number should be taken from both political parties for filling up the Senate. Since that time, twenty-five new appointments had been made, and so far the appointees had been taken from one side and no respect had been paid to location at all.

After referring in detail to several of these appointments, he pointed out that a vacancy had occurred in a certain portion of Ontario where there was a Legislative Councillor Mr. Bennett who had not yet been called to the Senate—and an other was taken from another portion, or at least, promised an appointment. He hoped this was not so, and that some regard would be paid both to the political character of the parties and also to their location.

Hon. Sir JOHN A. MACDONALD said he had rigidly carried out the arrangement made previous to Confederation, every vacancy that had occurred having been filled by the Legislative Councillors. With regard to the consideration of locality, he protested against the principle, as being opposed to the system established at the time of the Union. By arrangement it was understood that as vacancies took place in the Senate they should be filled by members of the Legislative Council who had not got places in the original organization of the Senate, and there were only three of these gentlemen who were yet unprovided for, and he might say at once that it was the intention of the Government to appoint Hon. George Alexander, the eldest of the three referred to, and the one who held his seat the longest as a representative of the people.

Hon. Mr. WOOD: Hear, Hear.

Hon. Mr. HOLTON called attention to the fact that the Hon. Mr. Smith was appointed a Senator without having held a seat in the Legislative Council. He also observed that when Mr. Philip White was appointed, Sir Alexander Galt should have been offered the appointment. He thought if the Government wanted to seize this opportunity of adding to the dignity and lustre of that branch of the Legislature—

Hon. Sir JOHN A. MACDONALD protested against the hon. gentleman wasting the time of the House and country by making speeches in which he desired to usurp as far as he could the powers of the Crown.

Hon. Mr. HOLTON: No, no!

Hon. Sir JOHN A. MACDONALD: The hon. gentleman objected to the appointment made by the Government. The same objections might be made every day in the House of Commons, England. Such a thing was never heard of since the days of Barebones Parliament, when Cromwell made his celebrated selections. Since that time there had been no attempt by the representative branch to interfere with the appointments to the other branch of the Legislature. Such a course might be taken in a Barebones Parliament or in the Commune in France, but it would not arise in any country where British institutions were known. After defending the appointment of several of the gentlemen appointed to the Senate, he moved the adjournment of the House.

Hon. Mr. HOLTON said the use of this prerogative, like the use of every other prerogative, was upon the responsible advice of Ministers of the Crown, who were responsible to that House. The hon. gentleman was as responsible to the House for the advice he gave to the Crown as to the appointment of Senators as for any advice he gave to the Crown.

Mr. BROUSE said great regret would be felt in the eastern part of Ontario when they heard the decisions the Government had arrived at. Some further discussion ensued.

* * *

THE ADJOURNMENT

Hon. Mr. MACKENZIE asked what would be the nature of the business when the House met on the 13th of August.

Hon. Sir JOHN A. MACDONALD said the House would have been prorogued today if it had not been for the purpose of allowing the Committee to sit during the summer. The House would meet on the 13th of August simply to receive the report of the Committee and prorogue.

Hon. Mr. HOLTON held that it would be necessary for a quorum of members to be present. The hon. leader had said at an early part of the session that it would be necessary for the two Speakers only to be present.

Hon. Sir JOHN A. MACDONALD said he had no objection to there being a quorum. He stated before that the House would meet *pro forma*, and that it should be nothing but a *pro forma* meeting. He made the announcement which had been referred to in his rough and ready way simply to tell the House that there was no necessity for members leaving their business in August. If it were true that they must have a quorum he would be exceedingly happy to see his hon. friend fill his place in the same health, with the same vigour and with the same degree of combativeness he displayed at that meeting. He thought it would be a sign of ill health if he were not combative; if he was not combative he was nothing. (*Laughter.*) He hoped his hon. friend would allow him to bid him a hurried good

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bye; and, to please him, on the 13th of August they would have a quorum.

Hon. Mr. HOLTON said it was quite possible the hon. gentleman would not be in a position to advise the prorogation on the 13th of August.

The House then adjourned until Wednesday the 13th of August.

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HOUSE OF COMMONS

Wednesday, August 13, 1873

The **SPEAKER** took the chair at 3.25 p.m.

Prayers

Hon. Mr. MACKENZIE rose and said: I propose to address you Sir, and the House upon a question of privilege. In the present grave position of the country and the extraordinary circumstances under which we are called together. I feel it incumbent on me to place this motion in your hands.

The **SPEAKER** then rose and amid cries of privilege! privilege! and great disorder, drew attention to the fact that the doors had not yet been opened.

The doors having been opened,

Hon. Mr. MACKENZIE read the resolution, which was as follows:

Moved by Hon. Mr. Mackenzie, seconded by Hon. Mr. Holton;—

“That this House during the present session, ordered an enquiry by a Committee of its own into certain grave charges in connection with the granting of the charter and contract for the construction of the Pacific Railway, which if true, seriously affect the official honour and integrity of His Excellency’s constitutional advisers and the privileges and independence of Parliament. That the investigation thus ordered, has so far not been proceeded with, owing to circumstances not anticipated when the enquiry was ordered, and that it is the imperative duty of this house at the earliest moment to take such steps as will secure a full Parliamentary enquiry that constitutional usage requires that charges of corruption against Ministers of the Crown should be investigated by Parliament, and that the assumption of that duty by any tribunal, created by the Executive would be a flagrant violation of the privileges of this House, and that this House will regard as highly reprehensible any person who may presume to advise His Excellency to Prorogue Parliament, before it should have had an opportunity of taking action in the premises inasmuch as such prorogation would render abortive all the steps taken up to the present time, would inflict an unprecedented indignity on Parliament, and produce great dissatisfaction in the country.”

The **SPEAKER** again rose, and cries of privilege arose, and so much disorder prevailed, that he was inaudible in the gallery. After some time quiet was restored and Mr. Speaker proceeded to say that he must request the hon. gentleman to allow a message from His

Excellency to be read which the Sergeant-at-Arms had conveyed from the hands of the Usher of the Black Rod.

This announcement was received with groans and hisses and loud cries of “Go on.”

Hon. Mr. MACKENZIE continued: No message shall interrupt me. I stand here representing a constituency in this Province and I have reason to believe the opinions of a very large number of people throughout the country. I propose to call the attention of the House to circumstances affecting the independence of Parliament. There is nothing in the circumstances which justifies His Excellency to prorogue Parliament for the purpose of preserving an accused ministry, and I propose hereafter to proceed with the discussion of this matter to which our attention has been called to on previous occasions. I have placed this motion in your hands, because I have heard it is the intention to prorogue this house.

At this juncture the Sergeant-at-Arms came forward and announced the attendance of Black Rod at the door of the Commons. Mr. Speaker rose amid loud cries of “privilege”, which continued despite his command to the House to maintain order. Black Rod was then admitted, but owing to hisses and cheering in the House and galleries his Message to the Commons was inaudible.

Here **The SPEAKER** again interposed and the excitement grew terrible.

Hon. Mr. MACKENZIE persisted in his efforts to obtain a hearing, and was cheered to the echo and amid all the confusion.

The SPEAKER read what was supposed to be the message of His Excellency calling the members to the Bar of the Senate, but he was quite inaudible in the gallery, and must have also been in the House.

The Sergeant-at-Arms again took up the mace.

The SPEAKER left the chair, the clerks fell into line in the usual order, followed by the members of the Administration and a very few others, and made their way to the Senate Chamber, amid the loud and long continued groans and hisses of those dissenting. There were over one hundred members, not one of those dissenting left the floor of the House.

A Message from His Excellency the Governor General, by René Kimber, Esquire, Gentleman Usher of the Black Rod:—

MR SPEAKER:

I am commanded by His Excellency the Governor General, to acquaint this Honorable House, that it is the pleasure of His

Excellency that the Members thereof do forthwith attend him in the Senate Chamber.

Accordingly Mr. Speaker, with the House, went up to attend His Excellency, where His Excellency was pleased to deliver the following Speech to both Houses:—

Honorable Gentleman of the Senate:

Gentlemen of the House of Commons:

In relieving you from further attendance in Parliament, I beg leave to convey to you my best thanks for the diligence with which you have applied yourselves to the performance of your public duties.

Among the measures you have adopted are laws of great importance to the well-being of the Dominion.

The interests of trade will be promoted by the Act relating to the inspection of the staple articles of Canadian produce, as well as by the statute regulating weights and measures.

The several Acts respecting our merchant shipping will greatly tend to the success and development of that great branch of our national industry and to the protection of the lives of our seamen.

By the Act relating to the trial of Controverted Elections of Members of the House of Commons, you have adopted the system which is now in successful operation in the Mother Country.

I sincerely congratulate you on the admission of the Colony of Prince Edward Island as a Province of the Dominion.

Gentlemen of the House of Commons:

In Her Majesty's name I thank you for the supplies you have so cheerfully granted. They will ensure the vigorous prosecution of the great public works so imperatively called for by the wants of this growing country.

Honourable Gentlemen and Gentlemen:—

I have thought it expedient, in the interests of good government, to order that a Commission should be issued to enquire into certain matters connected with the Canadian Pacific Railway, to which the public attention has been directed, and that the evidence adduced before such Commission should be taken on oath.

The Commissioners shall be instructed to proceed with the enquiry with all diligence, and to transmit their report, as well to the Speakers of the Senate and House of Commons, as to myself. Immediately on receipt of the report, I shall cause Parliament to be summoned for the dispatch of business, to give you an early opportunity of taking such report into consideration. Meanwhile I bid you farewell.

Then the Honorable the Speaker of the Senate said:—

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:—

It is His Excellency the Governor General's will and pleasure that this Parliament be prorogued until Monday, the twenty-second day of September next, to be then here holden, and this Parliament is accordingly prorogued until Monday, the twenty-second day of September next.

* * *

MEETING IN THE RAILWAY COMMITTEE ROOM

After the House had been prorogued by His Excellency the members of the Opposition, together with a considerable number of strangers and the Press assembled in the Railway Committee Room of the House of Commons, and a meeting was organized with **Hon. Mr. MACKENZIE** in the Chair.

Hon. Mr. HOLTON rose, and said it struck him that the deputation to present the memorial to His Excellency should report to the meeting. He believed that the remonstrance was signed by considerably more than a majority of the members ordinarily in attendance upon the duties of Parliament. He believed that the number of signatures affixed to that petition, praying His Excellency to stay his hand, and allow Parliament to complete the duty with which it had charged itself of investigating into the most monstrous scandal that had ever risen in any country where British Parliamentary law prevailed, was considerably more than a majority of the House, as ordinarily constituted. They knew practically what the answer to this memorial was, they knew that the most unauthorized indignity had been caused upon Parliament by the representative of the Crown, advised by his Ministers, but as a basis of their proceedings it would be advisable to know the formal answer given to the deputation by His Excellency.

The Chairman thought **Hon. Mr. Holton's** request a very reasonable one, and that **Mr. Cartwright**, who was the convenor of the deputation, would be prepared to make the report desired.

Mr. CARTWRIGHT would state in the first place that they met His Excellency for the first time at a quarter to one o'clock. His Excellency then stated that he would crave their indulgence for one hour, to consider the matter. They then retired, and returned at a quarter to two o'clock, when His Excellency said that he would require half an hour more for consideration.

At a quarter past two His Excellency was pleased to receive them. He said that the memorial was couched in respectful terms, and in that respect could not be reproached. He also stated that he fully sympathized with their feelings in the particular features of the case. He then addressed himself to the subject of the memorial, first, however, making a special request that as this was a matter of great importance, and as what he said might be misunderstood, that the deputation should not make any report until he had an opportunity of reply to them in writing, which he would do very shortly.

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But he communicated to them the decision that he had come to. First, that he must prorogue the House, in absence of any other advice upon the unanimous advice of his Constitutional Advisers. Second that he had decided upon appointing a Royal Commission composed of gentlemen of high position and legal ability, to investigate into the Pacific Railway charges, and that at the earliest possible moment he would convene Parliament to receive the Report of the Commission, and further informed them that the most diligence would be used in prosecuting the enquiry.

He (Mr. Cartwright) was rather unwilling to anticipate the reasons which His Excellency had promised to put in their hands in a few hours. He thought that his colleagues would agree with him in this. He had one thing to say further that his Excellency stated rather emphatically that with respect to the disallowance of the Oath's Bill no blame was to be attached to his constitutional advisers. The Governor also stated that were he to refuse to prorogue Parliament he would be obliged to dismiss his Ministers in the first place, and in the second place that exercising that power would be tantamount to proclaiming that he was convinced of their guilt. The manner of His Excellency was so decided that the deputation conceived that it would be unbecoming on their part to enter into any discussion on the subject.

After the Governor had dismissed them, some slight informal discussion took place, when his friend Mr. Cunningham said that he feared the sudden prorogation of Parliament would be considered by the people as a violation of the right and privileges of Parliament. His Excellency declined to discuss the question with them. He (Mr. Cartwright) had no doubt that His Excellency would, as promised, send in a very full statement of his reasons in a short time.

He felt obliged also to add that His Excellency made a special request that the members of the Deputation would abstain so far as possible from imparting what he stated until he had forwarded his written explanations. For his own part he had assented to the request, and had promised that he would urge the other members of the deputation, to await a written report on this most grave occurrence.

Mr. CUNNINGHAM said he had nothing to add to what had fallen from the President of the Deputation. He would only put this fact more emphatically before the meeting, that after His Excellency had given them his answer, he (Mr. Cunningham) had stated most distinctly that the 93 gentlemen whom he represented would consider the appointing of the Commission an infringement of the rights of the Commons of Canada. (*Cheers.*) He stated, moreover, that the accusations were before the House of Commons, and not before His Excellency, and until they came before him, *pro forma*, they would not be acted upon by him. (*Cheers.*)

Mr. BURPEE (Sunbury) thought that the gentleman who had preceded him had given a correct detail of what had passed. They strongly sympathized with Mr. Cunningham and Mr. Cartwright,

leaving it for a future time, and for the country to deal with this great matter.

Mr. FORBES said that the Chairman had detailed all the main facts. He might state in addition that the Governor seemed very decided in his opinions and spoke very guardedly and distinctly. For his part he believed that the great body of the people of the Province to which he belonged, wished to have this matter examined before the tribunal which the Commons should appoint, and feeling that he believed that the course which had been pursued would be considered as an outrage upon the constitution of this country. (*Cheers.*)

Mr. PÂQUET (in French) said that the statement made by the Governor General was in effect that which they had all seen in the Ministerial Press throughout the country. He said that the course which he pursued was unanimously advised by his Ministers, and he dwelt upon the fact that when the House was adjourned it was distinctly understood that the future meeting would be only *pro forma*; that the distances were so great that the representatives of British Columbia and Manitoba would not have been able to attend, and that these Provinces would not have been represented; therefore he could not have acted otherwise than he had done, and that he could not reasonably have taken any other line of conduct.

Hon. Mr. CAUCHON rose to say that it seemed to be understood that this meeting was only called for members of the Opposition. Numbers of the Ministerial party who sympathized with their movement had thereby, he believed, been deterred from being present. He thought that the meeting was open to all members of the House, and that this should be explained.

Mr. LAFLAMME who rose in response to repeated calls, did not think that the present was a time for him to address the meeting, as there were gentlemen much older than himself in attendance who must feel much more keenly than he did the indignity which had been cast upon Parliament. (*Cheers.*)

This was not a party question. The question here was as to whether we should be free; whether we should have a free Government; or whether we should have the privileges enjoyed under the British Constitution (*cheers*); whether the people would consent to be deprived of the dearest privileges of a British subject. He presumed that there was not a man who had read five pages of Parliamentary history who would permit an investigation into charges against his government, by a Royal Commission. He did not feel in a condition to speak upon this subject, he was not sufficiently cool. He had felt like a Frenchman today, and his blood had boiled when he saw the insults that had been heaped upon Parliament. (*Cheers.*)

Hon. Mr. MACKENZIE rose to make a remark in reference to something that had fallen from Hon. Mr. Cauchon. He might say that in addition to the 95 members who had signed the memorial, some of whom had been supporters of the Government, he might say that he had been spoken to by some Conservative gentlemen,

who had told him that they thought that it was an improper act on the part of the Government to prorogue Parliament, and that if they did not join with the Opposition in signing this document, it was because they had made a special remonstrance themselves. (*Cheers.*) A number of those gentlemen who had always supported the Government had thought that the contemplated outrage was so great that it was impossible that it could be committed (*cheers*), and it was one which could not possibly be submitted to. (*Cheers.*)

The ministry, therefore had a majority against them; a majority larger than they had ever had in the House. (*Cheers.*) And it was clear, therefore, that a majority of the members in Parliament had protested against the most outrageous act. (*Applause.*) He quite admitted that in times of great excitement men might express themselves more strongly than prudence might justify, but at the same time if they had any regard for the safety of the people the independence of Parliament must be upheld and since he had had a seat in Parliament he had endeavoured to keep steadily in view of everything that would tend more fully to secure the independence of the Members of the House of Commons. In this instance, to shield members, against whom a *prima facie* case had been made out, the privileges of Parliament had been infringed.

It was said that the Governor General must take the advice of his Ministers, but a gentleman of great attainments, and who had written upon the lives of the most prominent characters in British Parliamentary history, in a recent letter to the Montreal *Witness* as well as by an article which was supposed to be from his pen, which had appeared in the *Canadian Monthly* Magazine—he referred to Mr. Goldwin Smith—had indicated very plainly that to turn Parliament out of doors on the advice of an administration, advising upon matters affecting its own position was an act altogether unknown in British history. He (Mr. Smith) maintained that the ministers were not in a position to give advice in a matter which had only to do with the dealings of Parliament towards them in respect to that matter.

The hon. gentleman then proceeded to give a history of the Pacific Railway investigation. It must be remembered that constitutionally there was no real necessity for swearing witnesses merely with the view to the punishment of perjury, because the House itself had power as a High Court, to punish perjury committed before any committee appointed by it to conduct an investigation. (*Cheers.*) They (the members) were, however, willing that the Oaths bill should be passed, and that the evidence should be taken under oath.

Thus, while they were prepared to enter upon this investigation, His Excellency's advisers took care to turn the members out of the House; and in order that this might be done, the Usher of the Black Rod was ordered to be in waiting at the doors of the House of Commons, so that he could knock the moment the Speaker took the Chair. So it was intended, not only to end the House, but to make it impossible to pass a single motion. He had managed to get his motion in the Speaker's hands, but he regretted to say that the

Speaker showed an anxiety to prevent the motion being put into his hand in order that it might be presented to the House.

He had merely to say this, in addition, that this country, governed as it was, or was supposed to be, by a free Parliament, was alive from end to end with the indignity that had just been put upon it, and if Ministers thought that they would escape by turning Parliament out of doors today, they would find their mistake. They would find that it would intensify the feeling of disgust with which the whole country was already pervaded, and that it would intensify the feeling of those of their supporters in the House, who were already disaffected towards them. It now became them to do nothing which could detract from their position, and at the same time to take such steps to obtain the opinion of the country as would convince His Excellency that he had been most grievously misinformed. (*Loud cheers.*)

Hon. Mr. BLAKE did not think that the Chairman had left very much for him to say on this question. He had felt it his duty in the peculiar position which he occupied in relation to the House and country not to express himself in public at any period anterior to this time. His connection with the Pacific Railway Committee was ended. He was no longer fettered by those considerations which had hitherto affected him, and therefore he felt himself at liberty to explain the course taken by himself and by his friend the Hon. Mr. Dorion (Napierville) at Montreal.

His friend and himself felt that the position which they occupied on the 2nd of July, was one of no ordinary difficulty; they felt that the whole country was anxious that this enquiry should be proceeded with as early as possible; they knew the responsibility that would be put upon them; they knew as had been admitted by the more candid of the Ministerial Press, that it would be to their advantage as mere party men, that the investigation should be proceeded with, but they felt that they had a higher charge, that insignificant as they were in numbers, they had resting upon them the whole charge of the constitutional privileges of the House of Commons. (*Cheers.*) They felt that the trial should not be withdrawn from the hands of the people's representatives, and that least of all were they authorized to agree to a change in the character of the tribunal, for they considered by so doing they would not merely be going beyond their duty but that they would be betraying the liberties of the people. (*Cheers.*)

They were not without grounds for this course. He could recall no man who in the House of Commons, when this matter was discussed, expressed a sentiment favourable to a Royal Commission. He was not present at the time, but he had a distinct recollection of reading in the newspapers that the Hon. Mr. Cameron (Cardwell), Chairman of the Committee, had stated in making a motion in reference to the Committee, that he was very happy to say the Premier had given up the idea of a Commission, and had consented to do what he thought was right, and leave the matter in the hands of the House. Mr. Cameron also pointed out the difficulty there would be in the way of a Commission. Thus, in a

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House in which the Ministry were so strong last session, the Ministry were obliged to say that they gave up the idea of a Commission.

But they were met today with a question far graver. They were met by the question whether the right of Parliament to try such crimes was to be taken away. The Crown had prorogued the House on the advice of Ministers. Then he charged, and then he called upon the country to condemn. (*Cheers.*) They had advised the Crown in the face of a representation more numerous and important than had ever been made by members of Parliament to a Government, to tell Parliament that it should not have a right of saying what course should be pursued.

That representation asked not for a condemnation. It was moderate in its tone. It asked that they should have a right of expressing their opinion, and taking order for the conduct of a Parliamentary enquiry in the ordinary manner. That was all they asked. They told and signified in a formal way that they desired to give advice to the Crown, that they desired to say what should be done. His friend, Mr. Pâquet (Berthier), had told them His Excellency had contended that looking to the understanding which was supposed to have existed with regard to the prorogation, it would be unfair to act in the absence of members from British Columbia and Manitoba, who could not possibly have been present.

But what was the fact? Every member from Manitoba had signed this remonstrance and come all this distance to do so (*Cheers*). And yet His Excellency was misled. They told him the representatives from British Columbia and Manitoba could not be present. They knew that the Members from Manitoba were here, and they also knew that they would not have to go very far to fetch one, at least, of the representatives of British Columbia. (*Cheers and laughter.*)

There was a special reason why Parliament ought of have been permitted to act today. Was it not because of the disallowance of the Oaths' Bill, and the determination arrived at on the third of July? It was first; because the Members of the Committee on the third of July asked for a means of proceeding that Parliament should be enabled to instruct them how to go forward. What was done? They know that Ministers did not instruct their followers to come here. They told their followers not to come. Ministers tried to keep the House empty; and they purposely told His Excellency that a meeting of Parliament could not be held on the 13th. Such argument could not be held to justify a prorogation, the most it could have involved in was an adjournment. To such a demand it would have been not unreasonable to give compliance. They might well have complained some of them, who had to come 1,100 and 1,200 miles at waiting the will of Ministers, but he had no doubt that such was the public spirit of Members of the Opposition, that if Ministers had said their supporters were not present they would have been told to send for them by telegraph and that a reasonable time would have been given to do so.

They all knew the story of the sealed packet. They all knew that a packet of most important papers were in the hands of a third party, the Hon. Mr. Starnes of Montreal. They all knew that Hon. Mr. Huntington (Shefford) said there was great danger that these papers would be disposed of, and he was desirous to place them in the hands of the Committee. They knew that the Committee determined to leave the packet in the hands of Mr. Starnes. They knew that that Committee was now dissolved. They knew that the papers might now get into other hands. They knew that a great risk was run and that there was no control of these documents now. They might be destroyed. He trusted however that what he had said would prevent the commission of such an act. And, therefore, Ministers should not have ordered this prorogation, if they had been honest men, if they had not the hope that by delay some evidence might be concealed. (*Cheers.*)

Things could not be worse for the Government than they now were. Time was their only friend. Upon the evidence, as it at present stood, assuming these documents to be genuine, the position in which the Ministry at present stood was one of disgrace and humiliation of the deepest dye. (*Loud cheers.*) Nothing had given him greater concern or sorrow as a native of Canada, than the revelations that had been made on the subject. It was now admitted that the claims of Sir Hugh Allan were not favourably received by members of the administration; it was admitted that he set to work to get popular influences to help him to overturn the objections to him and that he was finally enabled to do so. What he did after the moment that he was satisfied was to assist with his purse in the election of the Government and their friends.

It was not known how much money was disbursed in corrupting the electors of this country, but it was known that very large sums were spent and that the expenditure was contemporary with the agreement of the 30th of July, and which Sir Hugh accepted as right. If these documents were genuine, nothing could be more atrocious than the bargain on which this contract was sold. Sensible men said it was true that the assurances were given about the contract, that it was true the money was spent, but the two things had nothing to do with one another.

Sir Hugh was an ardent politician, and was supporting his party. Did his earlier letters show that he was ardent politician? The fact was that Sir Hugh Allan had always belonged to a party and that party was himself. (*Cheers.*) He was supporting himself at that time and afterwards. Sir Hugh was not, however, so far degraded as to publicly state that what he had said was a falsehood. The character of his earlier letters was explained by his later statement. He said that the slight inaccuracies were justified under the circumstances. It did not however compromise the fact that an arrangement had been made between himself and the Government; they did not disguise the fact that \$358,000 had been disbursed by him. And would any sensible man tell him that the \$358,000 were spent merely for the support of the party. They were part of the monies spent in order to obtain the contract; and no honest man, if the documents were genuine, could draw any other conclusion.

It had been said that these charges could not be sustained except by proving that every member of the Government concurred in the giving of this contract; and that it was on account of the money contributed by Sir Hugh Allan that the Council agreed to give him the contract. They knew that fraud did not generally expose itself in such an open manner as it had done in this instance. That people who committed frauds made up pretended conditions, and that they not only sometimes said that they were genuine, but went into court and swore that they were. But at the same time the courts of justice were there to take a common sense view of the matter and to see that justice was done. He had no doubt that the business like form of this arrangement had to do with this fact. Sir Hugh Allan was aware with whom he was dealing. He knew that they were in his power, and that they knew it.

They knew that the popular voice uncorrupted would have turned them out; and he knowing that they knew it made his own terms, to which, in order to retain power they were forced to consent. He therefore said give me receipts and drafts and they had to do so. Thus it was that these frauds had been set down with such regularity. So much with reference to this branch of the case. He had heard of some men who said "it is a bad business, but the fact of the matter is all politicians are the same." He rejoiced to know that public virtue had not sunk so low in this country as that any should dare to make such statements publicly; but even the covert circulation of such a doctrine should be frowned down in order to show that some virtue yet remained. They had been told "you are to blame too."

Had they not, however, for many years been doing all that they could do to make bribery impossible? Did they not impress upon the attention of the people of this country the importance of obtaining a law which should give the most searching means of obtaining speedy and cheap justice. If it was admitted that this was the case what fair-minded man could doubt, under the present circumstances, that the deficit of the election bill was due to this and this alone, that the Administration knew that upon a fair and honest election they could not carry the country, and that they continued the existing law for the purpose of continuing the existing system of corruption?

What would have been the result if those hundreds of thousands of dollars of Sir Hugh Allan's had not been scattered throughout the country? Who could doubt it? They knew that in all parts of the country there were men of bad character ready to be corrupted, they knew that almost everywhere there were those greatest nuisances of the party, politic men of local influence waiting to be bought. They knew all this, and therefore they knew that had it not been for Sir Hugh Allan's money the political complexion of the present Parliament would have been very different from what it now was. (*Cheers.*)

He did not mean to say that all the members who had received money from this fund for purposes of corruption in their own constituencies knew from what source it came, it might be that they

did not know the conditions on which it was obtained. But he was sure that when in a Parliament so elected one half of its members were so strongly imbued with popular sentiment as had been today indicated that justice should be done, they might have confidence that the House would yet do justice; and that when the day came for the Parliament to meet again they would re-establish the Parliamentary tribunal, and then the motion which his hon. friend Mr. Mackenzie, would renew, would then meet with a reception very different from that with which it met when it was first made. (*Cheers.*) He thought that Parliament would then be disposed to go with him (Hon. Mr. Mackenzie), in voting that it was right that Parliament should try the case, and that it would be its first duty to reconstruct the tribunal and recommence the trial. (*Cheers.*)

He trusted that those who, in and out of Parliament, thought the Opposition factious men, when they urged that the House should continue in session during the progress of the investigation, would now agree that it was important that the House and the Committee should sit at the same time. All that had occurred today would have been obviated had this been done in the first place.

He hoped that sooner or later they would secure the holding of an investigation, not by men appointed by the accused, but by persons chosen indiscriminately in Parliament to try the case in accordance with Parliamentary rules who would report the evidence to the House, where it could be discussed, and where a judgment would be obtained from the high court of Parliament, and justice meted out. (*Cheers.*) To such a court he would consent; but he was not willing to abandon the right of Parliament to sit in judgment on this question. He went for maintaining the position which would have been supported in the House by more than a hundred votes, if they had been allowed to put the motion of hon. Mr. Mackenzie to the vote. He maintained that the course of justice ought not to have been interrupted by the prorogation, and was to be resumed at the earliest moment, at which this tribunal reassembles. (*Loud cheers.*)

Hon. Mr. HUNTINGTON next came forward and spoke at some length. He contended that the question was not whether the Pacific contract was sold, or whether corruption had made its way into high places. The question involved the right of this Parliament to govern this country. He likened the action of the Government to the fiddling of Nero during the burning of Rome. He stated that he was prepared to prove the charges that he had made if half a day were given to him. He expressed a fear that the Committee being now dissolved, the documents which had been impounded by the Committee might be now floating down towards the Gulf of St. Lawrence.

As to the Commission, suppose Hon. Sir Francis Hincks were brought before it, he would say, "I am not bound to criminate myself," and he would be allowed to stand down. Sir John, when asked about the drafts and cheques, would say, "Grave secrets of State, gentlemen, I cannot be expected to reveal them," and he would have been allowed to go; and so on with all the other witnesses. The Government, in the course they had taken, desired

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only to obtain delay, in the hope that evidence might disappear. He had heard it stated that a distinguished judge in the Province of Quebec had been written to with a request to take a seat upon the Commission. He had written back, stating that if he could sit without its being understood that he owes either party any obligation he would do so. He (Hon. Mr. Huntington) was told that the gentleman had never heard anything more about the matter, the Government should see that they had a Commission which they could not control, God knows by what means they would obtain its overthrow.

The hon. gentleman defended Mr. McMullen's character from the stigma that had been cast upon it, and stated that all the representations concerning him which had appeared in the ministerial press were untrue. He concluded with a fervid appeal to his party not to be forced to carry his case before a tribunal appointed by Ministers.

After some remarks by the Hon. Mr. Dorion (Napierville) the meeting was adjourned until seven o'clock, to meet, at the suggestion of Hon. Mr. Cauchon, in the House of Commons Chamber.

AFTER RECESS

In the evening the meeting was resumed in the Railway Committee Rooms, instead of in the House of Commons Chamber as had been proposed.

Hon. Mr. CAUCHON in moving the first resolution said he did not think it necessary to make any lengthy remarks since speeches explaining the case had been previously made; and it was known that the privileges of Parliament had been encroached on today; and he would go further and said that the Crown had no right to interfere with the privileges of Parliament. There was enough today to show, that in this question at least, the Ministry had not the confidence of the people.

He then moved the following resolution:—

“That the prorogation of Parliament without giving the House of Commons the opportunity of prosecuting the enquiry it had already undertaken was a gross violation of the privileges and independence of Parliament and of the rights of the people.”

Mr. MILLS entirely concurred in the resolution. It seemed to him that there had been a departure from the constitutional system. The Crown was seeking advice from the Ministry in a matter which affected themselves; and the duty of the House of Commons was to take no notice of the report of the Commission.

The resolution was then carried.

Mr. FORBES in moving the second resolution said, an endeavour had been made to remove from Parliament its rights and privileges which it had long possessed, and he felt there were others besides the Ministry that should be spoken of. He then moved:—

“That in the opinion of this Meeting, the House of Commons is the proper body to institute and prosecute an enquiry into the pending charges against the Ministry, and the act of the Ministry in removing the enquiry from the House of Commons and appointing a Commission of their own to try themselves, is a gross violation of the rights and privileges of Parliament, and it will be the imperative duty of the House of Commons, at the first moment at which it is allowed to meet, to take the matter into its own hands and prosecute an enquiry.”

Mr. CARTWRIGHT, seconding the resolution, said he would from personal as well as other feelings, be glad if the Ministry were not guilty; but whatever his opinion of their innocence or guilt, he felt that a grave mistake had been made in taking the investigation of this case out of the hands of the House of Commons, when they had formally assumed it. There was a want of feeling on the part of the Executive, in not taking notice of the petition signed by so many Members, and he believed the people of Canada would yet insist that Parliament should go on with the investigation.

Hon. Mr. SMITH (Westmorland) while approving of the proceedings of this evening, must say that the first meeting (the afternoon meeting) did not meet with his approval, in that some had gone too far in expressing their belief in the guilt of the Ministers. They were assembled for the purpose of taking steps to establish their rights in Parliament, and he thought they should not go further tonight. He thought they would be false to their duty if they failed to invoke every constitutional means that was afforded them to resist the invasion that had been made on their rights and privileges.

It appeared to him that the present was just the case in which the Crown was called upon to interpose its prerogative against the advice of the Ministry. The reason given for the exercise of the prerogative today had no justification. It was the duty of the Committee that the House had appointed, to report to the House, but it was found that it had not been allowed to report. He believed that the people of the country would be almost unanimous in approving what was being done in the meeting of tonight.

Mr. McDONNELL sympathized fully with every word that had been spoken tonight.

Mr. CUNNINGHAM had come 2,000 miles to attend this, in one respect, farce. They had seen today the prerogative of the Crown put against the prerogative of the people. It had been said, oh don't mention Lord Dufferin but go for the Ministry, but he (Mr. Cunningham) put him alongside the Ministry. He was bound to denounce the Government and the head of the Government, and tonight he hoped such a sound would go from the little town of Ottawa as had never been heard before. He would like to see a dissolution to test the feeling of the people.

Mr. COFFIN was glad that he had come to Parliament today, because he could hardly have believed the proceedings had he not seen them himself. The plan of today had been prearranged by the Ministry to screen themselves from having any speeches on this question. He hoped a long time would elapse before a similar situation should take place; and would have rather seen a dissolution than the act of today.

Mr. GOUDGE referred to a similar scene, which had taken place some years ago in Nova Scotia, and which resulted in the recalling of Sir Colin Campbell, for taking the advice of Ministers who held a position similar to the present Ministers. The people of Canada would not be willing to allow this trespass on their privileges to be overlooked.

Mr. Fiset and **Hon. Mr. LETELLIER De ST-JUST** followed in French.

Hon. Mr. CHRISTIE had no doubt that the privileges of Parliament had been trampled on today. Hon. Mr. Mackenzie had been used in the most arbitrary manner when he had this day risen in his seat in Parliament. He believed in the sense of the resolution before the meeting and hoped the House would not take any notice of the report of the Commission and hoped that Hon. Mr. Huntington would not attend before that Commission to give evidence. The Ministers were incompetent to advise the Governor General, and he (Hon. Mr. Christie) thought the Governor General was wrong in taking their advice. The Governor General might better have come into collision with the Government than with the majority of the representatives of the people.

Mr. RYMAL had long looked upon the Ministers as the greatest reprobates that were known, and he had no doubt they were guilty in this case; and their conduct of today showed that they were conscious of their guilt. He protested against the rights of Parliament being trampled upon by the Executive, and the people of the country would denounce the usurpation of their rights. If the Governor General was led by the nose to screen the guilty he (Mr. Rymal) felt he would be wanting in his duty if he did not denounce him.

Hon. Mr. YOUNG (Montreal West) referred to the meeting which had been held in Montreal a few days since, and he was sure that the action of the Government would be condemned there in so much that if a general election were now to take place three representatives would be elected who would condemn the Government.

Mr. JETTÉ followed in French.

Hon. Mr. ANGLIN thought the idea of another session had been a compromise between the Governor General and the Government.

The resolution was then put, which Hon. Mr. Mackenzie explained in a short address.

The meeting was then at 10:20 brought to a close by three cheers for the Queen and three for the Opposition.

* * *

THE GOVERNOR GENERAL'S REPLY TO THE OPPOSITION MEMORIAL

The following is His Excellency's reply to the memorial presented to him on Wednesday, 13 August 1873, by a large number of the members of the House of Commons, stating the reasons for which he refused to grant the petition against the prorogation:

* * *

THE REPLY

Gentlemen, it is quite unnecessary for me to assure you that any representations emanating from persons possessing the right to speak on public affairs, with such authority as yourselves, will always be considered by me with the greatest respect, even had not circumstances already compelled me to most anxious thought, to the matters which you are now desirous of calling my attention.

You say in your memorandum that four months have elapsed since the Hon. Mr. Huntington proffered grave charges of corruption against my present advisers in reference to the Pacific Railway contract, and that although the House has appointed a committee to enquire into these charges, the proceedings of this committee have on various grounds been postponed, and the enquiry has not yet taken place.

Gentlemen, no person can regret more deeply that I do these unfortunate delays, the more so as they seem to have given rise to the impression that they have been unnecessarily interposed by the action of the Executive.

It may be premature at this moment to enter into a history of the disallowance of the Oaths' Bill, but this much at all events, it is but fair to every one that I should state, viz, that immediately after I had assented to that Act, I transmitted a certified copy of it to the Secretary of State, in accordance with the instructions by which I am bound on such occasions,—that leaning myself to the opinion (an opinion founded on the precedent afforded by the Act of the Canadian Parliament which empowers the Senate to examine witnesses on oath), that the Act was not *ultra vires*. I accompanied it by a full exposition of the arguments which could be urged in its support, but, on the point being referred by the Secretary of State for the professional opinion of the Law Officers of the Crown, it was pronounced inconsistent with the Act of Confederation, and that therefore the postponement of the enquiry, so far as it has arisen out of this circumstance, has resulted wholly by the operation of law, and has been beyond the control of any one concerned.

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You then proceed to urge me on grounds which are very fairly and forcibly stated, to decline the advice which has been unanimously tendered to me by my responsible Ministers, and to refuse to prorogue to Parliament—in other words you require me to dismiss them from my counsels, for, gentlemen, you must be aware that this would be the necessary result of my assenting to your recommendation.

Upon what ground should I be justified in taking so grave a step? What guarantee can you afford me that the Parliament of the Dominion would endorse such an act of personal interference on my part? You yourselves, gentlemen, do not form an actual moiety of the House of Commons, and I have no means, therefore, of ascertaining that the majority of that body subscribes to the opinion you have announced.

Again, to what should I have to appeal in justification of my conduct? It is true, grave charges have been preferred against these gentlemen, charges which I admit, require the most searching investigation. But as you yourselves remark in your memorandum the truth of these accusations still remains untested.

One of the authors of the correspondence which has made so painful an impression upon the public, had admitted that many of his statements were hasty and inaccurate, and has denied on oath the correctness of the deductions drawn from them.

Various assertions contained in the narrative of the other have been positively contradicted. Is the Governor General, upon the strength of such evidence as this to drive from his presence gentlemen who for years have filled the highest offices of State, and in whom, during the recent session, Parliament has repeatedly declared its continued confidence?

It is true certain documents have lately appeared in connection with these matters of very grave significance in regard to which the fullest explanation must be given, but no proof has yet been adduced which necessarily connects them with the culpable transactions of which, it is asserted, they form a part, however questionable they may appear, as placed in juxtaposition with the correspondence to which they have been appended by the person who has possessed himself of them.

Under these circumstances, what right has the Governor General, on his personal responsibility to proclaim to Canada—nay not only to Canada, but to America and Europe, as such a proceeding upon his part must necessarily do—that he believes his Ministers guilty of the crimes alleged against them.

Were it possible at the present time to make a call of the House, and place myself in direct communication with the Parliament of the Dominion, my present embarrassments would disappear. But this is a physical impossibility. I am assured by my Prime Minister—and the report of the proceedings at the time, bears out his statements—that when Parliament adjourned, it was announced by him, as leader of the House, that the meeting on the 13th of

August would be immediately followed by prorogation and that no substantive objection was taken to this announcement, and that as a consequence a considerable portion of your fellow members are dispersed in various directions. I should therefore only deceive myself were I to regard the present assembly as a full Parliament.

Since the adjournment, indeed, circumstances have occurred which render your proximate re-assembling highly desirable, but in this country there are physical circumstances which necessarily interpose a considerable lapse of time before the representatives of the various Provinces comprising of confederated Parliament of Canada, can assemble, separated as some of them are by thousands of miles from the Capital of this Dominion. In regulating the times and seasons when Parliament is to be called together, the Executive is bound not only to consider the reasonable convenience of these gentlemen, but also to protect the Federal rights of the Provinces which they represent.

Under those circumstances I have concluded, on the advice of my Ministers, (and even if I differed from them as to the policy of such a course—which I do not—it is a point upon which I should be disposed to accept their recommendation) to issue a Royal Commission of enquiry to three gentlemen of such legal standing, character and authority as will command the confidence of the public, by virtue of the powers conferred upon me by the Act Vic., 31, Cap. 38. On the other hand, I have determined, in proroguing Parliament to announce to the members of both Houses my intention of then assembling, immediately after the Commission in question shall have concluded their labours. By these means an opportunity will be afforded by the preliminary expurgation of these unhappy matters before a tribunal competent to take evidence on oath. Ample opportunities will be given to the members of the most distant Provinces to make their preparations in view of an autumnal session, and within two months or ten weeks from this date a full Parliament of Canada will take supreme and final cognizance of the case now pending between my Ministers and their accusers.

Gentlemen, the situation we have been discussing is one of great anxiety and embarrassment, but I can but hope that on a calm retrospect of the various considerations to be kept in view, you will come to the conclusion that in determining to be guided by the advice of my Ministers on the present occasion—in other words, in declining to act as though the charges which have been advanced against them were already proven, and in adhering to arrangements upon the faith of which many of your colleagues are absent from their places.

I have adopted the course most in accordance with the maxims of constitutional government, and with which is due to those whom the Parliament of Canada has recommended to my confidence.

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Prepared under the direction of the
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